

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**CKRC**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS IN MWINGI NORTH  
CONSTITUENCY AT MWINGI BOYS SECONDARY SCHOOL**

**ON**

**4<sup>TH</sup> JUNE 2002**

**CONSTITUENCY PUBLIC HEARINGS, MWINGI NORTH CONSTITUENCY HELD AT , MWINGI BOYS  
SECONDARY SCHOOL ON 4<sup>TH</sup> JUNE 2002**

**Present:**

1. Com. Bishop Bernard Njoroge
2. Com. Abubakar Zein Abubakar

**Absent with apology:**

Com. Prof. Okoth-Ogendo

**Secretariat Staff in Attendance:**

1. Fatuma J Issa      Programme Officer
2. Walter Mayaka      Assistant programme Officer
3. Diana kivuti      Verbatim Recorder
4. Bernard Mutemi      Assistant District Coordinator

The meeting was called to order at 10.00am with Commissioner Bishop Njoroge in the Chair.

**Bernard Mutemi:** We are starting our session now and I would like to request Peter Githu to come and lead us in prayer Please.

**Peter Githu:** Tafadhali tuombe. Kwa jina la baba na la roho mtakatifu. Amen. Ee mungu baba wetu, uliye mbinguni, tunakushukuru asubuhi ya leo kwa sababu ya kutufikisha hapa ambabo tumekuja kufanya mambo mazuri sana ya maana ya nchi yetu. Tunakuuliza baraka zako kwa kila mtu, ikiwa ni Commissioners, ikiwa ni wanachi wanaokuja kupeana maoni yao juu ya katiba yetu ya nchi yetu ambayo itatulinda na watoto wetu wakati ujao. Tunakuuliza utubariki, utupe hekima, utupe akili za kupeana mambo ambayo inaweza kusaidia nchi yetu. Twaomba hayo kwa jina la yesu kristo. Amen.

**Bernard Mutemi:** Asante sana Mzee ngitu. Sasa tutaanza kikao chetu. Tutaanza na a short introduction ya members of 3 C's who are here. Then from here nitawapeleka kwa commissioner wetu, a introduce members wale wametoka naye Nairobi and then tuendeleo na kikao. Kwa jina mimi naitwa mutemi Bernard natoka kwa District hii ya mwingi. Ningependa wale members wa three c's walio hapa waje karibu ili waseme majina yao na warudi wakae chini ili tuendeleo.

**Mavulya:** Asante sana bwana mutemi. Mabibi na mabwana, Commissioner Zein, commissioner Bishop. Jina langu ni mavulya, mwenyekiti wa 3C's katikwa mwingi north. Nina matumaini bwana kivuti yuko. Ninampatia kwanza aji-introduce.

**Fred. Kivuti:** Asante sana Chairman wangu. Mimi ni Fred. M Kivuti, 3C's Mwingi North, currently registering the attendants.

**Mavulya:** Nafikiri tutaanza. Mabwana Commissioners nafikiri mnajua huku watu wanatoka mashambani najua watafika lakini wale tuko, kinachotakikana ni maoni na maoni tutakayotoa wale tutakaofanya hivyo ni maoni ya watu wa mwingi na wakenya kwa jumla. Nafikiri kikao hiki kitafana kama vile tulivyofanya jana huko Saikuru. Tutaanza kusikia tuko pamoja na wakenya wengine kwa vile sisi ni wa mwisho na tutamaliza mapema. Ni juu ya Commissioners sasa kuchukua usukani na kuendesha hii. Asante sana

**Bernard Mutemi:** Kama sijawapa macommissioner, kuna kitu kidogo tu ningependa kuwaambia wale wamefika. Kuna meza hapa mbele yenu na kiti. Yule atakayekuja kutoa maoni utakaa hapa, microphone itakuwa hapa na utoe maoni yako comfortably ukiwa unakaa chini. Ni asante. Kwa hivyo nitawapeleka kwa Commissioner Zein atuongoze kutoka hapo.

**Com. Zein.** Thank you very Much. Habari ya asubuhi. Ningechukua fursa hii kutangaza ya kwamba kikao hii ni kikao rasmi ya tume ya kurekebisha katiba ya Kenya kwa minajili ya kupokea maoni ya wakenya ili kurekebisha katiba yetu. I would like to officially declare this as the official function and session of the constitution of Kenya Review Commission for the purpose of collection for the altering of our constitution. Baada ya kusema hivyo ningependa kujitambulisha kwenyu. Mimi naitwa Abubakar Zein, Mimi ni mmoja wa Macommissioner wa Tume Ya kurekebisha katiba ya Kenya.

Jambo la pili ninachukua fursa hii kwa furaha kumkaribisha Commissioner Mwenzangu ajitambulisha kwenu halafu ndio tuendeleo.

**Com. Bishop Njoroge:** Jina langu ni Bishop Bernard Njoroge. Pia nami ni Commissioner.

**Com. Zein:** Asante sana Bishop. Ningependa pia kumuomba kiongozi wa wafanyikazi wetu ajitambulisha kwenu na awatambulisha wale wenzake waliokuja naye.

**Fatuma:** Kwa jina naitwa Fatuma jama, am the programme officer. Hawa wengine watajitambulisha.

**Walter:** Kwa jina ni Walter Mayaka, msaidizi wa Programme Officer.

**Diana:** Habari Zenu? Jina langu ni Diana Kivuti, Verbatim Recorder.

**Com. Zein:** Asante sana Diana na wenzako. Jambo la kwanza kabisa pengine ni kufafanua zaidi kazi inayofanywa na hawa wafanyikazi wa tume. Tukianza na kiongozi wao Fatma jama, kazi yake yeye ukishamaliza kutoa maoni yako, utakuja ku-sign register kuonyesha umemaliza kutoa maoni yako na ukiwa una maandishi umeyatumia, utatuachia, tutaweka hapa pamoja. Huyu kijana aliyekaa karibu na yeye anaandika kwa mkono ripoti kuhusu mambo yanayoendelea hapa. Unayosema, anayoona, anaandika. Anaandika kila kitu. Yule dada aliyekaa pale kama alivyowaeleza, kazi yake ni kurekodi kila kitu inayosemwa hapa. Mwaziona zile tape recorder mbili zilizoko, kazi yake ni kurekodi kila neno linalosemwa hapa.

Saa ingine msije mkaona mimi au Bishop tumesita tunafikiria unayoyasema, ukasema mbona wale hawayaandiki yale muhimu ninayoyasema mimi. Kila kitu tunarecord. Kwa hivyo mtu asiwe na wasiwasi kabisa. Lngine la kuwafikishia ni kuwa utakuwa unatuachia mswada, kila mswada tutausoma. Tuna njia zetu za kusoma miswada hiyo. Kwa hivyo msiwe na wasiwasi. Lngine la muhimu ni kwamba ukiingia pale unaona register kama hii yule bwana pale anaayaandikisha majina. Tutakuwa tukiitumia ile orodha pale. Tutafuata orodha hiyo. Kwa hivyo yule alijejiandikisha kwanza ndiye atapewa fursa ya kwanza kuzungumza. Lakini ikifika wakati ambapo Pengine tutakuw ana sababu za kutiosha kubadilisha mfumo au mwelekeo huo, tutawaomba mtupe ruhusa hiyo. Kwa mfano akaja bibi mmoja hapa akiwa mja mzito na hawezi kungoja mda mrefu, tutawaomba mtupe ruhusa tumpe fursa ya mbele kuzungumza. Akaja mtu mzee sana tutawaomba mtupe fursa hiyo. Akaja mlemavu, tutawaomba mtupe fursa hiyo. Wakaja wanafunzi kutoka shule hii ambayo wameturuhusu kutumia hall hili, mtupe fursa hiyo lakini tutakuwa tukiwaeleza kabla kwamba sasa tunatoka katika orodha na sababu yenyewe ni hii. Sijui kama mnatupa ruhusa hiyo. Haya.

Jambo lingine la muhimu ni kukubaliana kuhusu lugha. Lugha ambayo itatumika hapa ni kiswahili, kiingereza au lugha ambayo inatumika hapa na nadhani inayotumika hapa kwa wingi ni Kikamba siyo? Kwa hivyo mtu anaweza akachagua lugha anayotaka kutumia. Ikiwa utatumia kikamba kutakuw na mtu wa kutafsiri kutoka kwenye kikamba aidha kwa kiswahili au kwa Kiingereza.

Kitu kingine ambayo tutakubaliana nikwamba kuna watu wengimne awametuuliza mahali kwingine, Je maoni ninayotoa mimi hapa maoni haya ikiwa hayata mfuhisha mtu fulani au taasisi fulani tunaweza kuchukuluwa hatua? Tunapenda kuwajulisha kwamba sheria inayotulinda sisi kama macommissioner katika kazi zetu ndiyo sheria inyowalinda nyinyi. Mtu ana haki ya kutoa maoni yake yaliyo myoni na kichwani mwake bila kuogopa kuwa atachukuliwa hatua yoyote na mtu yeyote au taasisi yoyote. Na hiyo unalindwa kisheria. Lakini hiyo haina maana kwa kuwa unalindwa kisharia uje hapa unze kukashifu mtu fulani. Hiyo hairuhusiwi au kukashifu kwa majina kitu fulani. Kitu ambacho tunataka sisi kwa wingi ni mtu kuja kutoa maoni yake kwa kutoa mapendekezo

Tutakayoyaingiza katika katiba. Ukija ukaanza kutuhadhidhia hadhithi ndefu ukatupa habari ya kutokea mwanzo mpaka mwisho, itakuwa dakika zako zimeisha na unadhani pengine ni dakika ngapi umepewa. Kila mtu atapewa dakika na tuna uzoefu wa kazi hii sababu tunajua tumeenda mahali kwingi na tunajua dakika tano ni nzuri, zinatoshia ikiwa utazitumia vizuri. Haina maana kwamba ikiwa hujamaliza habari muhimu hatuwezi kukuongezea dakika moja au mbili lakini tunaanza kwa kumpa kila mtu dakika tano.

Unaweza kutoa maoni kwa njia kadhaa. Unawezakuwa umeandika mswada, umeandika maoni yako kwa mswada, tayari unaweza kuja kutoa maoni hapa bila kusema lolote. Uchaguzi ni wako. Unaweza kuwa pia umeandika mswada na unataka kuzungumzia yaliyo muhimu kusudi wenzako wajue unasema nini. Hiyo pia unaruhusiwa itoe namna hiyo kisha ulete mswada. Na pia unaruhusiwa kuzungumza bila kutoa maandishi yoyote. Uzungumze tu yaliyo moyoni mwako bila kuwa uumeandika chini. Pia hiyo unaruhusiwa.

Kitu kingine cha muhimu kabisa kufahamu ni kwamba Commissioner mwenzangu au mimi tunaweza kukuuliza swali ili ufafanue jambo ambalo sisi hatukulifahamu. Kwa hivyo utasita kidogo ungojee ikiwa sisi hatuna swali utakwenda moja kwa moja u-sign register. Ikiwa tuna swali tutakuuliza halafu wewe utaamua ikiwa wewe utalijibu au hautalijibu.

Kingine cha muhimu ni kwamba ujue kwamba ukisha maliza kutoa maoni yako unaweza kukaa ukasikiza wenzako wanasema nini au unaweza kwenda zako. Maanake kwamba ukikaa, lazima kuwe na kimya kabisa hapa. Watu watakaoruhusiwa kuzungumza aidha ni watu kutoka kwenye meza hii au waliokaa kwenye meza ile. Ikiwa wewe na mwenzako hapo mwataka kuzungumza mambo yenu, tafadhalini muende kando kule mzungumze mkimaliza mrudi ndani tuendelee na kazi. Sijui kama kuna mtu yeyote aliye na swali lolote kabla hatujaanza. Ndiyo mzee wangu.

**Mzee:** Hiyo dakika tano ni kidogo sana pengine dakika kumi.

**Com. Zein:** Nakwambia mzee wangu kazi hii tumefanya mahali kwingi na tunauzoefu. Ikiwa wewe utazungumza na dakika tano zikaisha, lakini bado una mambo mengi ya kuzungumza, tutakuruhusu uendelee lakini uwe na mambo ya kuzungumza. Siyo? Sawa. Ningependa kuchukua fursa hii kumkaribisha mheshimiwa. Karibu mheshimiwa. Sijui kama swali limekuwa sawa sawa. Haya. Ningependa kumwomba mwenzangu Commissioner Bishop Bernard Njoroge aendelee na kazi hii.

**Com. Bishop Njoroge:** Tungetaka kumwita bwana John N. Gito, aje hapa mbele. Ukumbuke ikiwa unamemorandum siyo kusoma word for word. Ni kwenda kwa point kwa sababu pia tutachukua hiyo memorandum na uisoma wenyewe. Taja jina lako kwanza kabla huja.....

**John Gito:** Asante. My name is John Gito. Am representing the Catholic Church here. Am the chairman of Justice and Peace Commission in Mwingi District. The presentation is as follows:

We start with the introduction or preamble where we said we need to have a preamble in the Constitution. This should state our Country's vision and also define the common experiences that Kenyans have had, for example, the struggle for independence, we need also a preamble reflecting vision and the spirit of constitution should be dynamic. The constitution should set goals which will lead the country to prosperity, transparency, equality, accountability, socialism, commonness and preservation of Kenyan cultural practices.

We also in the introduction need some statement in our Constitution capturing national philosophy and guiding lines. In the principle of state of policy, we need statement of the constitution capturing national philosophy and Principles. Democratic principles here should include separation of power of the arms of government and observance of the rule of law by all regardless of office held.

Important values like statesmanship should also be enforceable in the law.

In the constitutional supremacy, we have suggested to have seventy-five percent of MPs in Parliament power to amend the constitution. These should also be limited. Where they cannot get 75%, people should be called upon to make decisions through public referendums organized by the judiciary. This should also be after thorough awareness creation has been done for the people so as to understand the issue at stake.

In the citizenship we have said there should one born of Kenyan or married to a Kenyan citizen acquire automatic citizenship. Citizenship should also be acquired by registration.

Any citizen should have equal rights or obligation regardless of how citizenship was acquired.

Dual citizenship should be allowed after prove of its usefulness in Kenya.

Identity Cards/Passports/Driving license as evidence of citizenship.

Defense and National Security. We have suggested that the disciplined forces should be established by the constitution. Disciplined by the law of the land as well as a court like a martial court. The power to declare war should be vested in Parliament or a small committee of the House

There should be extra ordinary powers by any institution and such as should be exercised very sparingly by the Minister of internal security in consultation with the Police Commissioner.

Political parties should be initiated with development vision as well as mobilizers who should articulate their goals to the people. Such should be regulated by the constitution in order to have order. The number of political parties should be decided by the

society and it should be left to their own financing and not for public coffers. They should raise their money both locally or internationally.

Political parties and state should see one another as partners in development matters other than enemies or bitter competitors.

**Com. Bishop Njoroge:** Mzee you have one and a half minutes.

**John Gito:** The structure and the system of the government. Here we have said we should do away with the presidential system of government and replace it with a parliamentary system with the majority party in parliament appointing Prime Minister who is head of government and the President being ceremonial.

In the Legislature we said appointments should be vetted by parliament. Appointments like Chief Justice. Attorney General, Judges, Heads of Parastatals, Chairpersons and so forth.

Parliament should not have unlimited powers to control its own procedures through standing orders. Being a member of parliament should remain part-time but limit to three maximum terms i.e. 15 years. Parliamentary exam should be written language test marked objectively. They should have at least a maximum of 'O' level qualifications.

Members of parliament should follow the will of their employer; the constituents, who have given a job through their salaries so their salaries should be determined by an independent committee and not by themselves.

Nominated members of parliament also should be from represented groups like disabled, minority, special categories. We have suggested to have women given at least 30% representation in parliament.

In the executive, qualification should be form four; age wise should be 35 as usual and a maximum of ten years in office. His ceremonial duties like opening parliament and receiving state quests should be defined in the constitution. President's powers should be clipped not only as ceremonial model but a sign of national unity.

Prime Minister and Ministers and special committees will perform executive duties. The President should be impeachable if he breaks the law of the land. Either by a vote of no confidence, he can be sued; he should not be a member of parliament.

**Com. Bishop Njoroge:** Your last point. You have already use seven minutes.

**John Gito:** Thank you. I will come to the last point. A suggestion on the salaries for the public servants. We suggest that it should be harmonized so that we do not have some people of the same education standard earning over 300,000 in gross income while their counterparts are paid by the same government only 3,000, which is a hundred times lower.

The salary awarded to ----? Should be completely de-linked from political leadership so that we do not have some people begin favored for political loyalty. The new constitution should ensure that there are provisions for social amenities e.g. play grounds and privacy for families living in urban areas.

There should be checks to ensure that transport is safe for both commuters and other road users. Thank you very much.

**Com. Bishop Njoroge:** Thank you very much. We are going to look at your memorandum. Let us have Alfian Mutegi.

**Alfian Mutegi:** Kwa jina naitwa Alfian Mutegi na naitwa hapa. Asante sana bwana Commissioners.

Jambo la kwanza ile ningetaka kuzungumzia, I may be using both English and Kiswahili. Hapa Mwingi town ambayo ni District Headquarters, manyumaba yale yote mnaona hapa hayana land titles. Title Deeds are lacking. This is despite the fact that demarcation and survey hata in the outlying areas ya town imefanywa zaidi ya miaka kumi iliyopita na mimi na watu wengine hapa tunashangaa sana ni kwa nini ikiwa title deed is just a paper which is printed by the government, kwa nini ichukue zaidi ya miaka kumi ama miaka ishirini bila ya hii vital document? Right now we can't use the property we have kwa kupata powers za kutusaidia kufanya biashara. I think and I recommend that in the constitution lazima ikiwa ni mahali hakuna shida yoyote watu wapewe hii document immediately. Facts should be made available almost immediately, demarcation imekwisha, ili watu wapewe title deeds. There is no reason at all watu wakae mtu akisema kwa macho tu kichaka yangu imefika hapo. Okay.

The next one nazungumzia juu ya salaries. Kuna watu wanapata mishahara mikubwa ndiyo, wengine mtu anafanya kazi mpaka inafika wakati mwingine ana –retire. Anaenda akupumzika. Sasa, hali ya maisha inaongeseka. Tueme mwingine ata-retire in ten to fifteen years' time . I am seeing that in that time watu wale wame-retire sasa, pensioners, pension yao, monthly pension should be updated to that level at that particular time ikiwa ni ten, twenty years time.

