

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS

MWINGI SOUTH CONSTITUENCY,

NUU SECONDARY SCHOOL HEARINGS

ON

TUESDAY, 4TH JUNE, 2002

CONSTITUENCY PUBLIC HEARINGS, MWINGI SOUTH CONSTITUENCY, NUU SECONDARY SCHOOL
HEARINGS HELD ON TUESDAY, 4TH JUNE, 2002

Present

Com. John Mutakha Kangu - Chairing
Com. Prof. A. Idha Salim

Secretariat in Attendance

Treza Apondi - Programme Officer
Metrine Wakhungu - Asst. Programme Officer
Lydia - Verbatim Recorder
E. Musaki Musyoka - District co-ordinator

Meeting started at 10.15 a.m. with Com. Mutaha Kangu in the chair.

Musaki Musyoka: Good morning, Ladies and Gentlemen. Sasa, tutaanza shughuli za siku ya leo, na kwanza, tutaanza na maombi. Tafadhali, mmoja wenu atuombee.

Mutinda David: Na tuombe. Baba katika jina la Yesu, tunakushukuru kwa siku ya leo. Tuna shukrani kwa vile umeleta hawa wageni wa Tume ya marekebisho ya Katiba yetu ya Kenya. Tuna hakika ya kwamba, yote ambayo tutakayosema hii leo, yatakuwa yameongozwa na wewe. Mungu tuongoze katika mambo yote ambayo tunafanya leo. Katika jina la Yesu ninaomba na kuamini. Amen.

Musaki Musyoka: Asante Pastor. Sasa, asubuhi ya leo, tuko na Commissioners wetu wawili ambao wametutembelea hapa kuchukua maoni yetu. Na ma-Commissioners hawa, wanaongozwa na Commissioner Vice Chairman wa Commission Prof. Idha Salim, akiandamana na Commissioner Mutakha Kangu, hawa wako hapa mbele. Na wao, wanaandamana na officers wa Tume ambao wanafanya kazi na wao, wale munaona hapa mbele yenu, ikiwa ni Treza Apondi – pande ile, na Metrine Wakhungu, na Lydia Moraa. Hawa ndio officers kutoka kwa Tume ya urekebishaji wa Katiba ambao wamekuja kuchukua maoni yenu.

Kwa hivyo, nitamuuliza Com. Kangu kwanza awasalimie kabla hatujaendelea sana. Kwa hivyo, Bwana Kangu.

Com. Kangu: Watu wa Mwingi South Nuu, nawasalimu, hamjambo?

Response: Hatujambo.

Com. Kangu: Na vile mumelezwa, mimi naitwa Mutakha Kangu, mimi ni mmoja wa ma-Commissioners, na kwa leo, mimi ndiye nitakuwa Mwenyekiti wa kikao cha leo. Na niko na mwenzangu, Com. Prof. Idha Salim, aliye pia mmoja wa Naibu wa Mwenyekiti wa Commission, na nitampatia nafasi awasalimu kidogo kabla hatujaanza.

Com. Salim: Amjamboni nyote?

Response: Hatujambo.

Com. Salim: Mimi nimefurahi sana, nikiwa hapa na mwenzangu kuja kuwasalimia kakika eneo hili la Nuu. Na pili, kuwaambia kwamba tuna furaha ya kuwa tumepata nafasi hii ya kuja kupokea maoni yenu kuhusu Katiba. Mimi na mwenzangu, ninawambia kwamba, kazi hii ni muhimu sana kwetu zote, na watoto wetu. Na kwa hivyo tutaraji kwamba tumepata elimu ya kutosha, ya civic education, elimu raia, kuweza kutupa maoni yenu juu ya mambo tofauti, tofauti, yanayohusu maisha yetu, ya ki-uchumi, ki-siasa na ki-jamii. Kwa hivyo, tunataraji kupata maoni yenu kwa wingi hivi leo. Asanteni.