The other thing ni law enforcement. Utakuta wakati mwingine mtu ataweza kuzingiziwa na mwenzake ni adui wake . Anakwenda Police Station, anaandikisha, inasemekana huyu mtu either ameweka madawa ya kulevya, ameiba, amefanya hivi, kitu ambacho si kweli. Officers wanatoka police station straight, wanaenda hata wakimkuta mtu barabarani wanam-arrest. He is arrested and taken to the police station, anawekwa kwa police cell. Am seeing, bila ya uchunguzi mtu hapaswi kuwa arrested na awekwe kwa police cell sababu cell za police wakati huu ni mbaya sana. Mtu anakwenda hapo, utakuta watu mahali wanawekwa is inhabitable. Completely inhabitable.

Utakuta mahali watu wako, they excrete there, they urinate there, it is inhuman. I suggest that the constitution we are making now should provide for funds in all the police stations. Nyumba zijengwe nzuri, zile ambazo ziklo na space na ziko well ventilated. Kiweko na proper sanitation. Ikiwa si hivyo, mtu ambaye amevunja sheria kitu kidogo asiwekwe ndani mpaka



wakati mahali kutatengeneswa mahali watu watakuwa well cared for.

**Com. Bishop Njoroge:** You have a half a minute.

**Alfan Mutegi:** Kitu kile kingine nazungumzia ni agriculture. Wakulima ni lazima waangaliwe kwa kusaidiwa na serikali by way of being provided with funds na wakati kuna calamities, am suggesting that the government should provide funds to bill out the farmers out of whatever calamity has befallen them.

**Com. Bishop Njoroge:** Thank you so much Mr. Mutegi, go to the Programme Officer. Wacha niwaamboeni, ukitaka kuzungumza point nyingi usirudie jambo sana kwa sababu hizi shida hata sisi ni wakenya tunazijua. Tunataka jawabu. What are the solutions that should go to the constitution so don't spend your little time in trying to explain because we understand. Sawa sawa, ili muweze kuzungumza mambo mengi. Tumpate Benjamin Ngatho.

**Benjamin Ngatho:** Thank you very much. My name is Benjamin Ngatho. My first proposal is that our constitution should be written.

Point number two I propose for the post of the Prime Minister with executive powers.

I propose that we should have a bicameral legislature with the House of representatives and a senate. The powers of the parliament should ensure that the constitution is adhered to. They should represent the people very well and again the parliamentarians should be given powers to approve and appoint senior civil servants, ministers and high court judges among other very senior government officials.

I propose that the work of parliamentarians should be full time with a very attractive pay package.

On labor laws, I propose that there should be a provision that male workers be given paternity leave as their wives go for the maternity leave, they go together.

On the Education Act Cap 2 (21) I propose that the powers of the sponsor should limited to spiritual role and not to interfere with the administration of schools in that there should be no cases of sponsors refusing head teachers, interfering with the smooth running of the schools.

The PTA should also be given powers and they should be represented in the Board of Governors, as these are the people who provide money to schools. Thank you very much.

**Com. Bishop Njoroge:** Thank you very much for those good points and brevity. We have Major Joshua Kasila.

**Major Kasila:** Thank you Commissioner. I may take less than five minutes.

My first view is that a Kenyan constitution should be written in languages people understand because the present one is only in English and not everybody in Kenya understand English.

My other point is that all constitutional offices, all constitutional appointments must be vetted by Parliament as opposed to the present system where they are always appointed or made by one person.

My last presentation is that, am giving an example of Mwingi, while we have able and educated MPs, graduates, Professionals, the next lot of elected leaders are councilors. This is where the situation is pathetic. Most of them have no formal education. They cannot even read Taifa Leo. We want a constitution that states educational qualification for a councilor as it is for MPs.

Imagine a councilor who is a chairman of town planning and has never seen a Kindergarten's classroom.

(Laughter)

**Major Kasila:** Surely what will that councilor plan? Nothing.

**Com. Bishop Njoroge:** So which Educational qualification are you recommending for Councilor and MP?

**Major Kasila:** We want a councilor who can read and interpret the local government Act. 'O' level of education. An MP must be a graduate. I want honorable Commissioners to take that point seriously. Thank you.

(Applause)

**Com. Bishop Njoroge:** Thank you Major for that good comment. Can we have David Kioko? Major, can you come back?

**Com. Zein:** Just a clarification major. Is Major your name or your rank?

**Major Kasila:** I worked in the Army. I am a retired major.

**Com. Bishop Njoroge:** Can we have David Kioko.

**David Kioko:** I am David Kioko, I am Chairman of people with disabilities in Mwingi District na represent North and South.

Nitaanza kwa kusema people with disabilities ni lazima wahusishwe Development committee; location, division, DDC member.

Upande wa council, lazima kila constituency tuwe na councilor. Four of them. Wanaume wawili na wanawake wawili; gender equity. Kila constituency tupate four councilors.

Kwa upande wa Parliament, hebu tupate two MPs, people with disabilities ili wapeleke maoni au shida zetu bunge kwa maana mambo ya kuongea hapa na pale hatutaki. Hivyo tuwe na MPs wawili kila District. Mwanaume Mmoja na mama mmoja.

Upande wa census. Wakati watu wamehesabiwa, there is no special bookelet that shows walemavu. Kwa hivyo wakati wa census tuwe na special book ambayo inaonyesha the cause of disability, cause of disability, education ili tujue District yetu ni watuu wangapi ambao wana disability. Kwa maana saa hii ukiuliza DC mwingi ana watu wangapi with disability hatakwambia na hiyo ni makosa from grassroot to national level. Sisi tuko lakini hesabu si ya kawaida. Kwa hivyo hiyo iangaliwe.

Kwa upande wa Institute zetu kama tuseme National Disabled ---? Wale wako pale tuliuliswa tukaambiwa hapakuwa na people with disabilities pale wanafanya kazi. Lazima kuwe hata na National Chairman awe somebody with disability. Hatutaki watu ukienda pale hataki kuongea na wewe maana you are blind, wewe unashidwa miguu.

Tunataka Institute ya People with disabilities wajifanyie kazi Yenyewe. Sio ati wafanyiwe na mwingine.

Upande mwingine, wakati tulikuwa hapa 21<sup>st</sup> January, tuliambiwa kuna Conference itakuwa Nairobi na kila District itatuma watu watatu, nilishangaa, sikusikia kutakuwa one person with disability. Kwa hivyo wale walitengeneza hii kitu warekebishe ili tukienda kule national conference tuwe na mtu wetu. Kila District iwe na somebody awawakilishe. (Repetition)

Tunataka the new katiba iwe ya transparency. Kwa hivyo wale walitengeneza hii kitu warekebishe tuitwe sisi zote vile tumeitwa hapa, tuongee na tuone makosa ilivyo kwa maana hii ni national issue ilikosewa from the beginning.

Hakuna mahali people with disability walienda wakahusiswa kama development committee. Hakuna. Ndiyo unaona mambo yetu inakuwa na shida.

**Com: Bishop Njoroge:** Wakati wako ni kama unaisha>

**David Kioko:** Please one minute.

Kuna wale watu wanafanya na civil services. Kuna ile inaitwa reading allowance. Waalimu wanapata lakini hawa wengine kama mimi ninafanya na telephone operator hatupatiwi reading allowance. Kwa hivyo DPM iangalie hii mambo. Thank you very much.

**Com. Bishop Njoroge:** Thank you very much. Jambo la muhimu umesema kwamba tukija national conference ungetaka category ya disabled iwe katika national conference na tumepata hiyo point na tutujadiliana tukifika kwenye mkutano wetu. Ningewauliza kama mlivyouliswa mbele kwamba tukiwa na wanafunzi tuwakubalie waweze kutupatia maoni yao halafu warudi kwa masomo. Si tulikubaliana hivyo? Kwa hivyo nikiwaita sifanyi makosa. Okay. Roggers Kasina.

**Roggers Kasina:** Asante sana bwana Commissioner. Kwa jina naitwa Roggers Kasina and am going to use English.

**Com. Bishop Njoroge:** Tell us your Form and age.

**Roggers Kasina:** Am in form three and am seventeen years old. The constitution should care for people with disabilities. That is, mental or physical disability because these people are Kenyans and should not at all be discriminated against.

My second point is that there should be creation of more job opportunities e.g. in improving the sports sector such that a sportsman can rely on sport for his income.

The third point is the education system should be lessened so that it is not so stressing that the subjects studied are so many and yet they do less as far as careers are concerned.

Police Officers are not supposed to torture any citizen; guilty or innocent but a genuine investigation should be carried out.

The constitution should find ways to eliminate corruption completely. It is the number one enemy to economic development of our country.

The government should provide security to the citizens.

Infrastructure should be improved so that if a citizen has a problem e.g. health, self attack by robbers, he may have an easy contact with police.

**Com: Bishop Njoroge:** Thank you very much; you go to the Programme officer. Mathew Ngutu. Tell us your name, your age and your class.

**Mathew Ngutu:** Thank you the Commissioners. My names are Mathew Ngutu, form three, seventeen years.

Am going to tackle the executive and my first point is that the constitution should specify the qualification of a presidential candidate. A presidential candidate should have some qualification. There should be the education level of the candidate, which should be something like a PhD in Political Science.

My second point is on the terms a president should be able to lead a country. That should be well defined by the Constitution; for example, we should not have a president leading more than three terms. I mean we should have ten years leadership.

My third point is on the functions of the President. The president should have defined functions, which should be enacted and listed in the constitution. For example some functions should be cut from the powers of the president. He should be given functions that can only enhance the economy and the peace of the country like to head the state. Other things like Chief of the Armed Forces should be very okay.

The constitution should state limits of the powers of the president. The President should not have the power to sack a civil servant without notice of about 21 or 7 days.

The Constitution should be able to remove a President incase of misconduct in office. For example if he has been involved in a murder case, and he has been found guilty by a court of law, the law should be able to act on the president and remove him from the office.

The other thing is about the local government. I want to say that the Mayors and the Council Chairmen should be elected directly by the people because the people know who can lead them, the people who are able to present their problems to the government. Thank you.

**Com. Bishop Njoroge:** Thank you very much. Can we have Brian Maliti.

**Brian Maliti:** Thank you Commissioners. My names are Brian Maliti, am in form four, am 20 years old.

Am going to narrow my point to education whereby we are crying so that we can have the education system being returned to the first system of 7-4-2-3. The reason being that students tend to perform poorly because when they are in form four in the current system, they tend to be at the peak of their adolescence therefore they may end up failing the exam because of the crises brought about by adolescence.

The other thing is that when a person leaves form four he can go to form five and six and try to get a chance in shaping what he wants to do in the university.

The other thing is that we should link the University with other mid-level colleges we have like polytechnic where a person can transfer credits to the university. The reason is that the requirements are very high and that there is high competition.

My third point is that the Joint Admissions Board should be considerate of students who are in the marginal areas, for example here in Mwingi. They should not take the cut off points to the university the same as the students in the town school because most of them are much exposed.

The use of Weighted Cluster average formula, which is being used by the universities nowadays, should be abolished. The reason is that the system is not considering only four cluster subjects four courses but it is considering the full subjects in any sitting for a candidate.

The problem arises that one person may be gifted in taking the sciences while he is not well oriented in the arts.

My final point is that the student should be allowed to take what they want to take in the Universities but not for the people at the university to choose what the people should take. Thank you.

**Com. Bishop Njoroge:** Thank you very much Maliti, those are very good points. Mathias Kathuke.

**Mathias Kathuke:** Thank you Commissioners. My names are Mathias Kathuke, form four, seventeen years.

My first point is that the President should not be above the law. If he commits a crime he is supposed to be taken to a court of law so that he is charged.

Second point is that every civil servant should have proper education, at least 'O' level, whether he is a Chief, Councilor, an MP or a Minister.

The President should have faith and believe in at least one of the religions that we have in the Country. That is Christianity, Islam or Hinduism. In this way we will have proper leadership of the country.

In the Constitution there should be the question of more public Universities so that more students join the university to pursue their careers.

The government should educate the youth through the Mass Media. We see that the Aids scourge is affecting mostly the youth

and they lack information on what to do and how to tackle the problem. And so if the government teaches the youth, they will have more self-control than they have now.

The government should employ Police officers who are of good faith so that they are committed to serve the citizens of this country. We see that Police Officers are catalysts as far as corruption is concerned and if they are of good faith, then the country will be in a better position socially and economically than it is now. Thank you.

**Com: Bishop Njoroge:** Munyao Joseph.

**Munyao Joseph:** Thank you the Commissioners. My names are Joseph Munyao, am in form three, am sixteen years old.

My first proposal is that the constitution should come up with an alternative of punishment in schools. Since it was passed that caning should not be used in schools, teachers have taken the advantage and they give students or pupils hard and unbearable punishment. For example, you can see a teacher giving a student a punishment of uprooting a whole trunk of a tree, which is very unbearable.

My second proposal is that bribery and corruption in competitions like music and drama festivals, science congress in secondary schools should be checked on by the constitution. Many teachers bribe the adjudicators and judges so that their presentations can be considered. Which is not very good. So the constitution should check on that.

My third Proposal should balance the holding of Ministries by Ministers. According to what I know and what I understand, all the ministers in Kenya are from the ruling party. According to my view, I think the constitution should balance this. They should choose ministers from all the parties.

My last point is that the President should not be given all those powers of appointing Chief Justice, Ministers and all those others. This contributes to tribalism and such things because you see in many cases the President chooses Ministers and all those people from their own or home area. Thank you.

**Com. Bishop Njoroge:** You will agree with me that the students have done their homework. I am so impressed and we thank them for that. Nitamwita mheshimiwa naye aje atoe maoni yake.

**Hon. David Musila (MP Mwingi South):** Asanteni waheshimiwa Commissioners. Kwa jina naitwa David Musila na mimi ni Mbunge wa Mwingi Kusini. Kabla sijasema vyovyote ningetaka kuwakaribisha hapa kwa niaba ya mwenzangu, Mheshimiwa Musyoka. Alikuwa na kazi zingine za kiserikali na akaniuliza kwa unyenyekevu sana niwasalimie na niwaeleze angependa kuja hapa kwani hapa ni kwake lakini kulikuwa na sherehe ya kiserikali na serikali ya Uingereza na ikawa ni lazima aende kule .

Kwa hivyo ningependa kutoa salamu zake na pia kuomba msamaha.

Jana nilikuwa na Commissioners wenzenu kule Migwani, na nilitoa maoni lakini nafikiri utaniwia radhi niseme machache. Kwanza ningependa kujaribu vile niwezavyo kuharakisha. Ningetaka kuanza na executive au kiti cha Rais na pia makamu wa Rais.

Bwana Chairman, Maoni yangu ni kwamba President na Vice President wachaguliwe direct na wananchi kama running mates na hii itahakikisha ya kwamba kiti cha makamu wa Rais kwa siku sijazo ni secure as opposed to the current Constitution ambayo section 15 (6) a. inasema kwamba kiti cha Rais kitakuwa wazi if the President so directs. Kama akichaguliwa na wananchi kama kule America, hakutakuwa na haja ya hiyo.

Pia ningependa kusema katiba ijayo itoe nafasi ya Prime Minister. Nasema hivyo kwa sababu hata sisi katika Bunge tuna shida sana. Shida nyingi mnasikia kule kwamba mawaziri wa kujibu maswali hawako na kiongozi wa serikali yuko lakini kama kukiwa na Prime Minister Kwa Bunge ambaye anahudhuria bunge kila mara, matatizo mengi ambayo yanapatikana bunge ya kukosekana mawaziri na nini, atakuwa ni kama prefect huko ndani na atafanya kazi nzuri.

Na huyu Prime Minister achaguliwe na Rais kutoka katika chama ambacho kitakuwa na wabunge wengi katika bunge. Bwana mwenyeketi nakubaliana na katiba iliyoko sasa ya kwamba kwa ujaguzi wa Rais isipokuwa Section 3 (f) ambayo inasema ya kwamba yeyote atakayepata kura nyingi awe ndio Rais. Hivi ni kusema kama kuna candidate wengi halafu wagawe kura, yule atakuwa na nyingi hata kama ni ngapi ndiye atakuwa Rais. Result ya hiyo ni kwamba unaweza pata Rais siku zijazo aliyechakuliwa na watu wachache sana. Kwa hivyo, Rais awe anachaguliwa na watu wengi zaidi ambao ni fifty percent and above ya wale watu waliopiga kura. Kama kura ikipigwa na mtu hafikishi hucho kiwango, basi wale wawili wanaofuatana warudie ili tuone ni nani atakayekuwa na majority.

Na pia, kuna pendekezo katika katiba ambayo iko sasa ambayo inasema apate 25% ya votes zote ambazo zimepigwa katika Provinces tano kati ya Provinces nane zilizoko sasa. Pendekezo langu ni kwamba badala ya tano, tu-reduce iwe nne kwa sababu hiyo ndiyo nusu ya Provinces. Au kama zitaongezeka, kila wakati iwe ni nusu ya Provinces Zilizoko.

Bwana Chairman, nakubaliana na Section 9 ya constitution hii ya kwamba kila mtu anayechaguliwa dRais awe Rais kwa Vipindi viwili. Nafikiri hiyo inalingana na katiba nyingi sana ktika ulimwengu na nafikiri sisi katita Kenya itakuwa bora tukifuata mtindo huo kwa kuwa kuna sababu nyingi za kufanya jambo hilo.

Ningependa kurukia upande wa Ministers and the cabinet ambayo ni section 16 ya the current Constitution. Section hiyo inasema ya kwamba kutakuwa na maofisi ya wizara ya serikali kulingana na vile bunge itaweka au kulingana na vile Rais atapewa ruhusa na bunge kufanya. Nafikiri kama vile mnavojua katika Kenya tuna mawaziri wengi sana. Pengine nchi yetu ina



mawaziri wengi kushinda nchi nyingi ambazo ninajua. Kwa mfano tuko na mawaziri kama 29 sasa na hii ni kumaliza mali ambayo siyo nyingi katika nchi hii yetu. Kwa hivyo ningependa Constitution mpya I-limit the number of ministries ambazo nchi yetu inataka kuwa nazo. Mimi napendekeza kumi na tano kwa sababu nikifanya uchunguzi nchi nyingi hata Kenya sasa ina wizara kumi na tano na nafikiri hizo zinafaa na kama kutakuwa na sababu yoyote ya kuziongeza, ziongezwe tu kwa ruhusa ya bunge.

Pia, mawaziri wadogo ambao wanaitwa Assistant Ministers. Kwingi wanaitwa Deputy Ministers. Nafikiri hiyo title ingebadilishwa kuwa Deputy Ministers ndio wawe na uwezo zaidi kwa sababu wengi sasa hawana uwezo. Pia kama sasa kuna manaibu wa mawaziri kama sitini na hiyo pia ni jambo ambalo pesa nyingi ya umma ambazo si nyingi inatumika kwa upande huo. Napendekeza ya kwamba kila wiza iwe na Deputy minister mmoja, kwa hivyo kumi na watano. Na pengine tuongeze wengine watano ambao watakuwa kwa wizara ambazo zitaonekana na Rais labda zilizo na watu wengi zaidi.

Pia kuna kazi ambazo ni Permanent Secretaries na hizo za Mawaziri. Wote watakachaguliwa katika position hizo na Rais sharti wachunguzwe na bunge kabla ya kuchagua wadhifa wao ili kuhakikish ya kwamba ni watu wanaofaa ndio watakaokuwa wakioongoza nchii.

Bwana mwenye kiti ningependa sasa kuguzia Bunge ambayo katika Section 42 ya Constitution inazungumza juu ya kutengeneswa kwa Constituency, sehemu ya uwakilishi, na Electoral Commission of Kenya. Inasema ya kwamba all constituencies should contain as nearly as equal number of inhabitants as it appears to the Commission to be reasonably practical. Bwana Mwenyekiti, hili ni sehemu moja ya Constitution ambayo Electoral Commission imeshindwa kabisa kutekeza. Hivi kwamba ukiangalia hesabu ya wapiga kura ya wabunge wengi, wengi ni wacha che sana. Katika District hii yetu kwa mfano, kuna wabunge wawili pekee yao na ni kubwa sana.

Bwana mwenyekiti najua mnazunguka mwingi kwa wakati huu na wale ambao watakenda nuu, mui wapi na seikuru, mtajua ya kwamba hizi Constituencies ni kubwa sana. Kuna wabunge wenzangu nawajua ambao wananiambia ya kwamba wanazunguka Constituency zao kwa siku moja na baiskeli na mimi hata nikijaribu kuzunguka katika wiki mbili na gari siwezi kufauli.

Kwa hivyo hili ni jambo ambalo lina takiwa kufikiriwa sana na kuhakikisha ya kwamba katika ambayo inakuja inaweka nia ambayo Constituencies zitakuwa sawa kwa population na pia ku-consider geographical areas kwa kuwa geographical areas zingine ni nyingi na kuwe na equality katika jambo hilo kwa sababu Commission iliyoko imeshindwa kabisa kutekeleza jambo hili.

Bwana mwenyekiti pia ningependekeza ya kwamba siku ya uchaguzi kwa siku zijazo ijulikane na iwekwe kwenye katiba. Nchi zingine inaweka siku; inasema siku fulani ndio itakuwa ya uchaguzi.

Napendekeza ya kwamba siku ya uchaguzi iwe Jumatatu ya mwezi mmoja kabla ya bunge kwisha wakati wake. Ijulikane ya kwamba siku ya jumatatu mwezi mmoja ikibakia bunge ikwishe, siku hiyo ni ya uchaguzi na hiyo itaweza kuondoa tatizo katika nchi ya watu kuanza election fever mapema kwa sababu hawajui ni siku gani, watu kupigana bure na hawajui election ni lini, lakini wakijua watafanya programming yao sawa sawa siku sijazo.

Pia kwa sasa Commission yenyewe is bloated wih many many Commissiners ambao hakuna haja ya kuwa na wengi namna hiyo. Napendekeza ya kwamba Commissioners wawe kumi pekee yake na wachaguliwe kutoka kwa watu ambao wanajulikana ni watu ambao integrity yao ni beyond reproach na pia wachaguliwe na Rais lakini Bunge liwagague tabia zao kabla ya kuhidhinisha uchguzi huo.

Bwana Mwenyekiti ningependa kusema juu ya mahakama. Ningependa kupendekeza ya kwamba tuwe na Supreme Court of Kenya badala ya Court of Appeal. Ningependa kuwa kupendekeza kuwa High Court iweko na Supreme Court Judges na High Court Judges wachaguliwe na Judicial Service Commission na Parliament pia iwe na uwezo wa kisikiza na kukagua na kukubali Judges kama ifanyikavyo nchi kama Amerika ambapo huwezi kuwa Judge kama haujachaguliwa na Congress. Hiyo itawezesha nchi hii kuwa na mahakama iliyo na Judges walio na nidhamu ya hali ya juu n ambao hawawezi kupendelea.

Katika Magistrate's Court ningependa kupendekeza ya kwamba Magistrate's Court ziende mpaka tuseme katika Divisions kwa sababu kwa sasa iko magistrate's Court tu kwa District na watu hawawezi kufikiwa na hii service. Ndio sababu kwa sasa cases mingi yako katika Court.

Na pia mambo ya ufisadi. Nafikiri sababu nyingi ya kuwa na shida sana katika nchi hii ni kwa sababu ufisadi umeingia sana katika mahakama. Kutok court ya juu mpaka ya chini. Hata imeenda mpaka kwa wazee wale wa Kangaroo Court kule vijijini kwa sababu wamechugua mtindo kutoka juu mpaka chini. Kwa hivyo tunataka mahakama iwe haina ufisadi hata kidogo. Siyo kusema mahakama pekee yake, nchi yote lakini nilikuwa nikizungumza juu ya mahakama.

**Com. Bishop Njoroge:** (inaudible)

**Hon. Musila:** Dakika moja bwana. Asante.

**Com. Bishop Njoroge:** Au moja na nusu basi.

Hon. Musila: Asante kwa nusu hiyo bwana. Ningependa kuchukua hiyo nusu nizungumze juu ya Public Service. Public Service kwa sasa ni mbaya kwa sababu watu wanachaguliwa kwa mambo mengine ambayo siyo merit. Ikiwa unataka kwenda shule pahali fulani kama training yoyote, national youth service, Army, Police, bila pesa hauwezi kwenda na hiyo yote ni kwa sababu si merit inatumika. Kwa hivyo ninaomba ya kwamba Public Service tuhakikishe ya kwamba hakuna kitu kingine

chochote kinaangaliwa isipokuwa merit and merit alone.

Na mwisho Bwana Chairman, ni Pension. Pension ya wafanyikazi ambao wanatumikia serikali kwa miaka mingi kwa uaminifu. Tangu niwe bunge, kazi kubwa ambayo ninafanya ni ya kutafutia watu Pension zao. Kikatiba kuna Public Service ambayo inaeleza mambo ya Pension lakini nazungumza zaidi juu ya wale walikuwa wanafanya kazi kabla ya 1963. Tunaomba ya kwamba katiba itambue ya kwamba mfanyi kazi akifanya kazi apewe Pension yake siku tisini baada ya kustaafu na pia ihakikishwe ya kwamba kama akifariki, wale watu ambao amewaacha nyuma wanapata haki yao immediately thereafter. Lakini sio kukaa kwa sababu watu wengi hufa kabla hawajapata Pension yao na hata relatives hufa kabla hawajapata benefits.

Finally, katika Pension sasa vile ilivyo, kuna watu ambao wanapata shilingi mia mbili kwa mwezi kwa sababu walistaafu zamani. Katiba irekebishwe ya kwamba kila wakati serikali ikifanya salary review ya wale wafanyi kazi wako, pia Pensioners waongezwe hizo review kwa sababu mia mbili ilikuwa pesa wakati huo lakini sasa sio pesa. Kwa hivyo ingekuwa yule mtu anapata mia mbili anapata kama elfu mbili elfu tatu kama ingekuwa ikirekebishwa kama vile salary reviews ikifanywa.

Kwa hivyo bwana Chairman nafikiri jambo hilo kama vile Major Kasina alisema liangaliwe sana kwa sababu ni jambo la maana kwa wananchi. Asante.

(Applause)

**Com. Bishop Njoroge:** Mheshimiwa tafadhali keti chini kuna maswali from your very good eh...

**Com. Zein:** Thank you sir for your views. Ulizungumzia kuhusu maeneo ya uwakilishaji bungeni na yanavyogawanywa na sisi tulikuwa Saikuru jana. Sasa kuna dhana mbili ambazo zimeshindana na ni muhimu mimi kukwambia ya kwamba tumepokea maoni tofauti mpaka sasa. Kuna baadhi ya watu wanasema gawanyeni sehemu za uwakilishi bungeni kulingana pekee yake na wingi wa watu.

Usifikirie mambo ya geografia kwa sababu geografia mbunge hawakilishi mimea wala wanyama. Fikiria watu tu, watu wangapi. Lakini Kweli kama unavyosema sisi tumekwenda Saikuru tumeona wenyewe na unasema tutumie dhana mbili ya uwakilishaji wingi wa watu na ukubwa wa eneo wa sehemu hiyo. Mambo haya mawili yatakwenda vipi? Na juu ya hivyo kwamba ikiwa ikiw akuna hitilafu kuhusu mambo haya mawili, gani ipewe uzito mkubwa.

**Hon. Musila:** Asante.

**Com: Bishop Njoroge:** Ninetaka pia kuongeza kwa hapo, kwa sababu hiyo ni swali la muhimu kwrtu kama Commissioners. Nilienda huko inaitwa North Horr, Constituency ambayo iko mpaka ya Kenya na Ethiopia ambapo kuna kabila ndogo inaitwa

dashenite. Ni kwa Mheshimiwa Godana. Unaona ni mahali ngumu na kuna watu wachache. Pia tulienda Central Province ambako constituency ina watu Zaidi ya elfu mia moja. Katika jambo hilo, tunawezaje kutatua shida hiyo?

**Hon. Musila:** Asante bwana chairman. Nimefanya utafiti na nchi moja ambayo inafanana na nchi yetu ni Canada. Kwa sababu Canada ina sehemu nyingi ambazo hazina watu na zina wabunge. Ni lazima tutumie hizo mbili pamoja lakini kuwe na formula ya kuipa weight a certain point.

A formula kwa population na certain ya land mass kwa sababu tukiweka population, sehemu kama Nairobi ambayo mbunge pengine hafanyo kazi kama vile sisi tunafanya, atachukua tu estate moja na awe na constituency. Sehemu kama Central Province vile unasema, atachukua sehemu kidogo tu na awe na Constituency. Kw hivyo hivi lazima ziende sambamba, siende sawa lakini kwa kuweka weighted points ya kwamba kama ni population itapewa so many points lakini points nyingi kushinda points ya land mass. Lakini zote ziwe sawa, ziwe considered.

Lakini bwana Commissioner unajua ile --? imekuwa ikitumika, kwa sasa Commissioners wanaketi chini kule Nairobi, wanagawia Musila katu kadogo ili ashinde, wanagawia mwingine kake kadogo, na wanakuja tu huku kama public relation and by the time they come here they have already made a decision in Nairobi. So we want the Constitution to be very clear that nobody is going to sit in Nairobi and do his calculation and favour me or him. Sawa.

(Applause)

**Com: Bishop Njoroge:** Nina swali lingine ningetaka .... Ni kama una propose kwamba tuwe na supreme court, tusiwe na court of Appeal, nasikia umetoka kwa high court to supreme court. Hivi ni kusema court of Appeal isiweko na kama haiko, tutafanya nini na wale ma judge ambao tayari wako katika kazi. Pia umesema members of judiciary must be vetted by Parliament na wawe watu wa integrity na umesema vile Corruption imeingia. What are we going to do with the judges as presently constituted?

**Hon. Musila:** Very well Mr. Chairman. Supreme court itachukua wadhifa wa court of Appeal kwa sababu Supreme inaweza ku-overrule judgement za high court kwa hivyo nikisema court of Appeal nafikiri itakuwa replaced na supreme court kwa hivyo functions za court of Appeal itafanywa na Supreme court.

Now, kwa majuddges ambao wako, ile iliyoko ni kwamba sheria haitekelezwi wakifanya makosa. Kwa hivyo tungetaka ichunguzwe kama judge amekuwa dinvolved na mambo ya corruption, katika new constitutional order, asiweko. Kwa mfano tunajua hata sasa tunajua kwamba kuna judge moja ambaye ameambiwa aende nyumbani kwa sababu ya ufiada na ameenda tu na hajapelekwa kotini. Ametolewa tu na kuambiwa waende nyumbani. Kwa hivyo tunajua hiyo ni admission in itself ya kwamba kuko na corruption. Ikiwa wao wenyewe wamemtoa mmoja aende leave sababu ni corrupt na hawawezi

kum-prosecute kwa sababu fulani. Tunataka wawe scrutinized, wale wazuri waendeleo, wale ambao wana genuine cases of misconduct, wakae kando.

**Com. Bishop Njoroge:** Thank you very much mheshimiwa. I must admit I have listened to many MPs but I am very excited about what you had to say. You have ----? Tungetaka tupate David Muthambo. Hayuko? Na Joseph Mailu? Ameenda . Okay. Joseph Kasina?

**Joseph Kasina:** Asante sana mwenyekiti. Jina langu ni Joseph Kasina. Kwan za ningesema hata tukitengeneza katiba gani, iliyo nzuri namna gani bila ku-address Corruption, itakuwa ya bure. Na corruption inaanzia katika the highest office in this country na hii inaanza wakati wa campaign,, wakati wale wanasiasa wanatumia pesa. Wanawapa watu handouts. Na mtu akitumia pesa yake ni lazima arudishe.

Kwa hivyo corruption ya handouts wakati wa campaign, hiyo katiba I-address na mtu akitoa pesa wakati wa campaign kuwahonga voters, ashtakiwe na makosa kama ya treason. Ikiwa ni ugombeaji wa kiti cha Rais, ikiwa ni cha mbunge, ikiwa ni cha councilor.

Mbunge na councillors na kiti cha Rais iwe ni miaka mine kwa terms mbili. Na kwa sasa wale ambao wameshatumika hiyo term waende. Wasigombe kiti.

(Laughter)

**Joseph Kasina:** Wakae hivyo.

Upande wa Police, mtu akishikwa na Police afikishwe mahakamani within 24 hours si kuwekwa huko. Unakaa huko hata wiki mbili. Hiyo ikome. Pesa ambayo mbunge anaweza kutumia kwa campaign iwe ni kama shilingi elfu mia moja na iwe accounted for.

Harambee hatujui hizi pesa zinatoka wapi. Katiba ipige marufuku harambee kabisa. Kila mara pesa hii kutoka kwa fulani na fulani iko pesa mingi hii, hii ni ufasidi na inatoka kwa njia isiyofaa kwa hivyo katiba ikomeshe.

Kuweka majina kama Institute kama Moi, Moi girls secondary school, kama Kenyatta Avenue na majina kama hiyo, hiyo iwe inapewa baadhi ya wale mashujaa lakini wawe wamekufa. Siyo mtu yuko hai anabandikwa jina ya street na yeye yuko hai.

(Laughter)

Tutabandika wewe wakati unakufa. Present MPs walioko sasa walijibandika mishahara mikuwa hiyo tite ya mhesimiwa waondolewe kwa sababu walikula pesa yetu na kujibandika. Wasiitwe waheshimiwa tena. Pengine waitwe waheshimiwa waporaji.

(Laughter)

By election iwe minimized. Kusiwe na by-election tena. Wewe ukitoroka chama ukienda chama kingine marufuku maisha yako hautakuwa mwanachama, nenda kabisa kabisa kabisa.

Kuna jambo la kusikitisha sana. Kuna hii ukinajisi mtoto mdogo kabisa unafungwa miaka kumi na mine. Hiyo haitoshi. Ufungwe miaka kumi na minee na uwe castrated within 24 hours. Ndiyo hiyo mambo hautarudia tena.

(Laughter)

Kwa maana ukitoka huko utakuja kurudia hiyo mambo ingine.

Kuhusu Kenyadtta Day, hii siku alijibandika yeye peke yake na alifungwa na kina Paul Ngei, Bildad Kagia, Ochieng' Oneko, Karumba, ibadilishwe na iitwe siku ya wapigania uhuru. Hiyo itolewe.

Siku ingine ambayo haina maana ni Moi Day. Hiyo weka siku ya Oppression day ya nyayo era. Pengine tutakumbuka na hiyo. Hiyo tutakumbuka vile tuliteswa wakati wa mwakenya. Pengine wale wengine hawakuwako watakuwa wataikumbuka.

Wakatibunge linavunjwa, maministers watoka kwenye viti kabisa sababu wakiwachiwa ofisi, watatumia mamlaka yao kuja kwa campaign na zile gari za serikali zote zirudishwe. Hata haifai waziri kupewa gari ya serikali. Wapewe allowance ya gari na there should be no ministerial car. Government cars should be very limited.

**Provincial Administration:** Kama Assistant Chief na Chief wanatoka kwa area hiyo, hata D.O. kama ni Division, huyo D.O atoke kwa hiyo division, awe ni mtu wa division hiyo. D.C awe anatoka Mwingi, awe ni mtu wa hapa Mwingi. Province awe anatoka kwa hiyo Province kwa maana sasa tunaona kutoka 1963 mpaka 1977 tulikuwa na maDC akina Koinange, Mahihu, Mburu, nini na kutoka 1978 mpaka sasa ma Kipkemboi, arap Chirchir, arap nini...

(Laughter)

Haifai. Ni lazima kila District iwe na District Commissioner kutoka kwa District hiyo. Hatutaki hii mambo ingine.

Vice-President achaguliwe na watu wote ili asiwe anahangaishwa. Tumekaa miezi kumi na mine hatuna Vice-President na kila mtu alikuwa anaangalia oh baba unaweza kunipatia. Hiyo ikome.

Utukufu, kuabudu mtu. Katiba iseme hakuna kuabudu mtu.

Delegations za kwenda kwa Rais, ati Wakamba wote wanang'arang'ara na yeye tu anang'aranga pekee yake sasa anasema Wakamba wote wanang'arang'ara. Hiyo ni mbaya sana na hii katiba .....

Parliament iwe na calender yake na isiwe iki-contriliwa na mtu mmoja.

Rais awe ni mtu wa kukaa kwa ofisi. Asiwe Field Officer wa kuzunguka, ana mangamanga huko kila wakati na ni lazima account safari zake zote za kwenda ng'ambo kwa sababu hiyo ni pesa za wananchi anatumia.

Ya mwisho chukua hii yangu yote weka kwa katiba.

(Applause)

Mna swali?

**Com. Bishop Njoroge:** Hapana.

**Joseph Kasina:** Kama hamuulizi swali, yangu ni sawa sawa.

**Com. Bishop Njoroge:** Umezungunza vizuri. Haya njoo hapa. Peter Mulavu. Unajua uzuri wa katiba hii ni kwamba kila mtu anaruhusiwa kusema anavyoongoswa kusema isipokuw amtu haruhusiwi kusema mabaya kwa mtu mwingine. Si ni ukweli?

**Peter Mulavu:** Preamble.

Judiciary be vetted by Parliament

General elections: Parliamentary and Civic elections be separated from Presidential elections.

**Jacob kitheka:** Sijui nizingumze kwa lugha gani...

**Com. Bishop Njoroge:** Unajua unapotezza wakati wako?

**Jacob Kitheka:** Okay. Wacha niende moja kwa moja.

Katika katiba mpya mwananchi apewe uwezo wa kuchukua hatua juu ya watu wafisadi. Kwa wakati huu tunawaona, wanaendelea ha hakuna kitu cha kufanya. Unaenda kwa Police hawafanyi chochote. Ningefikiria katiba inipe mimi uwezo wa kulazimisha OCS, OCPD kuchugua hatua na kama hachukui hatua, nimpeleke kotini alazimishe na court kuchukua hatua.