Com. Kangu: Now, ninataka niseme kwamba, mradi wa leo ni wa watu wa Nuu kupeana maoni kwa Tume ya Kurekebisha Katiba. Leo, hatukukuja hapa, tuwaeleze mambo, tulikuja tuwasikize, mokitueleza vile mungependea Katiba irekebishwe. So, kazi ya kuzungumza leo iko upande wenu. Na kama hatujaanza, kuna mambo inahusu utaratibu tunafuata, tungependelea tuwajulishe, ndio tukianza, muwe munajua tunatoka wapi na tunaelekea wapi.

Jambo la kwanza ni kwamba, kuna njia ama maoni tunapokea kutoka kwa watu aina tatu. Kwanza, ni kwamba,

unawezapeana maoni yako binafsi as an individual. Ya pili, unawezapeana maoni kama mtu anawakilisha kikundi chenye kimeandikishwa ki-sheria na useme unasimamia hicho kikundi – representing a registered group. Ama, unaweza kuwa unasimamia kikundi chenye hakijaandikishwa popote hata hayo tutakubali, isipokuwa tu utueleze mimi natoa maoni kwa niaba yangu na kwa niaba ya kikundi fulani. Tutachukua hayo maoni.

Maoni yenyewe tena, kuna utaratibu ya kuichukua. Unaweza kutuletea maandishi, yaani written memorandum, kama maoni yako ama maoni ya ile group yenye una-represent na uwe hautaki kuongeza lolote.

Namna ya pili ni kwamba, unaweza kuwa na maandishi, na useme unataka kuelezea hayo maandishi – ku-highlight mambo muhimu muhimu (kumulika mambo muhimu muhimu) kwa ile maandishi umetengeneza. Tutakupatia nafasi, upeane hiyo maelezo na pia upeane hiyo maandishi yako, utuwache nayo, tutaenda kusema.

Na mwisho, unaweza kuwa hauna maandishi yeyote. Unataka tu kusimama mbele yetu na uzungumze ki-mdomo. Ueleze yale uko nayo (oral submission). Tutakusikiza na tutaandika yale unasema, na pia tunanasa katika hii mitambo ya kunasa sauti, ndiyo baadaye tukitaka kurudia tusikie ulisema namna gani, tuweze kupata nafasi kufanya hivyo. Hizo njia tatu, ndio tunafuata.

Ikiwa unatupatia maandishi na hautaki kuongezea lolote, na uko na shughuli zingine unataka kuenda, hakuna haja ukae hapa unangoja, wakati gani utaitwa. Unaweza kuja pole pole, unapeana maandishi yako pale, unaandikisha jina, unaweka sahihi, na pole, unatoka unaenda shughuli zako. Ikiwa una maandishi unataka kuelezea, tutakupatia dakika tano ya kuelezea hayo maandishi yako, na mara mara, kulingana na wingi wa watu, huwa hatutaki uanze kutosomea jambo kwa jambo, usome hayo maandishi yako vizuri. Tunasema umulike yale ya muhimu, kwa sababu, sisi wenyewe tutasoma. Yale unaweza fanya kwa dakika tano, unamaliza, unapeana maandishi.

Ikiwa hauna maandishi, unataka kuzungumza kwa mdomo, nitakupatia dakika kumi, uelezee yale uko nayo, proposal na recommendation ungependelea kupeana ndio tujue ni namna gani. Tufuatilie hiyo utaratibu ndio tuende sawa sawa.

Jambo lingine, ni kwamba, lugha ya kuchukua maoni mbele ya Commission, tunaruhusu mtu kutumia lugha ya Kingereza, lugha ya Kiswahili, na hata lugha ya ki-nyumbani. Kama unataka kuzungumza Kikamba, tutakubali, lakini, wakati unapeana jina lako pale ukiingia, useme mimi nitazungumza Kikamba, ndio tutayarishe yule atatafsiri, tuelewe unasema namna gani. Hiyo, ndiyo tunafanya, na utupatie hiyo nafasi. Hatutaki mtu aseme, ningeruhusiwa kuzungumza kule na Kikamba, pengine ningezungumza sawa sawa. Utakuwa na nafasi ukitaka, unene ile Kikamba yako mzuri na tutatafsiri tuelewe unasema nini.