Namba mbili; katiba impe uwezo mwananchi, akikosewa na ofisa wa serikali, apelike yule ofisa amemkosea koti iliyo karibu. Siyo high court kama ilivyo sasa. Na asilazimishwe kumpeleka pamoja na Attorney General maana Attorney General amekuwa kizuizi cha kutetea mwananchi asiweze kudai haki yake.

Wengi tumeshtuka tukisikia ya kuwa Attorney General lazima umshtaki na huyu Assistant Chief ambaye amekuvunja mguu. Kwa hivyo katiba inipe uwezo niende court iliyokaribu nimshtaki, tukimbisane, kama alikuwa kazini serikali itamlipia, kama hakuwa kazini, atanilipa.

Katiba utoe uwezo kamili kwa mwananchi ambaye anachagua viongozi. Awe na uwezo wa kumwondoa kiongozi yeyote aliyechaguliwa akiwa na tabia mbaya au kama anashindwa na kazi yake. Hiyo ni kusema kwamba badala ya councilor kuniambia miaka tano hautanifanya chochote, akianza kunifanya namna hiyo, niwe na uwezo wa kumuondoa na kuweka mwingine. MP nimwondoe na kuweka mwignine, President nimwondoe na kuweka mwingine.

Katiba imeandikwa haki zetu. Haki zetu zipo lakini namna ya kuzidai hakuna. Katiba mpya ni lazima inionyeshe vipi nitazidai haki zangu. Kama ni kwenda kotini ndiyo nipewe haki zangu, nipewe uwezo wa kufanya hivyo maana zimeandikwa lakini namna ya kuzifikia hakuna.

Juu ya mambo ya mashamba. Cases za mashambal. Disputes; imegawanywa kwamba ukitaka kushtaki hii uende pale, ukitaka hii uende pale. Kama unaambiwa uende kwa Tribunal, unaende kwa Tribunal. Kama mwignine alivyosema hapa, haujaenda school hata siku moja, ukianza kuwaambia sheria haisemi hivi, wanakwambia usitufunze kazi yetu. Haukuenda course pahali popote lakini wameshajua.

Kwa hivyo katiba mpya impe mwananchi uhuru wa kupeleka kesi yake ya shamba pale atakavyo. Akitaka kuanzia kotini, aanzie kotini. Akitaka kwa Adjudication, aanzie huko. Akitaka kuanzia kwa Tribunal aanzie huko lakini asilamishwe kwenda ambako hakuchagua.

Katiba mpya; ningefikiria kwamba kuna wazee wanaitwa villege elders hawatambulikani serikalini. Mimi nafikiri hawa wazee ni wa maana sana na kwa values za kitamaduni, wangechukuliwa kwa njia fulani, wawe wanatambulikana.

Na ya mwisho ni juu ya Commission yenyewe. Mtaniruhusu macommissioner nusu dakika niseme kitu moja juu yenu. Na hiyo ni kwamba wakati tumlitufunza, mlizunguka mkitufunza mnatuambia ya kwamba haifai mtu kuchukua nafasi.... It is inhuman to



take advantage of a plight or poverty of a person in order to exploit that person.

Ninefikiria Commission mpya ambayo pengine itakuwa ndani ya katiba, wakati ujao ufanye kile inafunza. Wakati huu haikufanya. Mtaniwia radhi haikufanya kwa sababu watu wengine waliokuw awakifunza hapa wanaenda huo with empty stomachs wanarudi nayo na kwa sababu wanapenda kazi wanaendelea. Wanaendelea tu. Na mwalimu wangu Ronald Ngala aliniambia kitu kizito zaidi ni tumbo tupu.

Kwa hivyo wakati unatuma mtu, kwa upande wangu naona ni exploitation maana huyu maskini atafanya tu kwa shilingi mia tatu ambayo ndiyo transport yake, ndio...hakuna chakula. Ni transport na makaratasi ya kutangaza. Makaratasi ya kutangaza ni shilingi mia tatu. Kwa hivyo Commission vile inatufundisha haki za binadamu, nayo wakati inafanya kazi itunze haki za binadamu.

(Applause)

**Com. Bishop Njoroge:** Mzee kaa hapo tu. Umesema vizuri na mambo hayo umeyasema bila shaka mimi mitayapeleka katika Commission tukiwa na Commissioner mwenzangu. Lakini pia ningetaka kusema hivi; kile kiwango cha fedha, sisi kama Commission hatuna njia yoyote ya kupata fedha isipokuwa ile tunapewa na serikali. Na tukipewa hicho kiwango, ndicho tunapeana kwa hivyo jambo la kwanza tunahitaji kuomba ni kukiwa na Commission kama hii, kuwe na fedha ya kutosha ili kila mtu aweze kufanya hiyo kazi akiwa na kitu ya kumlipa. Kwa hivyo Commission inapeana kile ilicho nacho.

Kama hatuna, hatuwezi. Si ni ukweli? Kwa hivyo tuamini kwamba Commission Nyingine ipewe fedha ya kutosha ili wale wanafanya katika constituency na wao waweze kuangaliwa. Sawa?

**Jacob Kitheka:** Hiyo ni sawa nakubali lakini? Unaweza ku-compare tu vile ma-provider wanaishi na vile macommissioner wanaishi. Pengine macommissioner wanaweza wakakata ma corner corner zingine wakawapa hawa chakula. Kutuma mtu bila chakula ndiyo mimi nasungunzia kwamba ni natural injustice.

**Com. Bishop Njoroge:** Sawa. Hapo tumefahamu na mimi nilikuwa tu nikikuelezea. Asante.

**Com. Zein:** Asante kwa maoni yako na ikiwa una malalamishi ingine kuhusu Tume, tafadhali utuandikie, ili tuweze kuyafuutilizia. Asante.

**Com. Bishop Njoroge:** Haya tupate Peter Malavu.

**Peter Mulavu:** These views are from people of Mariakani sub-location.

**Com. Bishop Njoroge:** You were here.

**Peter Mulavu:** This is a different District.

**Com. Bishop Njoroge:** Can you just present the memorandum. Haiya. Mwanzia Musyoka. Na nignetaka kwa wakati huu ku-recognize the presence of the Minister who is the member of Parliament of this area. Karibu sana mheshimiwa na wakati unataka kuzungumza nitakupatia nafasi.

**Mwanzia Musyoka:** Asanteni sana MaCommissioner. Kwa jina naitwa Mwanzia Musyoka. Mimi ni mmoja wa wenye Organization ambayo inajiita Mwingi Human Rights and Civic Education Services na kwa niaba ya group hiyo, nina memorandum nataka kutoa sababu mambo ya kundi iliyo hapa ni mengi na siwezi kuyazugnumza yote mpaka dakika ya mwisho lakini kuna jambo ambalo ningetaka kuongea.

Jambo ambalo ningetaka kuliongea ni jambo ulinzi. Hili iwekwe katika katiba ya sasa kwa sababu ulinzi katika nchi hii ya Kenya una shida nyingi kwa sababu tunapoteza watu viongozi wakubwa, watu raia na wakikufa au wakiuawa na wengine, ukifuatilia jambo hilo unaona haiangaliwi kikamilifu.

Polisi wanaficha mambo fulani, idara inayohusika na upelezi nayo inashindwa kutekeleza wajibu ambayo imeripotiwa. Kwa hivyo katiba ya sasa wanagroup tunaomba iweke ulinzi kamilivu kwa mwananchi wa kawaida kwa sababu watu wengi wanakufa na wakifaukifuatilia kifo chake kutokana na kuuawa ama kupewa dawa, serikali inatatiza. Jambo hilo ndilo ningezungumzia. Nina maneno mengi ambayo ningetaka kuyapeana lakini sitaweza kwa sababu dakika ni chache.

**Com. Bishop Njoroge:** Asante sana. Hayo umeyasema tumeyapata na bila shaka yatafika mahali inahitajika. Unaweza kupeana memorandum yako hapo. Tupate Elizabeth Munyithia.

**Elizabeth Munyithia:** Thank you Commissioner. Mine is about Gender equality and I will emphasize on the nominating of the Councilors and MPs. Since we know that traditionally ladies are not supposed to lead men, I will propose that the ratio of nominated MPs and Councillor should be three to one. That is three ladies to one man so that we may win favour from the Constitution and also increase the number of ladies in Parliament as well as in top seats.

My second point concerns the Ministry of Education. I propose that the constitution should guarantee every mwananchi compulsory and free education from pre-unit to university. This is to curb the illiteracy in the Country. The issue of cost sharing should stop.

My third point also concerns the Ministry of Education. I propose that the ministry should train teachers whom it thinks it can employ so as to avoid inconveniences such as; The trainees spend a lot of money in college fees with a hope that after employment they will compensate for the money.

Secondly it affects the teachers or the student teachers psychologically and mentally if they are not employed.

My fourth point is about considering of age when employing government servants. I propose that the older ones should be employed first so as to avoid retiring early when someone has not saved anything to cater for the old age. Thank you.

**Com. Bishop Njoroge:** Thank you very much for those views. Mama njoo hapa. Njoo hapa mbele. Tunamwita Munyasia Musya.

**Munyasia Musya:** Thank you Commissiners. My na me is Munyasia Musya, am a civil servant, District Information officer, Mwingi.

My first view is that the Constitution should entrench the work of the media in it so that as in the case of a press council that is self-regulatory and also remove the shilling one million requirement for those people who want to invest in the media industry. I suggest that the members to this media council come from the parliament and other; the media houses, media owners, the civic society and any other relevant persons and these must be vetted by parliament.

Secondly, just like it goes like one-man one vote, so be it with one-man one job sothat this Country can share the limited resources and employment opportunities fairly.

Another point is that the people of Kenya should be given independence of freedom for regional self-determination in economic and social matters. The people of Mwingi for example, should be allowed to determine matter to do with their economic welfare. For example livestock, which is thse mainstay of this District, is still under developed and therefore if the people of Mwingi through their local authorities decide that it is to their best interest to develop this sector of the economy and propose to the central government that funding should be given, I believe whatever they suggest that whatever they suggest should be given as it is without any ratification or determination by officers sitting in Nairobi.

Another thing is that the Constitution of Kenya should define administrative units as well as parliamentary and civic represantation units so that there are not conflicts in this matter.

I also suggest that the salaries of members of parliament should be made unadmirable so as to ward off those greedy and selfish persons who want to take up this job for the monetary gain rather than service to the people.

The civil service should also be entrenched in the constitution so that a body or a commission even for example the existing civil service commission becomes independent in order to oversee the work and the interests of civil servants without undue interference from other arms of the government.

I also suggest that this constitution establish ministries and provide on how they shall be run so that one ministry or department does not seem to be subsidiary to others.

I also suggest that on the event of very fundamental issues that arise in parliament, that MPs vote, there should be consultation by all MPs with their relevant electorate on pertinent issues that arise in parliament. As of now, we know in so many areas where members of parliament sit in Nairobi and vote on very important matters pertaining to their people without any consultation.

It does not arise, I don't think it is good for MPs once they are elected to parliament to view themselves as if the voters have ceded their right to influence what MPs do in parliament. I think the electorate should have the authority to determine these issues and I suggest that barazas or other means like those be held in order to determine that.

The last point is that MPs should spend considerable time in the constituency to make themselves conversant with the problems affecting their people and the electorate be allowed to remove sitting MPs if found wanting in their jobs. Thank you.

**Com. Zein:** Mr. Musyoka you have proposed that we should have restrictions indicated in the constitution that we should reserve one job for one person. Is this in Public or in the Private sector or both?

**Munyasia Musya:** I suggest that it be in Public Service.

**Com. Zein:** Thank you. Please sign.

**Com. Bishop Njoroge:** Francis K. Mwikia? Catherine Kigonge? Mary M. Jacob?

**Mary Jacob:** Hamjamboni. Kwa majina naitwa Mary Jacob. Nataka kutoa maoni yangu kuhusu katiba.

Kwa maoni yangu nataka katiba ile tunaandika sasa, wanawake wawe na usawa na wanaume.

Ya pili ni uridhi wa mali. Twaomba mwanamke awe na uridhi ya mali yake na nina sababu. Jamii nyingi zimevunjika kwa sababu ya hiyo. Tukiona sasa kwa mfano mzee aende am mimi niende, wale ndugu za bwana wangu wanifukuze pamoja na

watoto wangu, tunaenda na tukija kotini hiyo mambo hatuanganiwi na mtu. Kwa hivyo tunaomba katiba ile iko iwe inaandikwa uridhi wa, kwa mfano, kama ni mali yetu na mzee, inaandikwa mali yangu na mzee, siyo mali ya mzee pekee yake.

Ya nne ni wasichana wetu. Pia wao wakatiwe kasehemu wanaweza kulima kwa sababu wasichana wetu siku hizi hawaolewi. Hayo ni maoni yangu.

Ingingine ni maoni ya kisomo. Watoto wetu wanasoma na hawapati kazi. Kwa hivyo naomba watoto wetu wakisoma wawe wanapata kazi. Asante sana.

**Com. Bishop Njoroge:** Asante sana mama kwa hayo maoni mazuri. David M. Kilonzo? Brian M. Maliti? Joseph M. Mwendwa? Mwanzia Kalebe? F.M. Ngindu? P.M. Syethoka? B.M. Kilonzo? D.K Mwaka? D. Maluki? Councillor B.M. Mutio?

**Benson Mukiti Mutio:** Asante sana bwana Commissioner. Majina yangu councilor Benson Mukiti Mutio kutoka kata ya Kakuyu.

Maoni yangu nitayasema kwa luga ya Kiswahili. Kwanza ningependekeza katiba mpya tuwe na President na makamu wake. Pia tuwe na waziri mkuu na Waziri mkuu na naibu wake na wawe wabunge.

Waziri mkuu kama inawezekana, awe ndiye mwenye mamlaka ya kuunda serikali au kuchagua baraza la mawaziri. Na awe na uwezo kamili wa kutunza nchi; yaani security na pia awe mwenye uwezo wa kuchagua ma- permanent secretary wanaoendesha serikali.

Pia ninapendekeza kuwa wale watakao tunukiwa vyeo vikuu kama vile ma-permanent secretary na pia mawaziri wawe watu ambao ni waaminifu kwa nchi. Na kama mtu amewahi kutajwa sehemu fulani kama mhusika wa mambo mabaya, jambo hili ichunguzwe hata na bunge na ikionekana kama kuna doa doa aulizwe ajiondoe kwa hayo mamlaka kwa sababu siyo mwaminifu kwa nchi yake.

Pia ningetaka nafasi zile kuu kama vile Police, maofisa wakuu wapatiwe mamlaka kupitia records zao nzuri ili tuwe na polisi wenye nidhamu ya hali ya juu ambao wanaweza kuchunguza makosa kwa uangalifu bila mapendeleo.

Pia napendekeza ya kwamba nafasi zozote za kazi zikitokea, kila wilaya nchini ipatiwe nafasi yake kiwaziwazi ili tuweze kupunguza umaskini na ukosefu wa kazi kwa nchi nzima.

Pia napendekeza ili kumaliza umaskini, katiba mpya na sheria za nchi ziwe ni kwamba kila wilaya ianshishe mradi

inayosimamiwa na serikali, na hasa miradi ya kilimo ili nchi isipungukiwe na chakula na tuwe na nguvu ya kulisha wananchi wetu.

Sehemu ambazo zina mito zinazotiririka, wilaya hizo zipatiwe project za kilimo. Kuwe ni lazima kuwe na project kilimo ili jambo hili lizuie wananchi waache kumiminika mijini wakitafuta kazi au nchi hii iwe na vyakula vya kutosha na pia kupatia wananchi kipato.

Kuhusu kilimo, ninapendekeza kuwe na sheria kwamba kila wilaya iwe na Quota ya Cereal Board kununua kiasi fulani. Serikali iwe ikinunua kiasi fulani kutoka kila sehemu. Nikitoa mfano kama vile Mwingi, tunakuza hapa mahindi na hata mawe, mtama na kunde. Kuwe kiasi fulani hata kama kuna ile serikali haitanunua kuwe ni lazima ili watu wapate soko kidogo.

**Com. Bishop Njoroge:** Taja jambo lako la mwisho.

**Benson Mutio:** Pia ni elimu. Ninazungumzia elimu. Sehemu hii kwa vile ina ukame na umaskini nyingi kama sehemu zile kame, kuwe na kiasi fulani serikali inalipia watoto wale wanapita kwenda shule za juu. Iwalipie fees, wasitoe fees. Hasa wale wanatoka jamii maskini, walipiwe mpaka vyuo vikuu kwa sababu sehemu zingine kuna umaskini.

Nikimalizia, ni upande wa chokoraa. Wale watoto wanaotangatanga kuwe na sheria kamili ya kutunza hawa watoto. Kuwe na sheria ya kuwajengea shule na kuwaokota wote na kuwapeleka huko ili watunzwe wawe raia wema kwa sababu wamekuwa ndio chanzo cha wakora.

Kuhusu hospitali, napendekeza ya kwamba vituo vyote vya afya vikimalizwa na wananchi, iwe ni lazima vifugnuliwe na serikali. Sheria ya namna hiyo itungwe. Kitu kingine, kuwe na sheria ya kuwakataza madaktari kufungua clinic sehemu wanahudumu kwa sababu jambo hili linachangia maovu. Kuweko na sheria ya kuwazuia.

Kuhusu kilimo nitasema kitu kidogo.

**Com. Bishop Njoroge:** Sasa sikia. Unajua ni lazima tufuate mpango fulani. Umezungumza mambo manne na nilikuwa nimekupa moja. Sasa zungumza ya mwisho.

**Benson Mutio:** Ya mwisho ni kwamba ile miradi itakayoanshishwa, wale watu watakaosimamia hayo miradi, wakae huko kwenye hayo miradi na wapewe mishahara ile ya juu na wawe na agreement na serikali na wakikosea, kitu cha kwanza ni kufungwa kwa sababu mtu kama huyo ameabisha nchi.

Apatiwe ile mshara ya juu kabisa na akae kwa ule mradi. Pale ndani. Akikosea awe mtu wa kufungwa jela.

**Com: Bishop Njoroge:** Asante sana. Utajiandikisha hapo. David Muoka? Francis Muthoka? Japheth Ndengi. Please

tuambiwe jina lako.

**Japheth Ndengi:** Hamjambo wananchi. Jina langu ni Japheth Ndengi kutoka Migwani. Sasa maoni yangu ningependa hii katiba tunafanya leo tuwangalie kwani kuna ma councilor ambao wana umri ambao imepita ile tunasema. Mtu hata kama ana miaka themanini hataki kutoka kwa kazi vijana wafanye kazi. Kuna macouncillor ambao wamekuwa miaka thelathini kwa kazi. Hao ndio wanafaa kutoka nao vijana sababu kazi imekosekana Kenya, hawa vijana waingie kule.

(Laughter)

Hiyo ni kitu moja ambayo tunataka mwandike hapo katika katiba.

Pendekezo langu tunataka councilor kama amechaguliwa akae miaka kumi. Asipitishie hapo.

Maoni ingine yangu ninaomba hii katiba mnafanya leo muende mkae chini kama vile mnakaa, muangalie chakula, mkague chakula kama iko sawa. Sababu gani? sisi mwingi tuna minister mmoja kule na akienda safari tunakaa bila minister na kuna sehemu zingine District kama hii yetu kuna ministers kama wawili. Mkae mwangalie chakula hii ya maministers mtuongezee mwingine au mtuonezee wabunge wengine. Sina mengi. Nimefikia hapo.

(Laughter and Applause)

**Com. Bishop Njoroge:** Asante sana Japheth. Catholic church syanda? Alex Musili?

Maingi K.N?

**Maingi Ngundu:** Kwa majina ni Maingi Ngundu na haya ndio maoni yangu.

The constitution should address clearly about the public lands. It should not be said that Public land outside Nairobi should be entrusted to the government by the county councils. Hii ni kumaanisha watu tupewe haki ya kumiliki mashamba yetu na kama ni kitu fulani hata kama ni dhahabu itapatikana kwangu, kama ni kuhamishwa kuwe na conditions ya kuhamishwa na kile nitapewa.

Number two: Sisi kama electorate tunatakiwa tupewe haki yetu. Kama ni sitting MP au ni Councillor tunaona hatutosheleshi, tunafaa kupewa jukumu ya kumwondoa.

Number three: Our courts. Koti zetu pia sheria inafaa ieleze vizuri kwamba ike lugha inatumiwa kule wananchi wengi hawaiielewi, kwa hivyo inafaa tuelewe, koti zetu ziwe na lugha tunayoelewa na pia hukumu ya kifo ningefurahia kama ingeondolewa.

Point number four. The constitution should also address the family planning issues. Most people should be allowed to have two children and if need be for a third one, they should apply to the government.

(Laughter)

My point number four is about the provincial Administration. I think the provincial administration especially here in our Country is consuming a lot of money and at the same time giving little service to the citizens. I would wish the constitution said that the only position in Provincial administration that helps Kenyans is the position of a Chief or an Assistant Chief. All the other capacities of the Dos, DCs and PCs actually have no duty they are doing to us, they are eating a lot of our good money yet we don't have much money in Kenya.

For example I in particular am over twenty years and I have never received any service from the DO to the PC. This people are eating a lot of money and doing no job. I wish those posts we scrapped in Kenya. Let us have chiefs who are answerable to the community. A chief who is a government official and is answerable to the community. The community be given exactly that chance. If you want to eliminate the person and the same time unaweka mwingine because these people and especially in ukambani they have very outlived. Some of them are known to be good campaigners; they were recruited because he was once a teacher and when he opted to campaigning he was made a chief. It is we people who should be given that chance. Thank you.

**Com. Bishop Njoroge:** Watu wengi wamesema kwamba kama MP hawafanyii kazi, au Councilor, waondolewe kabla ya kipindi chao na wananchi. Ni njia gani itatumiwa? Mngetaka tuweke nini kama kiwango kama MP hafanyi aondolewe?

**Japheth Ndengi:** Mimi nilikuwa na maoni kwamba kuwe na Committee ya wazee fulani. Those wazee kama kumi kwa constituency ambao wanajulikana, those known to be good. They should not be political people. Siyo wale wanasiasa wazuri. No. Wazee wale wanaaminika. Sisi kama Wakamba tunawajua wale wazee wa Kikamba wazuri. So wakichaguliwa nao pia watoe sababu mzuri si kusema mbunge fulani ni mbaya na hawatoi sababu. There should be good reasons as to why ni mbaya.

(Applause)

**Com: Bishop Njoroge:** Umesikia umepigiwa makofi. Mary K. Kamwara? Otieno ?

**Peter Kalii:** Jina langu ni Peter Kalii na kwangu ni hapa Mwingi. Mapendekezo yangu ni kwamba katiba itengeneswe iwe na language moja ya kiswahili iliyo lugha ya taifa.



Na pia katiba itengenezwe ambayo itafanya kila mtu awe na haki ya uhai, kujieleza, kuungana na watu wengine, matibabu ya bure, elimu ya bure, mtu awe na mahali pa kukaa na awe na haki ya kujieleza.

Pia nataka katiba ipige marufuku mtu mmoja kuwa akipatiwa mshahara mara mbili; yaani mtu mmoja awe na mshahara moja.

Pia ninauliza katiba katiba I-split Public Administration iingie katika ministries zingine.

Pia nataka katiba impe kila mtu uwezo kwa wafanyi kazi wa serikali wote, wakiandikwa wawe wanaonyesha ujuzi wa kazi ile ambayo wanafanya; walioandikiwa.

Pia ninauliza katika katiba iwekwe commission ya complaints ambako mtu yeyote akionewa anaweza kupeleka malalamiko yake halafu ichunguzwe.

Pia ninauliza katiba serikali kuu ipatie serikali za wilaya madaraka ya kuendesha kazi kama agriculture, kama macourt na hata kama maji pamoja na energy.

Pia nauliza Judicature ipinduliwe; sheria za mahakama zipinduliwe ili watu wawili wakisikizana wafanye mahakama nje ya koti, wazee wakisikizana, hiyo iweni mahakama.

Pia ninauliza katika katiba kuwa yote ya watu wa Kenya ambayo ilipelekwa nje, irudishwe hapa.

Pia nauliza katika katiba, mtu yeyote akitaka kiti chochote cha kuchaguliwa, awe akichunguswa alikotoa hiyo mali. Ni hayo tu.

**Com. Bishop Njoroge:** Asante sana Mzee. Njoo hapa, hayo ni maoni mazuri. Sasa ninataka kumpatia waziri nafasi naye aweze kutupatia maoni yake. Karibu Minister.

**Hon. Kalonzo Musyoka:** Asanteni sana Commissioners na ningeomba radhi kwa kuwa nimekuja kama nimechelewa na ingekuwa ni mapenzi yangu kuwa nanyi tangu jana. Naelewa kuwa mlikuwa na kikao kama hiki upande wa Seikuru Secondary School na vile vile Kisu Secondary School na hiki ndicho kikao cha tatu na cha mwisho.

Hamu yangu haswa ni kuwasikiliza ninaowawakilisha bungeni wakitoa mawaidha yao na kwa hivyo mimi nitajaribu nijifiche sana nisije wenzangu hapa wakasema yale mheshimiwa amesema ndiyo hayo kwa sababu ningetaka yote myasikize kutoka kwa wananchi. Kama ambavyo mnajua kama member wa kamati ya bunge ambayo inahusika nanyi, nitakuwa na fursa bila shaka ya kutoa mawaidha lakini kwa sababu niko hapa nyumbani, ningetaka niseme moja, pengine mawili. Pengine yote hayatawekwa kwenye katiba directly lakini mtasikiza yale yanaoyotukera sisi kama wananchi wa Kenya wanaoishi sehemu hii.

Ningetaka niseme hivi; Kwanza kwamba tuko na katiba na katiba ambayo tunajaribu kuiunda upya inatokana na katiba ambayo imekuwa nasi tangu wakati ule wa sitini na moja from Lancaster House until now and we have seen amendments to that constitution and so it has served us well.

Havng said that, katiba haiwezi kuwa static; haiwezi ikasimama tu mahali pamoja kwani mahitaji ya wananchi inaweza ikaongezeka vile kiwango cha wananchi wenyewe kimekuwa kikiongezeka na kwa hivyo hatuna budi ila kuangalia ni yapi tunaweza tukafanya.

Kwa hivyo sisi kama wakaaji wa sehemu hii, taabu ambayo tuko nayo haswa ni katika ugawaji wa usawa wa mali ya asili ama national wealth. Unequal distribution of national wealth. Tunaona ya kwamba sasa hivi kwa mfano mimi nililala upande wa Aberdares; Tree Tops, nikapata chai Nyeri. Nikapitia Kirinyaga, naona kule wanapanda majani chai, wanamashamba masafi sana, hewa ni tofauti ikilinganishwa na hii yetu huku, huku kuna jua kali. Nikapitia pia Embu, na kwa hivyo unapata kwamba mpango ulioanzishwa na serikali wa DDC was ---? meant.

I think now in terms of distribution of national income we have to have some inbuilt mechanism within the new constitution ambayo inahakikisha usawa wa ugawaji wa mali ya taifa ili sehemu kama hizi ziweze pia kufaidika bila ku-sweat sana. Mimi kama mbunge hata kuja kupatiwa wilaya kama hii na Rais wengine walikuwa wakipiga kelele wakisema this is a political district na najua kwamba tangu jana mtaona kwamba mlianza mbali, na hii ni constituency moja. Ilikuwa wakati mmoja mimi na Mheshimiwa musila. Alikuwa my voter. Vile vile mheshimiwa Nyenze was my voter because people living in Nairobi hawajui shida walizonazo wananchi kutoka sehemu ambazo ni kame kama hizi.

So semi-arid areas in particular, we need special attention katika katiba mpya. I am suggesting therefore that we give strength to local authorities. Strengthen kabisa kabisa ili kwamba ikiwa ni macouncillor wawe na officers ambao ni competent, wenye ujuzi ambao wataweza kuleta manufaa kwa wananchi. Therefore na ikiwa inaonekana pengine there is a current thought ya kwamba na tukifanya hivyo na mali ikiwa inaweza kutoka a through local authorities kuja directly kwa wananchi wanaohusika, utapata kwamba pengine kutakuwa na usawa.

Najua kwamba wenzangu wamezugnumzia swala hilo kusema wapatiwe mamlaka fulani fulani. They were talking about devolution of power. Devolution I think is what we want to see.

Swala muhimu kabisa whether to go federal or not, nimepitia pale nikaona Dam yetu inaitwa Kamburu na next to it is Kindaruma. Katika Province hii the only natural, what we would say is our contribution to national wealth may be is this generating capacity wa mto wetu huu wa Tana na Athi River. I know that if we strengthened local Authority tutakuwa na uwezo wa ku-generate faster wealth kwa watu wetu.

Rasilmali therefore is another angle. Kama mbunge wa hapa vilevile, nikiangalia mimi macommissioner, naweza nikasema kuwa sehemu tunawakilisha bungeni ni kubwa sana. Ofcourse we cannot say ---? that Mwingi gets another two MPs, it has got to be written within the constitution. Nimekuwa juzi na wabunge wa Assembly ya Afrika ya Mashariki ambayo imetokana na jumuiya mpya ya eneo letu hili na nikaona kwamba nchi kama Uganda na Tanzania wana wabunge wengi kishinda Kenya na hali population ya Kenya na Tanzania ni karibu sawa. Kuna umuhimu kwa mfano District kama Mwingi hii ili kujaribu kutatua shida za wananchi, kuwe na wabunge ambao wanastahili. Siyo kuangalia idadi tuseme a hundred thousand.

Nimesikia people saying a constituency iwe na wakaaji elfu mia moja. Utapata kwamba if we follow that route alone without taking into account the particular geographical features of every locality, there will be injustice being worked on a number of our areas and this one in particular because in my view we do require not less five members of parliament in order to be able to deliver services effectively kwa wananchi.

Therefore we need then, I don't know tutalegislata kwamba tuwe na wabunge minimum figure three hundred thousand but I think what we can do is come up with a formula. Wakati tuna kuja na formula kama hiyo tuangalie tusije tukasema tu ni mahali ambapo kuna na watu elfu mia moja ndipo wanapata kuwa na mjumbe kwa sababu tutakuwa tumewaonea walio wengi ambao wanaishi katika sehemu ambazo si sawa na mahali ambapo wengi because of geography and rutuba ambayo iko for example the Mount Kenya Region. You find a concentration of our people there na huku pia kuna wananchi wakaaji .

Ofcourse at the end of the day tungetaka pia area kama hizi kuwe na ongezeko la mikoa. Sasa hivi tuko na mikoa saba and because we are talking devolution, we may have to consider kuwe pia na mkoa mwignine katika Eastern Province. Kwa hivyo ukiangalia kutoka Marsabit, Moyale, mpaka wa Ethiopia mpaka Tsavo national park, hiyo ni dunia nzima. We think that, just like am sure watu wa Rift Valley will speak for themselves in terms of North Rift and South Rift, vile vile Eastern Province is so large na tunahitaji vile vile Pengine kuwa na mkoa mwigine ili kuwe na usawa as we think of devolution, preparing ourselves for that eventuality.

Pia ningetaka kusema kwamba mengine ningetaka kuzungumza katika kumbukumbu maalum ambayo itatolewa na chama cha KANU. We are finalizing our positin and as soon as that position is clear, vitu kama the spread of presidential powers ambayo imezungumza na wengi.... Ofcourse everybody anakubali, KANU included, that we need to spread the Presidential Powers, to have an Executive President, to have a Vice-President, vile vile kuwe na Prime Minister na two Deputy Prime ministers. Tunazungumza kama chama na tunaona kwa kuna usawa na vile vile if a President has to have a Vice-President as a running mate, as soon as they are elected, then they can relinquish their positions. I don't know, am not very clear what should happen to the Prime Minister because huyu pia atachaguliwa na wabunge, hawezi akachaguliwa directly. So, this is a way we are looking at it.

Vile vile kuwe na Supreme Court in order to enhance the level of delivery of services in that area; dispensation of justice kwa sababu twaamini kama chama kwamba justice must not only be done but must manifestly be seen to be done in all cases. Na kwamba justice delayed vile vile is justice denied. Kwa hivyo utapata kwamba ukienda kwa koti zetu kunarundikana kesi na ndio maana unasikia wengine wakisema pengine turudi kwa wazee. Kesi ni nyingi sana. We need to do something and this is why we are thinking of a Supreme Court and ofcourse addressing the question of the necessary jurisdiction kwa mambo kama hayo.

I was very clear on the need to strengthen the local authorities. This is what will help us. Hii ndio itawasaidia sana wananchi kila mahali and so kwa sasa ningetaka nikome hapo. I know you are under pressure to listen to many people. Sitaki nichukue nafasi moja zaidi. Ningetaka niwaachie wananchi wenyewe wazungumze, nimewasikia wengine wakizungumza na kila mtu anatoa akili yake, vile anavyoona mwenyewe. Hata kama anaongea lugha gani, najua kwamba tunaelewana at the end of the day. Wengine wako na vitina zao; ikiwa mtu anaweza kupigana na Rais wa nchi kwamba akitembea ni makosa.

I can tell you that we have in this Country a President ambaye, and it is not usual in Africa, anatembelea watu wake. This is what Kenyans need. Kutembea na kujua shida za wananchi and that is the kind of leader we have today. I think the next leader will have a big problem ikiwa haezi akafuata mtindo huo. Akikaa kwa ofisi kama vile wengine wanavyofikiria.

Atafukuswa na wananchi kwa sababu nimesikia wanataka laws relating to impeachment ya wabunge na wengine na wengine lakini nafurahia kijana ambaye amezugnumza juu ya kuwa na wazee. Wazee ambao wanaangalia kila mahali. Kama tungekuwa namna hiyo nadhani kwamba nchi tutazidi kwa sawa sawa lakini tumshukuru mungu kwamba ametufikisha kiwango hiki.

As I said, constitution making has to be a continous process. Mengine nitazungumza pengine na watu wa press niwajibu watu wa Nairobi, nikitoka katika kikao hiki. Tena mjihisi kwamba mko nyumbani kwani nyinyi bila shaka mko nyumbani kwani nyinyi bila shaka mnaelewa kila sehemu ya nchi ni sehemu yenu and I know you have to struggle very hard to beat certain deadlines. Kwa hivyo tutajaribu tuwazaidie vile tunaweza katika kutoa mawaidha yaliyo sawa. Asanteni.

(Applause)

**Com. Bishop Njoroge:** Asante sana. Tuna jambo moja au mawili.

**Com. Zein:** The Hon. Minister thank you for your views. I think we had clarified the issue of constituency representation in terms of balancing the population and the geographical coverage. What I would like to, possibly not now but later own, prick your brains on is the issue of creation of new Provinces and re-drawing boundaries.

I was one of the Commissioners who was in Taita Taveta District and one of the views, some of the views we got from the

people is that you need to re-draw boundaries but our border goes up to Mtito Andei. This is what people were saying in in Taita and you just mentioned Tsavo national park; that Eastern Province goes up to the park. So then, I think there will be a point where we will need to sit down and talk about that.

**Hon. Musyoka:** Thank You. I know that the issue of boundaries is necessarily of necessity a very sensitive matter. Juzi jirani zetu hapa Tana River walikuwa na mkutano mahali panaitwa Ukasi within Mwingi District na councillor mmoja wa upande wa Tana River akasema Seikuru, mahali mlikuwa jana, is supposed to be in Tana River District. Hebu fikiria. Hiyo ni kumaanisha mjumbe wa Mwingi North is here illegally, angekuwa upande ule mwignine. I think it is fairly sensitive.

What I think we are saying is looking at the issue globally and we do recognize that there is need; there is need if we are going to really go down to our people and address the question of infrastructure building.

Utaona kwamba, kwa mfano hapa Mwingi, one of our dream projects is really to have the road from Mombasa not going through Nairobi but coming through Kitui, Mwingi, Maua, Archers Post, Isiolo. That is the shortest route to Ethiopia, believe it or not, and can you imagine what that would mean if we had a properly tarmacked road. Ethiopia is today land locked and they would want to use to access our port of Mombasa.

And similarly if you look at it that we do need at least a dual carriage way between Nairobi and Mombasa, and beyond from Mombasa to a border with Malava in Uganda, if these things were possible, am talking infrastructure here, you need to be able to empower people who can take quick decisions and this is why the need to devolve is so urgent because some of our central planners sitting at the ministry headquarters are not able to appreciate what I have just told you.

Ukimweleza Pengine hata katibu mkuu mzima hawezi akaelewa ni kitu gani ambacho nimekitaja, and they know about the Kapiti, they keep on talking about them and you find that local authorities infact should have power to go out there and source funding.

That way we will be able to generate more wealth for this country, there will be a lot of economic mobility as well because what is happening is as I was coming nilikuwa nikifikiria jameni kama kungekuwa na train service kutoka hapa kwenda Nyeri kwa mfano because it is very short unakata tu kupita upande hiyo but this cannot be addressed unless we seriously address the question of devolution.