Now, huo ndio utaratibu tunataka tufuate. Ukimaliza kupeana maoni, una-register pale tena, unaingiza jina lako, na kupeana details fulani utaulizwa hapo, na kuweka sahihi, ndio tujue, wakati tulikuwa Nuu, watu waliingia mia moja ama kiasi fulani, lakini

ni watu kiasi fulani walizungumza, na majina yao tunaweza kupata, waliweka sahihi kabisa.

So, tutaanza, na tunafuata utaratibu ya ile list inatoka pale. Tunaita majina, vile watu wameingia. Wakati unakuja mbele yetu kuzungumza, sababu tunataka kunasa maneno unasema kwa hii machine, uanze na kutaja jina lako. Hata kama nimeita jina, tena utataja mimi ni fulani fulani, ndio hilo jina hata nalo lichukuliwe kwa hii machine, wakati tutakuwa tunazikiza, tunajua, huyo ni fulani anazungumza.

So, tutaanza na yule anaitwa Ben M. Mulatia. Ametoka. Basi tupate, Mutinda David.

David Mutinda: Asante sana. Mimi naitwa David Mutinda, na ingawaje nimechangia kwa hii Catholic Justice and Peace, niko na maoni ya kuongezea ki binafsi. Na niko na mambo matatu ambayo ningetaka kupeana.

Kwanza kabisa, kuna hizi appointment za Judges, za Attorney General na PS (Permanent Secretaries). Naonelea, kwa sababu hizo ni kazi muhimu, ziwe hizo appointments zinafanywa na tume maalum. Na baada ya hiyo tume maalum kufanya hizo appointments, inapeleka Bunge, nayo Bunge inajadiliana juu ya hizo appointments, na baadaye, zinapelekewa Raisi anaweke sahihi ama kidole na kazi inaendelea. Badala ya mtu mmoja kama Raisi kufanya kazi kubwa kama hiyo.

Jambo lile lingine, ni kuhusu sehemu ya Raisi kuwa Mbunge. Nikutatiza mipango ya utawala kumfanya Raisi awe Mbunge, kwa sababu, hatakuwa na nafasi ya kufanya kazi kama Mbunge na ya kufanya kazi kama Raisi wa Taifa. Na huenda akatatizika, ni kama amewekwa katika njia ya panda iliyomutatiza fisi.

Ile ingine, ni appointment za Mawaziri. Mawaziri wasiwe Wabunge, kwa sababu wakiwa Wabunge, pia, wanakuwa na matatizo, kwa sababu kuna sehemu ya ki-Bunge ya kufanya, na sehemu ya ki-Waziri kufanya, na hivyo basi, wanatatizika. Ni vizuri wawe wanatolewa nje ya Bunge kama vile wanavyofanya huku Marekani. Na hivyo, hakuna haja ya Mawaziri kuchukuliwa kutoka Bunge. Wachukuliwe wataalamu kutoka nje ya Bunge ambao, na wafanyiwe hivyo na Tume pia maalum, na baadaye (samahani kidogo). Wasichukuliwe na Tume. Wafanyiwe appointment na Raisi, lakini Bunge idhinisha – Bunge i-approve ama ikubali ya kwamba ni sawa sawa. Kwa hivyo, sina mengi ya kuongezea, ingawaje ningekuwa na nafasi ningesema, mambo hii ya Tume imeenda pole pole na tungetaka iwe ya haraka haraka ili tujenge hii Katiba yetu. Asante sana.

Com. Kangu: Thank you very much. Utaweka sahihi pale. Na sasa tupate Abdalla Juma.

Abdalla Juma: Tunashkuru sana. Jina langu naitwa Abdalla Juma (inaudible). Nashkuru Tume hii ya kurekebisha Katiba, wenye wametutembelea siku ya leo. Ingawache nilikuwa tu, ninataka kuyachangia kidogo, nikasikia kama mwenzangu ameichangia kulingana na vile nilikuwa napendelea kuichangia.

Com. Kangu: Kama mwingine amesema, na wewe pia unataka kusema, sema tu. Kama watu wamekuwa wengi ndio tutaweza kusema, usirudie yale wengine wamesema.