This is what the KANU has been able to recognize and we are looking at it. Devolution of powers to the local authorities lakini in re-drawing provincial boundaries, I think we should be careful not to open the pandoras box then we end up with a situation where endlessly mnakaa na wazee, mnaenda kotini including the supreme court because I can tell you hawa wakiwauliza hawa wakamba wanaishi hapa in their view pengine boundary ya Tana River ingekuwa hii barabara ya kwenda Garissa because all

the names in Kora National Park, Mwingi National reserve huko ndani, Mwingi national reserve is of course Mwingi lakini ukiingia Kora utaingia majina kama Kalimangilu, majina ya ukambani, but they are in Tana River District. Na tunajua kwamba ukiyaguza sasa hivi, you are courting a lot of concern. I think it is possible to agree easily to on atleast addition of two provinces as we go ahead. It is quite possible. Thank you.

**Com. Bishop Njoroge:** Mimi pia nilikuwa Marsabit na nilikuwa eneo hizo na kila mahali tulienda walisema wangetaka kuwa mkoa wao. Kwa hivyo tungependa mfikirie kama mkoa huu tukiwa na mkoa mwingine, itaweza kuchukua District ngapi na zitafikia wapi na mpaka utakuwa wapi? Kwa sababu imefikia watu wa District hizo wanataka mkoa wao na ninajua kuna shida kwa ajili ya labda ya Isiolo na nini kwa hivyo hii ni mambo ni lazima tuyafikirie kwa sababu tusipoyatatua sasa....

**Hon. Musyoka:** Eastern Province Commissioner is in three parts basically: Moyale, Isiolo, Marsabit; we do not do that. That is one part of this province. Infact we do have eight communities. Kunayo moja ambayo hata inatangaza mambo yao na lugha yao inayoitwa Burch; not many people know about the Burchis. They have every right to belong to this Country. Therefore the constitution must take into account the need to safeguard interests of even the smallest communities. This is what will keep us going.

Kwa hivyo wakitaja kwamba wanahitaji mkoa wao, it is out of the practical realization that Eastern Province is actually in three parts: The Northern Part, the Mount Kenya region and ofcourse the southern part which is mainly the four Districts of Ukambani. It may make a lot of sense to think in terms of three provinces because that way will bring faster development to this province and ofcourse to this Country.

Ofcourse I said that may be in my view; this is rule of the thumb; we do require not less than three hundred members of parliament in this Country, globally. From the present two hundred and ten constituencies, we do need to create another ninety constituencies in order to make it possible for our people to get faster services. Thank you.

**Com. Bishop Njoroge:** One last point: Where we were yesterday, the people were talking about title deeds. Although it could be a constitutional issue, it is very much also an administrative issue. I don't know whether you have given thought to this.

**Hon. Musyoka:** I have and am actually very concerned myself because utapata kwamba the process should have gone faster had it been that if you declare an area, an adjudication, utapata kwamba kila mtu anaanza ku-claim hapa, cases zinaanza, wazee wanaanza na taabu moja tumekuwa nayo hapa ni, I have nothing against wazee lakini utapata kwamba the richer person ndiye anaenda, ikiwa wazee wanakutana chini ya chairmanship ya D.O, ama chief kujaribu kutatua cases kama haya ya ardi, inachukua muda mrefu kabisa until the Minister has to appoint special DCs to adjudicate on this matter. In the process ni kwamba we are seriously disposed in this area because we do not have title deeds.

In my own constituency I think I do not know anybody with a title deed; so this is how serious it is. And ofcourse we have been urging the minister of lands and settlement. Watasema wakati mwingine, this is why devolution is important. Imagine if the county councils were able to move on their own; hatungekuwa na taabu lakini wengine watasema films zimeisha; I can tell you there are many times we have been able to talk with our colleagues in the ministry of local government, unapata ya kwamba title deeds hazitoki and so these people cannot go to a bank and borrow money.

Sasa naona Kenya Commercia Bank hapa kazi yake ni kukusanya pesa kutoka kwetu kwa sababu sisi ni wafugaji kwa upande mwingine. Wale ng'ombe tunauza tunaweka account hapa zinachukuliwa zinapelekwa Kenya Commercial Bank headquarters Nairobi and then others borrow pesa zetu na sisi wenyewe hatuna benetits.

Kwa hivyo unapata ya kwamba jambo hilo linazidisha umaskini na umaskini ni kitu tumeapa na tumeamua kupigana nao. Thank you.

Com: Bishop Njoroge: Bwana Minister, I think you will go there to the Programme officer and have your details taken.

**Hon. Musyoka:** I had registered there, do you want me to register again?

Com. Bishop Njoroge: Yes. Okay. Linner Munyoki? F. N. Maithya? Tafadhali njoo hapa mbele. Ningetaka kuwajulisha, kwa sababu kuna watu wakuja sasa hivi, sisi ni Commissioners kutoka huko Nairobi. Huyu anaitwa Abubakar Zein na mimi naitwa Bishop Bernard Njoroge, ili muweze kutujua. Asante.

F. Maithya: Asante sana bwana mwenyekiti. Maoni yangu kabla sijayasema, nitataja jina langu. Jina langu ni Fredrick Kaluki Maithya kutoka sub-location ya Kaliteti, hapa Mwingi.

Maoni yangu ni machache sana. Katiba ambayo tutakuwa nayo, naomba serikali yetu tuwe na waziri mkuu na mdogo wake. Tuwe na president na mdogo wake; na hawa watu wote tuwachague kwa kura.

Electoral Commission tuwe na Commissioners wawili kutoka kila Wilaya. Mmoja mkubwa na mdogo wake.

Councillor tumchague na kura.

Ingingine: Naomba katiba yetu itusaidie kwa sababu tunapoteza ngo'mbe wetu wengi sana. Kwa mfano hii barabara ya kutoka Garissa kwenda Nairobi ina lori nyingi sana na hizo lori zinapitia ng'ombe wetu juu na wanaisha wote na huku mwempe lori anakutafuta wewe mwenye lori utengeneze lori yake. Hana haja na ng'ombe wako. Hata wewe mwenye ngo'mb unaanza kukimbia ndiyo usishikwe, upeklekwe polisi, ulazimishwe kutengeneza hiyo gari. Kama inawezekana, katiba yetu ijaribu hata kama ni ngo'mbe mbili wanagongwa, nilipwe moja badala ya kuambiwa siwezi lipwa wote. Mnajua sisi ni wafugaji.

Ingene: Hapa Mwingi tunao MPs wawili; mmoja ni minister. Hii ni District kubwa sana. Kama wewe bwana mwenyekiti umeshaizunguka. Hatuwezi tukapatiwa MP wa west na tukapatiwa MP wa central na MP wa East? Kwa sasa tuna MP wa South na North, hatuna wa Central.

Sina mengi, yangu ni hayo. Asanteni.

Com. Bishop Njoroge: Tungetaka kumsikia W.Martha Simon.

W.Martha Simon: Asanteni. Jina langu ni Winny Martha Simon. Ningetaka kuuliza katiba, ikiwa itaweza, iturekebishie sisi wanawake maana tumeteswa sana na wanaume wetu waliotoroka manyumbani. Sana sana kurudi kwao ni kwa vishindo na hatujui ni wapi ambapo tutaweza kupeleka malalamiko yetu. Ningeomba katiba itafute amri au ichukue hatua kwa yeyote; awe mke au mume aliyetaka kurudi nyumbani na alikuwa ametoroka kwa miaka kadhaa, aje pole pole. La si hivyo, achuguliwe hatua kali.

Jambo la pili ningetaka ikiwa hawezi kija kwa utaratibu, hatua ichukuliwe na ikiwani kufungwa, afungwe afunzwe adabu ya kuingia nyumbani kwake. Hakatazwi kwake.

Jambo la pili: Sisi wanawake tumeonekana kama sio watu wa maana sana lakini kwa kuwa tumekaa manyumbani, tunajisikia kama sisi ndio wenye nyumba na tungetakasisi tunaokaa nyumbani pamoja na watoto, tuwe na uridhi wa mali yetu. Hata ikiwa mtoto yuko na miaka miwili, awe na uridhi na ardhi yake; hata ikiwa ni ya robo acre. Hiyo ni kuonyesha hatutaki kuweco na tofauti kati ya mtoto wa kike na yule wa kiume.

Jambo la tatu: Sisi wanawake tunaokaa nyumbani sana sana tuko mbali sana na maji, na barabara vile yalivyo sasa, hasa hizi zilizo na lami, tunateswa sana maana tunaona bumps tukifika town. Tunataka kila barabara ndogo ikitokea kwa main road tuwe na bumps ili zile gari zipunguze kasi na sisi na watoto wetu turudi barabarani kwa utaratibu.

Jambo la nne: Wakati wa njaa ukiingia, sisi kina mama tunateseka sana na tukioa, tunapatiwa chakula wakati wa malisho. Ile chakula ya msaada. Utaona tuing'ang'ana sisi na watoto, mama na hata wazee. Twataka tujue, hii haki ya chakula ya jikoni ni ya Mzee au ni ya mama watoto? Maana wazee wengine wakichukua hiyo chakula haifiki nyumbani. Twataka hiyo chakula iwe ikipeanwa kwa wanawake tupu na ikiwa ni mwa naume, awe hana bibi na hana mtu wa kuwashughulikia watoto wake.

(Laughter)

Jambo la tano: Sisi wanawake wa nyumbani, kazi yetu ni kulima. Hospitali tunapata kwa shida. Tukienda hospitali unaambiwa



ununue kadi, kuandikiwa ni pesa, dawa ni pesa, kumwona daktari pia ni pesa. Twataka katiba ituangalie vizuri. Je, tutakaa tukiteseka mpaka lini? Na ikiwa tutapumsika, tutapumsika mwaka gani? na ni wakati gani? Hivi sasa tunangoja kupumzika. Twajihisi tuko huru, lakini kulingana na tunavyoteseka, hatuhisi uhuru wetu. Tunajihisi tungali wafungwa.

Jambo la sita: Watoto wanatafuta kazi na ile kazi hawaipati. Je, ikiwa kuna msaada ya watoto hasa youth, awe msichana au mvulana, utolewe kwa kampuni au mfano wa jambo la kuwatafutia kazi ili wapate kazi maana wasipopata kazi, wengine watajipatia magonjwa ya zinaa, wengine wawe wezi na kila aina. Kwa hivyo wakiendelea hivyo tutawakosa watoto. Yule bwana anayekaa town akirudi nyumbani hatawakuta watoto. Kuna njaa na watoto wamekwenda kujitafutia na ni kwa ajili ya matatizo. Katiba ituangalie sisi kina mama ili tukae nyumbani kwa utaratibu na uvumilivu. Maneno yangu ni hayo. Asante.

**Com: Bishop Njoroge:** Asante sana mama. Hayo tumeyasikia na tumeyaandika. Karibu hapo kwa.... Tungetaka tumpate K. Dorcas. K. Dorcas yuko? Tumpate mama mwingine: Rose Mulungi. Unaitwa nani?

(Response Inaudible)

**Com. Bishop Njoroge:** Sijakuita na hauwezi kuleta kwa niaba ya mama. Mwache ajiseme. Ni bibi Yako?

**Rose Mulungi:** Hapana. Kwa jina naitwa Rose Mulyungi na nina maoni kuhusu katiba. La kwanza ni juu ya no discrimination: Kina mama, ingawa Section 22 of the Constitution forbids all forms of discrimination, often the law implicitly tends to allow the discrimination against women on the basis of sex. It has encouraged discriminatory laws dealing with property, land and child custody. That happens through many ways.

Kwa hivyo wakina mama tuna shida nyingi katika land. Hatuna jukumu sana kuihusu na kuna hii ambayo inaonekana ya kwamba kina mama wana haki katika uridhi. Kwa hivyo nasema ya kwanba hiyo kutofautisha itolewe. Katiba iwe inaweza kutuangalia sisi kama kina mama. Kusiwe kutofautisha kati ya kina mama na kina baba.

Ikiwa ni mume wangu na amekufa, uridhi ambao nimechiwa, niweze kuuridhi. Isiwe kwamba akisha kufa hao relatives wanaweza kunifukuza ili wairishi hiyo mali ya mume wangu. Kwa hivyo nasema no discrimination against women iangaliwe sana.

Kile kingine ni juu ya law: Kuna law Kenya but it has never answered our problems. Hii ni kusema ya kwamba katika kina mama, ikiwa nimekosewa na mume, kuna law. Naweza kwenda kotini na nikisema vile nimekosewa na mume wangu, ninarudishwa nyumbani, naambiwa nendeni mkazungumze nyumbani. Hiyo ni law, lakini kwa katiba ndiyo tunataka ikiwa ni wakina mama, kuwe na kitu ambacho chaweza ku-cover kina mama waweze kusikika. Ikiwa nimekosewa na mume wangu, nimepigwa au nimenyimwa haki zangu, katiba iweze kutuangalia.

Victims of justice: Nimekuwa nikiongea juu ya hayo. Many women are shocked to learn that the courts do not recognize their marriages and that their children too are not recognized after living with a man for many years and getting children with him. On this, women are deprived of their rightful inheritance by relatives of the deceased because they are not aware that they can inherit that property. Let the current constitution safeguard the women. Let it remove discrimination in politics, business and education. Asante.

**Com. Bishop Njoroge:** Asante mama. Ningetaka useme kama ukisema discrimination iondelewe katika politics, mimi najua wanawake hawakataswi kusimama katika uchaguzi wa wabunge, au wa councillors. Si ni Kwei?

**Dorcas:** Ni kweli.

**Com. Bishop Njoroge:** Lakini kwa vile hawana nguvu kuna vitu wananyimwa hata wakisimama. Sasa nilikuwa ninangojea useme tungetaka kina mama wawekewe viti vyao fulani katika bunge. Kama ni council, viti fulani kwa sababu msipotuambia mtakavyo, hatutaweka tufikiriavyo sisi.

**Dorcas:** Kusema hivyo ni kusema ya kwamba ikiwa ni katika politics, kusema ukweli hatuzuliwi lakini kuna vizuizi. Watu wengi wanatuona kina mama kama tuko disabled, hatuwezi kitu.

**Com. Bishop Njoroge:** Kwa hivyo katika bunge ungetaka kina mama watengewe viti vingapi?

**Dorcas:** Kwa sababu sisi ndio wengi, ikiwa kuna viti tuseme a hundred, tuwekewe viti kama fifty. Na hizo zingine tusizuiliwe ama kuonekana kama hatuwezi. Tuwe competitive.

**Com. Bishop Njoroge:** Thank you very much. Ronald Maluki? Karibu.

**Ronald Maluki:** Asante sana Commissioner. Yangu ni machache. Mimi ni Ronald Maluki kutika upande wa Nguni. Yale niko nayo ni juu ya wazee. Kile ningetaka kusema katika hii commission, mwanakenya yeyote akifikisha umri wa miaka sitini, ninaona ni heri apewe pesa ya uzeeni kwa sababu yeye ni mwanakenya na alipoanza kuwa mtu mzima, kama miaka kumi na minane hivi, alianza kutoa kodi ile labda inatakikana Kenya.

Kwa hivyo ile pesa yake yote ametoa, naona ni heri awe akipatiwa kitu akiwa mzee kwa sababu hiyo ndiyo inatufanya wengine wetu kuwa wakongwe sana.

Ingine ni katika bunge: Mbunge yeyote akichaguliwa na awe katika chama fulani, na akianguka katika katika chama chake,

akose kuingia katika bunge, ni lazima asiende katika upande mwingine, katika chama kingine. Akitaka kwenda chama kingine ni lazima arudi kwa waliomchagua halafu wamchague tena. Hiyo ndiyo inaleta makosa na inaleta taabu katika bunge. Hao ndio wale watu wabaya. Kwa hivyo mtu akianguka asiingie katika chama kingine bila idhini ya waliomchagua.

Namba tatu ningevaliza katiba, ile pesa itolewayo hospitalini, ile inaiwa cost shairing, hiyo tunaona ni pesa nyingi na ni taabu kwa mwananchi wa kawaida kwa sababu hana pesa ya kutoa na yeye ni mgonjwa. Kwa hivyo hiyo pesa ingeondolewa yote.

Jambo la nne ni juu ya ma chief: Ningetaka chiefs wote wachaguliwe na wananchi na wapewe transfers kama wafanyikazi wengine. Chief akifanya kazi katika area yake hawezi kuifanya vizuri kwa sababu ana mambo mengine. Kwa hivyo transfer ya chiefs lazima iwe.

Watotowetu wa shule: Katika karo ningevaliza ile pesa tunatoa katika karo, watoto wakifika ile kidato cha kwanza mpaka cha nne mpaka elimu ya juu, itolewe na mtoto akimaliza elimu ya juu aajiriwe na serikali ili alipe hiyo pesa.

Kile kingine ni juu ya vyama: Ningependelea vyama vyote viwe vikilipwa na pesa ya umma lakini hao watu wanaofanya kazi katika chama fulani waongeze kazi. Wawe wakilinda maslahi yetu. Sasa wanaona kazi yao kubwa ni kwenda huko na kuanza kutuchezea; hiyo yote inaleta taabu. Kwa hivyo wangesaidia katika kuleta ile pesa ya ng'ambo, wawe wakifanya progress katika nchi lakini sio kuteta na kusema hivi na vile. Labda hiyo maongozi si mazuri lakini kama wageleta pesa ya jambo fulani, hiyo ni sawa.

**Com. Bishop Njoroge:** La mwisho?

**Ronald Maluki:** Hilo ndilo lililo kuwa la mwisho. Asanteni sana.

**Com. Bishop Njoroge:** Josephine M. Kiema? Josphat M. Kiema. Cleophas Muthuko? Mathew Ngutu? Brian Maliti? Mathias Kathuka? Joseph Munyao? Joseph Musyoki? Paul Kalua? J. Musyoka? Paul Mwangangi? David Mulandi?

**David Mulandi:** Asante sana Commissioner. Mimi naitwa David Makilya Mulandi, mimi ni retired civil servant. La kwanza ninalotaka kuzungumzia kwa hii katiba yetu ni juu ya pensions. Umri wa kustaafu kwetu hapa Kenya ni miaka hamsini na mitanu na wakati mtu anafikisha hiyo fifty-five, anastaafu na pesa hapewi papo hapo. Anajaza forms na anaambiwa aangalie kule Nairobi.

Wazee wengine wanaotoka reserve hawajui Nairobi hivyo inawabidi waende wakitafuta tafuta pa kulala akifuata ile pesa yake. Anapata taabu kwa miaka mingi akifuata hizo pesa. Nina hiyo experience kwa sababu nimestaafu na nilifuata pesa zangu mpaka Nairobi. Mimi ningetaka serikali yetu, katika ikitengenezwa, ifanywe kwamba mtu akifikisha umri wa kustaafu, kabla

hajaenda nyumbani, apewe ile lumb sum yake aende nayo. Akienda huko hata akikaa siku chache, watu wake watabaki wakitumia hiyo pesa. Wengine wameshatuacha na pesa yao ingali Nairobi. Hilo ni la kwanza .

La pili: Tunaambiwa ya kwamba mtu akistaafu anasahaulika. Ukienda kama nchi ya Great Britain, wale watu waliostaafu wanajulikana hata serikali ina contact na wao. Wanatunswa, wanajulikana, wale hawajiwezi wanapewa msaada na serikali. Hiyo ni kitu kimoja kifikiwiwe katika katiba yetu.

Juu ya hiyo Pension wazee hupewa, wengine wanachukua pesa kidogo. Kwa maisha ya sasa, haiwezi kutoshelesha mahitaji ya waliostaafu. Katiba ikitengeneswa, ifikiwiwe iongeswe, wazee waongezewe na katiba itengeneswe in a manner that the pension is reviewed from time to time halafu inaongeswa kama vile wafanyikazi wengine wanavyofanyiwa.

Ya mwisho juu ya pension ni ile miaka tano unayoambiwa ukifariki mke wako apate hiyo pesa yako kwa miaka mitano. Ningeuliza katiba itengeneswe ionyeshe kwa sababu huyu bibi na bwana walikuwa wakifanya kazi. Bibi alikuwa akimvulia bwana nguo, wanafanya kazi pamoja. Bwana akienda ama bibi akienda, atakayebaki achukue pension for life so that those who worked for that money go away with that money and after their death, the pension can be stopped.

Ile ingine ni juu ya independence ya Judiciary: Koti ipewe nafasi ya kufanya kesi zake na kuamua bila kuingiliwa kwa sababu kuna kesi zingine zinaenda kotini, unasikia inatakiwa ifanywe namna hii, judge anaendalea na kesi lakini kesi yenyewe inaingiliwa hapo katikati. Kwa hivyo koti iwe independent na ifanye kesi zake ikiwa independent na iwachiwe jukumu ya kufanya cases.

Mimi nilikuwa mwana polisi. Ningetaka katiba hii itengeneswe iangalie mambo ya askari wa polisi. Kutoka cheo cha constable mpaka commissioner wapewe mshahara inayotoshelesha wakati huu ndiyo wawe na nidhamu ya kutosha na wawahudumie wananchi bila mapendeleo ama kupokea hongo.

Akiwa na hiyo mshahara mdogo, inamfanya awe tempted kwenda ku-solicit money kutoka kwa wananchi.

**Com. Bishop Njoroge:** I have taken that point so you do not have to explain because we all know and you have made a good point. Go to the next one.

**David Mulandi:** Thank you. Wafanyi Kazi wa serikali wote wawahudumie wananchi bila ubaguzi ama upendeleo na wafanye kazi ipasavyo.

La mwisho ni juu ya wazee wanaofanya cases za lands committee. Huko tunaona wakienda huko wanalipwa na wanaoleta hizo cases. Serikali ifikirie inavyoweza kuwafanyia; wapewe pesa na serikali ili wasiwaitishe wenye kuleta cases na walipwe na hiyo pesa iliyotengwa kwa sababu kutatokea mapendeleo wakiwaitisha wale wanaoleta cases. Wawe independent na wapewe pesa

kutoka mfuko wa serikali. Asante sana.

**Com. Bishop Njoroge:** Those are very good comments. Simon Musyimi? J.K Muvinga?

**J.K. Muvinga:** Asante sana bwana Commissioner. Kwa majina ni Councillor Jonathan Kitheka Muvinga, mimi ni area councilor na ni chairman wa Mwingi town council.

Bwana chairman, yangu ningezungumza kuhusu local governments au councils: Ningetaka Mayor au Council chairmen wachaguliwe na wananchi badala ya kuchaguliwa na councilors.

Pia ningeliza katiba inayotengenezwa sasa iwe na uwezo kwamba councilor walipwe kutoka the Consolidated Fund badala ya wao kulipwa kutoka kwa ile pesa ikusanywayo kutoka kwa wananchi. Pesa ikusanywayo kutoka kwa wananchi iende maendeleo ya sehemu hiyo maanake hawa councilors ni kama watu elected. MPs wako elected na wanalipwa kutoka kwenye consolidated fund na sisi tunalipwa na upande mwingine. Mbona tusiende laini moja na tulipwe na consolidated fund?

Lile lingine, bwana chairman, sisi hapa Mwingi tu wakulima na wafugaji. Tumesikia sana katika upande mwingine kama Central province ama Rift Valley, kuna Coffee Board, kuna Tea Board na kuna Boards mingi sana. Hapa Mwingi tuna ng'ombe wengi ambao wanaliwa kwenye miji mikubwa kama vile Nairobi, Mombasa, Kisumu lakini hatujakuwa na Board ya ku-control au kujua market price ya ng'ombe.

Mtu anamlisha ng'ombe wake kutoka izaliwe mpaka iwe kubwa halafu anaenda kuuza sokoni na hajui bei iliyoko Nairobi. Anaiuza kwa shilingi elfu nane na yule anayenunua anaenda kuiuza Nairobi kwa shilingi elfu ishirini na anafaidika kumzidi aliyelisha ng'ombe. Kwa hivyo tunetaka tuwe na board itakayoweza kusimamia mifugo yetu ili kienda kuuzwa wananchi wawe wakijua market price ili wakiuza, wauze wakijua market price.

Ya tatu: Sisi katika wilaya yetu tuna wabunge wawili. Tungetaka tuwe na mbunge wa Central na Mwingine wa Eastern. Tuna mbunge wa South na wa North na tungetaka tuwe na wabunge wanne.

Ya nne, bwana mwenye kiti, inaonekan ofisi ya Attorney General ipewe uwezo wa ku-scrutinize officer yeyote ama uwezo wa ku-scrutinize MP yeyote, ama Minister ama President wakati akiwa kwa kiti na kutokezee kosa lolote kabla ya kusema akitoka ndiyo anafuatwa. Hiyo ndiyo inawafanya wabunge wengine wapigania kufa na kupona wabakie wabunge maisha yao yote, ama President atake kuwa life President. Kama kutakuweko na prosecution kutoka kwa Attorney General, mtu akiwa kazini, akiwa officer, amekuwa scrutinized, aki-retire awe ni mtu free, hakutakuwa kukaa kwa kiti miaka mingi. Miaka kumi itakuwa inatoshwa na mtu anatoka akiwa free.

Mwenyekiti, lile lingine ni kwamba katiba ikitengenezwa sasa, Provinces iwe kama states like in other countries kama vile Canada. You know in Canada there are provinces as well as states ambako kila province iko na pesa ya kutoshelesha kufanya kazi katika Districti zilizoko katika hiyo Province hiyo. Kwa mfano, katika province au district yetu tuna madini; tuna cement, tuna gemstones, tuna mineral resources lakini hatuna pesa ya kuyatoa hayo madini. Eastern Province ingekuwa state, tungekuwa na state money ya Eastern province na tungeweza kutafuta madini ambayo ni nationa resources na watu wote wangeweza kupata kazi na economy ya Mwingi would be recovered.

Lile lingine, bwana chairman, ni kwamba sisi ndio tunaopanda green grams ya kutosha na tunapleka towns zote za Kenya ndio watu wakienda hata Kisumu wanapata green grams zinatoka Mwingi. Hii chakula yote, pamoja na mawele, pamoja na millet, ile inatumika kupika uji Nairobi, inatoka hapa kwetu lakini hakuna board yoyote. Tungetaka board ya hii chakula itakayokuwa inajua kuwa bei ya leo ni bei gani such that wakulima wakienda kuuza mazao yao wanapata faida.

**Com. Bishop Njoroge:** Hiyo nimepata bwana chairman. Nenda kwa point.

J.K. Muvinga: La mwisho bwana chairman ni pesa wanazopewa wajumbe. Kila mjumbe anapewa five million. Na wajumbe wakipewa hizo pesa, hawazisimamii, zinaenda katika ministry of works. Inasimamiwa na engineers. Mimi ni vice chairman katika District Road Board katika wilaya ya Mwingi. Tuna ten million ya MPs na twenty six million ya central government, ya barabara. Zile pesa za wajumbe tungeonelea ni vizuri councils zigawiwe na wajumbe wa-monitor wajue hizo pesa zinafanya kazi gani kuliko kumpa engineer peke yake, azitumie peke yake na hakuna barabara ichimbwayo na mjumbe ama minister yuko busy always, hawezi pata nafasi ya kujua. Ningeonelea Peza zenyewe zigawiwe councils ndipo mjumbe atakuwa na uwezo wa ku-monitor barabara manake mjumbe hana barabara, zote ni za councilors. Councillors wapewe hizo pesa na mjumbe aangalie kama zinafanya kazi iliyo tengewa. We would be developed if that happened in our area lakini watu wa works wakipewa, hakuna kitu kitaendelea. Hiyo katiba tungetaka ibanilishwe na iandikwe vizuri. Asante.

**Com. Bishop Njoroge:** Asante sana bwana mwenyekiti. Hayo maoni umeyatoa bila shaka itafika mahali inayofaa. Peana memorandum na uadikishe jina lako pale. Councillor Kitili? Josephat Kiama? Peter Mwenga? Samson? Campel Munyambo? Councillor Mutetu? Councillor Ben M. Munyenya? Charles M. Mbuku? Karibu.

**Charles Mbuku:** Thank you very much Mr. Commissioner. Kwa majina mimi ni Charles Mbuku kutoka -----? Location, Mwingi District, ----? Division na hapa ninawakilisha group yangu inayoitwa Muungano Junior Group. Kwa hivyo nitayasoma kulingana na vile tuliandika.

Kwanza: Katika constitution, watu wapewe nguvu, yaani power of the people and in powe of the people, tungependa constitution I-state these points.

Our constitution shall have preamble that addresses the spirit and the philosophy of Kenyans and their hope.

It shall give us (Kenyans) supreme power of our rulers who shall rule under constitutional regulations.

It shall recognize our ethical cultural values.

**Com. Bishop Njoroge:** You know you have very view minutes. We will read the document. Go to the necessary points that you think can help us because we will read your memorandum.

**Charles Mbuku:** Our constitution should be Supreme. That is, our constitution shall be superior to all other documents, rules, regulations and codes of conduct.

It shall also recognize our customary practices that preserve our culture.

Our constitution shall be easily available and it shall be written in a straight, clear, concise and simple language for ordinary Kenyans to understand. It shall be presented in all languages in Kenya.

The government: The constitution shall state how the government of Kenya shall be formed. Our constitution shall address a unitary government.

On the part of the executive, the President shall be the head of state and head of government and he shall be elected directly by the people and he shall be elected outside parliament. We want to say that the president should not be one of the members of parliament.

We also want the constitution to state that the president should not be immuned to prosecution at all levels.

The Parliament: In the constitution, the parliament shall be given supremacy, that is, it shall be a supreme body whose power of legislation belongs only and only to the parliament.

Electoral Commission: We propose that counting of ballots be done in the polling stations.

For the media, the constitution shall state freedom of the media, free from influence and harassment. The media shall be protected in the constitution.

We want the constitution to provide for free primary education.

For Provincial Administration, PCs, DCs and Dos shall be appointed by the government but Chiefs and Assistant Chiefs shall be elected directly by the people.

Finally, wealth and salaries: The president, ministers, MPs, civil leaders and all civil servants shall be paid through a consolidated fund and the constitution shall provide a constitutional office that shall control government employee's salaries.

Thank you very much.

**Com. Bishop Njoroge:** Thank you very much. Jedida Mukinya?

**Jedidah Mukinya:** Good Afternoon everybody? Nitasoma kwa haraka haraka kwa vile niko na points nyingi and I think you will go through them. Kwa hivyo mtanisamehe kule nitakosea. Hii ni memorandum ya Maendeleo ya Wanawake katika District. My names are Jedidah Mukinya, the District ---? Officer.

With us women in Mwingi District, the image of our women in text books and media should be corrected.

It is our proposal that leadership in regard to our women should be recognized from sub-locational to national level respectively without discrimination, especially in politics, business and education.

In terms of administration there is discrimination and it has a major negative effect both economically and socially. Indeed in the current constitution Kenya has been rendered poor by ignoring, isolating and discriminating against the largest section of her most economically active population which has resulted in women production becoming less than it should be because of inadequate support by men's production activities.

We also request that the Plans and Policies should be focused on men who are insensitive to social problems and Priorities of women domestic work agriculturally and we think that it should be notified nationally because there is a lot that women do in our republic regardless of our men.

It is our proposal that the future constitution should remove all the laws that discriminate against women from harmful practices especially sexual harrasment, exploitation, domestic violence and obstacles that hinder equal access to education and employment for our women.

In terms of widows, women inheritance has caused a big alarm countrywide due to epidemic diseases that are getting rid of our people especially HIV-Aids or normal circumstances and as a result of this, many of our widows are suffering.



The relatives get all the property, set back on the development of the family by either when the girls want to get married, the relatives may bar the process and in respect of that we request the future constitution to award us the permission to have full authority to steer our families. Kwa vile wengi ni competent hata tunawashinda wanaume wengine tuluonao. Kwa hivyo sioni sababu ya sisi kukataswa kumikiki mali ya wazee wetu wakifariki.

In terms of health: Women's health is important ----? Because the name of the family and the nation depends on the women countrywide. There should be priviledges and incentives aimed at raising interest in science subjects in both primary schools and secondary schools that will enable women to have professionals who will be appointed at managerial and decision making levels of the ministry of health. Expand-----? activities with primary health care with emphasis on effective appropriate linkages with secondary and tertiary health care.

There should also be appropriate ----? nutritional population health education to promote the poor urban and rural women. Priority should be given the handicapped and mentally retarded women in those areas.

We have living examples on our women who have been discriminated against nationwide and we know them. For example we know the case of Wambui Otieno, we know of Christine who when they divorced with the husband, the husband was given all the property and the children and she was not allocated anything and when the husband died she had to go through the court to obtain the maintenance of the children. So we think the future constitution will give us more powers on maintenance of the family and whatever. Thank you.

**Com. Bishop Njoroge:** Thank you very much mama. I agree with you fully. Now it seems that we have finished this list. Is there anybody there who has not talked and would like to come and give his views? Inaoneka wale tuliowaandika wote tumewamaliza kwa hivyo tutaanza na wewe.

**Stephen Gitemi:** I am Stephen Gitemi. I have got only three things to address.

There is something in the constitution that we call wages but according to the term that we have, it is not stated very well so I was suggested that we have living wages instead of wages.

The other thing is that in the constitution that we have, Kenyans were not educated fully and they started being educated this time when we are changing the constitution so I propose that Kenyans must be given civic education through and through.

The last point is that I don't see the use of Provincial administration and I am for scrabbing it all from PC to Assistant Chief because we normally see that most of corruption starts from those people. Thank you.

**Com. Bishop Njoroge:** Thank you very much. Titus M. Kitheka? Herman Katili? Come here.

**Herman Katutu:** Mimi ninaitwa Herman Katutu na niko na Maoni matatu.

Kwanza naongea juu ya yale miradi iliyo mali ya asili. Kwa mfano katika eneo hii kuna huu mto wa Tana ambao una-generate electricity na hiyo inalipwa pesa. Ninapendekeza kwamba mradi kama huo ama ule wa port, kuwachwe thirty percent ili iendeleze maendeleo katika eneo itokayo.

Langu la pili ni kwamba kuna gazette ya muhimu sana inayoitwa Kenya Gazette ambalo ni watu wachache sana ambao wameiona na ninapendekeza katika katiba iwekwe kama lazima hiyo gazeti iwekwe katika chief's office n iwekwe pesa kidogo sana, shillingi kama kumi ili kila mtu aweze kununua hilo gazeti.

Langu la tatu ni kuhusu elimu. Ninasema ya kwamba elimu ni muhimu sana na elimu iwe ni lazima kuanzia shule ya msingi, secondary na kuwe provision ya wale ambao hawajiwezi wakienda college na university, wasomeshe na katika ile pesa inalipwa ya Pay as You Earn, kutolewe kiasi kama twenty per cent iwekwe kwa provision ya kusimamia malipo yote ya elimu. Asante sana bwana mwenyekiti.

**Com. Bishop Njoroge:** Asante. Paul Mutunga: Naitwa Paul Mutunga na nina maoni ya kutoa. Kwanza nataka kuzungumzia urais. Katika katiba ijayo, tunahitaji Rais asiwe mbunge. Achaguliwe na watu wote lakini asiwe mbunge.

Awe mtu ambaye amesoma. Awe at least a graduate kiwango ya chini. Awe mtu aliye n integrity. Awe mtu ameo na awe na bibi yake kwa sababu the family is the basic unit of any society, awe mfano mwema.

Kile kingine nataka kusema inahusiana na worship ama religion. Utakuta ya kwamba katika katiba ya zamani kuna mahali wanazungumzia kwamba unaweza ku-express your worship or your conscience katika hali ya siri na hiyo ndiyo imeleta devil worship katika nchi hii. Ikiwa Kenya is a Christian country, inahitajika katika katiba ya sasa iwe stated that vizuri ya kwamba worship iwe public; kitu ambao kinaweza kueleweka lakini kusiwe na ibada zingine ambazo ni za siri kwa sababu hizo ndizo zinaleta shida

Kuwe na minister for religious affairs. Katiba ya sasa should state that. Yule atakayekuwa qualified in that field ili aweze kuwa ana detect cults na ----? ama zile vitu zinaweza kuwadhuru watu kupiitia kwa ibada. Napendekeza kuwa katiba ya sasa iweze kuweka mambo kama hayo.

Ninataka kuzungumzia mishahara: Unakuta ya kwamba katika mishahara ya wakenya, wengine hupewa mishahara mikubwa wengine midogo. Katiba ya sasa should state that kuwe na uniformity katika mishahara kwa sababu ukikuta kama Kenya

Police wanalipwa mshahara kidogo na hiyo ndiyo iletayo magendo kule barabarani na hiyo inasababisha ajali ya barabarani. Huyo mtu hana namna nyingine hali unakuta mtu mwingine anapokea mshahara in terms of thousands, fifty, hundred thousand lakini yule anapata elfu nne ama sita hivi na hii katiba ya sasa inahitaji kuwaangalia watu kaam hao.

Ile ingine ni criteria ya kuwaajiri watu kwa sababu unakuta watu wengi wasio na competence wameajiriwa katika wizara mbali mbali na kazi inakuja iaanguka. Sijui kama katiba ya sasa inaweza kuangalia; kuna watu geniuses katika nchi hii na unakuta ya kwamba we don't have a provision for the geniuses. Kile kiko ni theory lakini unakuta wale watu genius hawana any provision whereby they can exercise. Kuna watu wana werevu zaidi na wengi ni wendawazimu huku kwa hivyo katiba inahitaji ku-state how the geniuses should be treated.