Abdalla Juma: Maoni yangu ni kwamba:-

Ni kwamba tunayo matatizo inayotutatiza kulingana na uongozi vile ulivyo katika nchi yetu, na huu uongozi, unatokana na nguvu nyingi zilipopewa mtu mmoja. Nguvu hizo zimetutatiza, zimetatiza nchi nzima na wananchi pia. zimetatiza hata watumishi wa umma, maanake, wamenyanganywa hata nafasi zao za kufanyia kazi. Na wafanyi kazi wa umma waliponyanganywa hizi nafasi zao, ama nguvu za kufanya kazi, pia wananchi wakatatizika, maanake, hawatumikii wananchi kulingana na vile ingetakikana ama kujitoa. Hizo nguvu, zingepatiwa tume ile ya kuajiri wafanyi kazi. Nao pia, wawe na nafasi ya kuwashughulikia zaidi, ndio wafanyi kazi wa serikali wawe na moyo, sababu wamevunjika moyo, kwa vile wangeendesha kazi yao. Hawana nafasi, na hawaendeshi kulingana na vile inatakikana.

Hivyo basi ni maoni yangu, kama inawezekana, nguvu hizi zipunguzwe kwa njia hizi ama nyingine, kwamba kama ni upande wa kuajiri wafanyi kazi wa serikali, iachiwe tume tu, ya kuajiri wafanyi kazi.

Ikiwa ni ma-Judge, ama wawe ni ma-Waziri, iwe ni upande wa Police, kama ni upande wa Jeshi letu, iwe kuna kiongozi, bila kuwa ni mmoja tu, ndio kiongozi wa hizo kundi zote. Tunaonelea nchi yetu haingekuwa na matatizo chungu nzima vile ilivyo. Hivyo basi, ningeshukuru sana, kama, ingewezekana, maoni yangu, yatiliwe maanani, ingekuwa vizuri sana, ingekuwa jambo nzuri.

Pia, ningelalamikia Tume kidogo, kwa kuwa naona, maoni yangu inajivuta sana, ingawaje ina pingamizi. Ina pingamizi, tunayaona, tumeyajua, tunaelewa vizuri sana. Kuna watu hawataki Katiba igeuzwe. Na wamekuwa vikwazo kwa Tume ya Kurekebisha Katiba. Hivyo basi, kama ingewezekana, nayo pia Tume ijikaze, ili waokoe jahazi hili. Wananchi wameumia na nchi nzima. Kwa hivyo, nao pia wajitoe, wakijua kwamba, wanashughulikia wananchi na nchi yao kwa jumla. Hivyo basi, ni maoni yangu, na nafikiri kwamba watanichukulia na kuitilia maanani. Nashukuru, Mungu awasaidie.

Com. Kangu: Ngoja, nilisahau kueleza, baada ya kueleza maoni, tunawezauliza wewe swali moja, mbili, ya kufafanua. Sasa mwenzangu ako na swali.

Com. Salim: Bwana Abdullahi, asante kwa maoni yako, ni wazi, ila tu jambo moja sikulifahamu vizuri. Umesema kwamba, wafanyi kazi wa serikali wachaguliwe na Tume. Tume hii ambayo ilioko hivi sasa, sio? Public Service Commission.

Abdalla Juma: Ndio.

Com. Salim: Sawa. Na wale wengine uliwataja ma-Judge, na kadhalika, wachaguliwe na nani?

Abdalla Juma: Wachaguliwe na Tume nyingine maalum.

Com. Salim: Tume nyingine, maalum.

Abdalla Juma: Kama ikiwa itawezekana, hiyo hiyo tu ya kuajiri watumishi wa umma. Ikiwa itakuwa inapewa masharti nzuri ya kuwashughulikia. Bora iwe kuna tume ile iko tofauti na jambo hili la kufanya kutumikia mtu mmoja tu – kuwaajiri ama kuwateua.

Com. Kangu: Basi tupate Munyoki Mutisya.