Mwisho nataka kuzungumzia mambo ya Chiefs na Assistant Chiefs: Napendekeza katika katiba kwamba Assistant Chief awe at least a form four leaver kwa sababu tuko katika kizazi ambacho kimesoma hata hao wakiguzia masomo, awe anaelewa, na hata chief, the same na wawe wanapata training. Wale wengi tunao don't have the training and they make many mistakes when trying to administer. Kwa hivyo katiba ya sasa iwe chief awe na qualification zake, the training na ahitajiki kukaa katika ile hali kwa zaidi ya miaka kumi. Akizidi hapo aondoke na mwingine aingie.

Kile Kingine ni kwamba nchi ya ukambani ina maji mengi sana. Katiba inatakikana I-state vile maji inaweza kupatikana kwa sababu iko karibu sana. Ikiwa nchi kama Misri inaweza export pamba nzuri na inapata maji futi nyingi sana chini, hapa ukamba maji yako karibu sana kwa hivyo katiba I-state how we can get the availability of the water resources iliyoko, ichimbwe. Asante.

**Com. Bishop Njoroge:** Thank you very much for those very good points. Anna K.Musili?

**Anna K. Musili:** Asante sana. Kwa majin anaitwa Anna Kavata Musili na nilikuwa nafuata ile barua ilikuja hapa ---? Lakini niko na jambo moja iliyo katika hiyo barua. Langu ni kwamba watoto wa kike wawe wakipatiwa uridhi wa shamba kama wanaume na ni kwa sababu wanawake hata kama wamezalia kwa wazazi wao, wanakuwa hawana shamba la kulima lakini wanaume wanapatiwa mahali pa kulima. Maoni hii iko katika hiyo barua lakini niloonelea nitalisema nikiitwa mbele. Asanteni.

**Solomon Kitheka:** Thank you Mr. Commissioner, majina yangu ni Solomon Kitheka. Maoni yangu ni brief. Ya kwanza ni juu ya primary education: Kwa maoni yangu katika constitution primary education should be made free and compulsory to all. (gap)

Wale wa secondary wapatiwe loan hivyo watoto wa wale wazazi wasio na pesa wasome.

Point number three ni juu ya vote of no confidence on MPs and Councillors. The constitution should give a provision to the

electors so that they can cast a vote of no confidence on the sitting MP or Councillor ikiwa hafanyo kazi vizuri.

Maoni ya mne ni kwamba the President au anMp akijaribu to contest for a sit twicw, azuiwe katika constitution badala ya mtu kurudia karibu mara kumi ha hatoboi.

The the thing ni juu ya clerks na presiding officers wakati wa elections. Those people should be given a chance to vote because you find that the Electoral commission employs about a thousand of Kenyans wanaopelekwa different stations ambayo hawakuchukulia kura and as a result hizo kura zao zinapotea when they don't vote. That should be in the constitution.

Lile lingine ni constituency review: The constitution should check the limit of ten years in the constituency review because the current constitution states that the constituencies will be reviewed after ten years. So it should be open and should not consider the population only but other factors too. For example in Mwingi District we only have two constituencies while in other places we have more than five constituencies. So this should be open other than being based on the constitution.

The other thing is that the constitution should limit the number of political parties that we have in Kenya other than living it open for any party to register. I propose at least five.

After voting, the votes should be counted at the polling station because you find that a lot of things happen on the way from the polling station to the counting station. So the votes should be counted and announced at the polling station.

The elected president should not be an elected MP.

The other thing, which should be in the constitution, is that the government should pay graduates a certain amount after graduating so that it can encourage other students who are in the secondary schools.

Last but not least: The elector's or voter's card should not be based on the age of eighteen but should be open especially to those students who clear their K.C.S.E. because you find that somebody has cleared form four and because of the age limit he cannot get the elector's card. I propose that the elector's card should be given if you can produce a birth certificate or a K.C.S.E certificate. Thank you

**Com. Bishop Njoroge:** Mavindu Mutunga? Karibu.

**Mavindu Mutunga:** Thank you Mr. Chairman, my names are Mavindu Mutunga, I am a teacher. I would like to make proposals focusing on only four areas. The first one is on the prisons department: I would like it to be entrenched in the constitution that the rights of prisoners be respected or it be specifically stated in the constitution that only, for instance, four

prisoners should be put in one room, probably eight by ten feet, and that if the commissioner of prisons increases the number, he should be liable for prosecution so that we do not have congestion at any one time in prisons.

We should also have a smaller number of prisoners in remand prison, probably may be just two in a room that measures the same, so that they have at least their rights being reflected.

I would also like to focus my proposal on the education and specifically the boards of governors in secondary and primary schools. I feel that we should only have stakeholders sitting in the boards of governance in schools. People who are not parents or sponsors should not sit in those boards. Therefore I am specifically proposing that the schools that hav sponsors should have at least six parents sitting in boards of governors, the sponsors providing five members. That group should be able to co-opt at least three members for the purpose of gaining people with management skills.

In schools that do not attract sponsors, we should have at least sitting in that board of governors, the government being represented by the District commissioner and the DEO, attracting at least six members, local authorities too and any other person they might want to co-opt. Therefore the spirit of the education act or the constitution in that matter should be that we should not have people who are not stakeholders managing schools.

It should also be stated clearly in the constitution that private auditors and not the audit department of the ministry of education should audit school financial books. Therefore am proposing that the audit department of the ministry of education should be banned and audit reports infact should be posted in prominent areas such as the DCs office.

I would like also to give proposals in the area of the public service: People in the government payrolls are employed by only three employers namely; the public service commission, the Judicial service commission, the teachers service commission and the parliamentary service commission. I am proposing that the directorate of personnel management should be given a hand in hiring, promoting and firing people who are on the government payroll. We should not have the above commissions hiring, promoting, and firing employees without guidelines from the directorate of personnel management.

In this regard I am proposing that the role of the directorate of Personnel management should be enhanced and they should say how people are going to be hired, promoted and fired.

I should also give my views on the disciplining of people who are in the government payroll. The various employers in the government payroll, the ones I have just mentioned, do have disciplinary committees which have got a final say; once they decide to fire anybody, no one restricts them. We should have an appeals tribunal, which will have most members from the directorate of personnel management so that these people will not be able to discipline or hire anybody without guidance from

DPM.

Lastly I would like to give my views involving the provincial administration: I feel the provincial administration should be enhanced, not being done away with. Specifically I am proposing that DCs and PCs should be people with at least a Masters degree. Anybody who does not have that should not get anywhere near those offices.

I am also proposing, this is with respect, that it should be clearly stated in the constitution that anybody being appointed to be a PC or a DC, that appointment should be done in consultation with the private sector, probably the federation of Kenya employers or other such interested stakeholders. District officers should be people with at least a university degree and another postgraduate qualification and a Chief should be a person with at least a university degree. Thank you.

**Com. Zein:** Bwana Mutunga, when you say you are proposing that provincial administration should be enhanced, in what way?

**Mutunga:** I specifically have in mind the area of personnel; that we have people who are very well trained in administration.

**Com. Zein:** That is fine. Thank you. Please sign our register. Titus Kitheka? Herman Katuku? Paul Mutunga? You are Paul Mutunga? Sasa kulingana na list tuliokuwa tumepewa, mimi ni commissioner Abubakar Zein, kwa wale ambao wameingia nilipokua nimetoka walikuwa hawajafika, wa mwisho kabisa alikuwa ni Anne Musili ambaye alikuwa ashatoa memorandum yake. Kuna mtu yeyote ambaye yuko hapa angependa kutoa maoni na hajaitwa jina? Mzee tafadhali njoo mbele hapa, utaje majina yako, kwa sababu tunarekodi kila kitu, utaje majina yako na uanze kutoa maoni tafadhali.

**William Karimba:** Asante sana bwana commissioner. Jina langu ni William K. Karimba kutoka Memoni Division. Maoni yangu juu ya katiba ni mibango ya ardhi; kuhusu wale wazee wanaochaguliwa na chiefs ili wawapatanishe watu waliokosania mpaka. Maoni yao ni kwamba wawe wakichaguliwa na wananchi na wasiwe wametoka katika sub-location moja.

Kama location moja ina sub-locations nne, mtu achaguliwe na watu kutoka kila sub-location. Vile vile, ushaidi tunaotaka uwe ukitolewa na yule mtu mlikuwa mmepakana naye kwa mchanga, mpaka wa kawaida. Ikiwa wewe unalima hapa na mimi ninaluima hapa, ushahidi uwe ukitolewa na wale watu mlikuwa mnapakana nao lakini sio mtu wa kutika nje aje aseme wakati nilikuwa nikitembea nikiwa kijana nilikuwa ninaona fulani analima hapa. Sana sana shida hiyo iko upande ambao hakujafanywa survey.

Vile vile juu ya land, tungetaka mtu ambaye ameishi mahali kwa muda wa miaka kumi na hajauliswa na mtu mwingine, hapo iwe ni kwake. Amestawisha, amefanya kila kitu na mwingine akija aseme hapo ni kwake na haonyeshi kazi ambayo amefanya, hiyo ni unyakuzi.

Jambo lingine ni juu ya urithi. Mimi nimewazaa watoto wa kike pekee yao na kwa bahati mbaya mimi nimeodoka na bibi yangu ameodoka, wale watoto wangu hawajaolewa, wanaweza kurithi ule mchanga wangu nilikuwa nikilima bila matatizo yoyote. Kwa mila za kikamba zamani ilikuwa ikitenganisha hao watoto na baba na mama, wakawa hawana kitu chao. Kwa hivyo kwa katiba ya wakati huu, mtoto wa kike akiwa hajaolewa, arithi mali ya baba yake.

Juu ya shule ninayo maoni kidogo: Ningependa kusema kuhusu waalimu wakuu. Akiwandio kielelezo kwa watoto walio nyuma yake, akiwa amelewa, asiwe akienda shuleni maanake atawafunza wale watoto kuwa kulewa si kosa.

Vile vile katika administration ningependa kutoa maoni kusema ya kwamba kulingana na katiba ya KANU vile ilikuwa hapo mbeleni, chiefs walikuwa wanachaguliwa na wananchi kwa mlolongo, hata manaibu wao. Kwa hivyo tungependelea ili wawaheshimu wale watu waliowachagua, wawe wakichaguliwa na wananchi. Wale wanaosimama kuchaguliwa wawe wamefika form four na wamehitimu.

Vile vile nilikuwa na maoni kuhusu viongozi wa chama; wale wanoitwa chairmen wa vyama vyote, ikiwa ni KANU, DP, wawe wakipatiwa allowance maanake wanafanya kazi bure bila kupatiwa chochote. Wakati watu walikuwa wanaanza kutafuta uhuru tulikuwa tunafikiria kutakuwa na kitu lakini wakati huu tumeshajenga serikali na tumefanya mambo mengi, watu hao wapewe allowance ili wawe na moyo ya kuendelea nakazi yao. Asanteni sana, hayo ndiyo maoni yangu.

**Com. Zein:** Asante sana mzee. Tafadhali nenda uandike jina lako pale kwenye register halafu tuendele. Kuna mtu mwingine yeyote ambaye alikuwa anataka kutoa maoni na hakupata fursa ya kutoa maoni? Karibu, utaje jina lako, halafu uendele. Kuna mwingine yeyote ambaye angependa kutoa maoni yake na hajafikiwa? Songea hapa. Wale ambao wanataka kutoa maoni wasongee hapa mbele ndiyo tuendele haraka haraka.

**Patrick Kitonge:** My names are Patrick Kitonge. Most of what I wanted to say has been said but I will try to stress on the political parties. I think that political parties should be limited by the constitution so that we don't have a myriad of political parties.

If a leader plans to form another party, this party should be formed on the basis of ideology; ideological considerations so that the registrar will not register a party if the ideologies of that party resemble those of another. That person should go and join the party with the same ideologies. There should be three to five political Parties.

On the issue of defection of members from one party to another: If a member is elected to parliament and he or she defects, his/her membership should be disqualified so hee/she will not run in the subsequent by-election and he/she should be made to meet the costs of the by- election he has occasioned.

The other thing is on the presidency: I agree with the current constitution that the president should run for two five-year terms but my view is that the president being a person should not be above the law; he should be under the law so that in case of any misconduct or any lawlessness, he be prosecuted.

In the area of the Vice-Presidency, my view is that the people should elect the Vice-president so that we can give his office some comfort, so that he becomes assertive, not just----? .

In the case of ministers, they should be appointed by the president but they should be vetted by parliament for competence so that we have competent ministers in their ministries so that this idea of finding a medical doctor being made the minister for public works and so forth fades.

The other thing is on the nomination of members to parliament and to councils: Those members to be nominated should come from interest groups for example the disabled should be in charge there, Professional bodies like the certified public accountants, the law society of Kenya, business people, so that you don't just nominate somebody because he is your friend, they must be from some interest group.

On the Public service, my view is that the appointment of Public service officers should be based purely on merit and not on the tribal or political patronage. It should be purely merit.

We would like to have a union for the public servants so that we can be channeling our grievances through this union because there are cases where public servants are being harassed because they are not singing the tune of the power. So we should have a union so that we can be channeling our grievances to that union.

On the constitution: We have come to talk about the constitution but you find that many people are not aware of the constitution, they are ignorant. I propose that constitution lessons should be introduced in learning institutions so that the Kenyan people will be aware of their constitution and their rights. That is all.

**Com. Zein:** Thank you very much. Please sign our register. Please come forward and give your name. Is there anybody else who has not had a chance and needs to be given a chance to speak to make presentations to the commission? Kuna mtu yeyete ambaye hajatoa maoni na anataka kutoa maoni? Aje hapa mbele mara moja ili huyu bwana akimaliza aendelee.

**Peter Mutemi:** Thank you very much Mr. Commissioner. My name is Peter Mutemi and I would like to give views in regard to our new constitution. I would like to start with the executive.



We are all aware of the executive, the judiciary and the legislature and I will start with the executive. We know that the head of state is the chairman of the executive and so I propose that the constitution should be made in a way that the sitting President or Prime Minister should not be above the law. He should be questionable.

But then I propose also that after he retires, his security should be guaranteed because I don't see why he should be followed if he was not followed while in office. One is sacked while at work, no one is sacked after he has left work. It should be made in such a way that when one is retired from being a President or Prime Minister (I am for prime minister as well) his security should be guaranteed.

Secondly on the executive is that once a Bill is passed, by parliament, and is waiting for ascent to be law, there should be some clauses in the constitution which guarantee that some the Bills, if there is something amiss somewhere, should be referred back to the people. There should be a clause that guarantees public opinion that if people outside hear that that Bill might be of any harm, there should be a clause that empowers the wananchi for the reverse of the Bill.

About the legislature: I would join this along with the local council. I will start with the local council that everyone who aspires to be a councilor should have at least form four level of education because there are some things that wananchi would like articulated but those that are not learned cannot articulate them.

About whoever wants to be a Mayor of Chairman that should be left with the councilors. Councillors will know whoever can lead them from one who cannot, regardless of whether they are educated or not.

About the Judiciary: When the judicial commission proposes who should be what, those people should be vetted by parliament before they are announced because parliamentarians are representative of people so they should be in a position to vet them.

Finally ni mambo ya urithi, something to do with inheritance: We are so many cultures, dialects in Kenya and some of these things to do with inheritance is governed by cultural behavior of a particular tribe. I propose that a law be made in such a way that it will only be overseeing the implementation of a particular culture in a particular given tribe not the law saying that we are all Kenyan so there is this and this and this. There should be room for cultural growth. Thank you.

**Com. Zein:** (gap) utaje jina lako, uanze kutoa maoni, kama wenzako tunakupa dakika tano ufanye kwa point form, halafu tuendelee. Kuna mwingine huko anataka kutoa maoni huko hajafikiwa? Hakuna.

**Daniel Kithome:** Asanteni sana kwa kufika hapa. Kwa majina naitwa Daniel Kathina Kithome. Mimi niko na machache ya kusema kuhusu katiba. Cha kwanza ningependa kuuliza kama hii katiba tunayoendelea kutengeneza itakuwa kwa libraries ili

tuwe tukiisoma tukitaka kujua mambo ya sheria ambayo tumepitisha? Hii ni kwa sababu ile katiba tunasema hatuitaki hatujui iliko, na hakuna mmoja wetu amewahi kuiona hata siku moja. Kwa hivyo tunauliza kama inawezekana ipitishwe ya kwamba tunataka kujua na tuisome.

Cha pili ni juu ya majimbo: Kwa upande wangu sitaki Majimbo Kenya kwa sababu tuko na shida in that certain provinces hayajakua yaweze kukaa kimajimbo.

Cha tatu ni juu ya land grievances; shida ya land: Shida hiyo ya mipaka inaletwa sana na Chiefs na sub-chiefs. Kwa hivyo tunauliza kama inawezekana chiefs wawe ni watu wa kwenda transfer kwa sababu wao ni wafanyi kazi wa serikali kwa hivyo wanapaswa wawe ni wa kwenda transfer, tuletewe wengine ili tuone kama hii shida ya mipaka itaisha.

Kile kingine ni mambo ya Councillors: Tunauliza kama inawezekana, hii katiba itie sheria kwamba kama mtu anataka kuwa councilor, awe ni mtu wa form four and above but not below that.

Kile kingine tunajua kuko na ofisi tatu; Parliament, Judiciary na executive. Kila ofisi iwe inajisimamia sio mtu mmoja kuyatawala ofisi zote.

Kile kingine ni mambo ya President: President asiwe above the law.

(Inaudible Interjection)

**Daniel Kasina:** Nikirudi nyuma kidogo ni kusema kwamba kila ofisi, kama ni Judge, awe na uhuru ya kufanya kazi ofisini mwake bila kuingiliwa na wengine.

(Inaudible Interjection)

**Daniel Kanina:** Ndiyo. Ninakomea hapo, sina mengi.

**Com: Zein:** Asante sana. Nenda pale uandike register. Haiya. Kwa vile watu wote wameshaondoka, tungependa tu kutoa shukrani za mwisho. Kwanza ningependa kuwashukuru wakaaji wa hapa kwa kuja kutoa maoni, kuwashukuru mwenyekiti wa kamati na wanakamati wake kwa kazi muhimu mliyofanya ya kurahisisha kazi hii yetu na watu kuja kutoa maoni yao.

Napenda kuwashukuru pia wafanyi kazi wa tume kwa kazi nzuri waliyoifanya kwa bidii na mwisho kabisa ni kukifunga kikao hiki na kusema kikao hiki cha kupokea maoni ya wakenya ili kubadilisha katiba kimefungwa rasmi.