Munyoki Mutisya: Asante sana kwa ili Tume limefika pande Nuu, kwa kuja kukusanya maoni ya kurekebisha Katiba inayohusu nchi yetu ya Kenya. Kwanza, jina langu naitwa Munyoki Mutisya.

Kitu cha kwanza ningetaka kuchangia mjadala wa kurekebisha Katiba yetu ya Kenya ni kitu kimoja. Waziri hafai kuchaguliwa na Raisi. Kwa sababu, huyu Waziri atakapochaguliwa na Raisi, hataweza kufanya jukumu inayotakikana na wananchi, kwa sababu kuna kwingine ambapo atakuwa anatatizika, na kwingine atakuwa akifanya kazi nusu. Hawezi kufanya kazi vile inavyositahili kulingana na vile wananchi wanataka hiyo kazi ifanywe.

Com. Salim: Sasa, achaguliwe na nani?

Munyoki Mutisya: Inafaa achaguliwe na tume maalum fulani, ambayo itakuwa inashughulikia watu kama wale, kwa maoni yangu.

Ya pili, kuna watu wengine, mimi naona, na wao hawafai kuwa mahali pale ambapo wako sasa. Kuna watu kama hii Idara ya Administration, kama ma-chiefs, sub-chiefs na utawala wa Mkoa. Pale, kuna kitu kimetatiza wananchi, wananchi wamekuwa hawafanyi kazi yao ipasavyo, kwa sababu ya ile Idara. Ile Idara ile, imekuwa kama kikwazo cha kuwa wananchi hawawezi kupiga kura zao ipasavyo, kwa sababu ya wale watu.

Com. Salim: Ungependelea mapendekezo gani?

Munyoki Mutisya: Ningependelea, wale watu, kwa sababu ndio wamefanya vikwazo viwe pale, wawe hawako, kwa sababu wale ndio wamefanya watu wakipiga kura zao, wanakuwa vikwazo, kwa kuwa, wananchi hawawezi kupiga kura zao vilivyo. Hii ni kwa sababu, wananchi wanafanya kazi yao kuchagua Wabunge, kuchagua ma-councillors, wale wanawataka na

wanawaelewa kuwa ni wazuri. Lakini, sasa ukitaka kupiga kura na unafika kule, wanaenda kuambiwa mimi nataka fulani na kama fulani hayuko pale, wewe sikia.

Com. Salim: Ile kitu hutaki ni chiefs na sub-chiefs, na mkubwa wa Mkoa?

Munyoki Mutisya: Ndio.

Com. Salim: Wote hawa waondolewe?

Munyoki Mutisya: Ndio.

Com. Salim: Badili yao?

Munyoki Mutisya: Badili yao, iwe Police. Kwa hivyo, hiyo ndiyo maoni yangu. Asante.

Com. Kangu: Asante basi Bwana Mutisya. Andikisha pale. Tupate Dominic Mulunzia? Hayuko. Peninah Kula.

Peninah Kula: Asanteni nyote. Najua muko wazima. Niliingia nikipata kusikia ya kwamba...

Com. Salim: Tafadhali Peninah, anza na jina lako.

Peninah Kula: Jina langu ni Peninah Kula. Ninafanya kazi na office ya Nuu Christian Community Development Project, kwa muda tu. Nimepata kusikia kwamba hii kikao ni juu ya Constitution, na nikasikia unaweza kuingia ukasikiza, ama unaweza kutoa maoni. Kwa hivyo, ni open, na nikapata kuingia. Basi si kuwa na jambo ningeweza kusema, lakini nikiwa nimeketi, nimesikia, ninaweza kusema kitu, kama inawezekana. Kwa hivyo, kwa maana tunajaadiliana, na kama ninaelewa, Constitution ni law na principles as said.

Ningeweza kusema juu ya education na employment. Kuna wakati mwingine ninasikia kuna pengine watu, wameajiriwa na wanalipwa mshahara mkubwa sana, na kuna wengine ambao ni educated, wengine ni graduates, na wengine wameenda colleges, hivi hivo. Kwa sababu hao wameajiriwa, wanalipwa mshahara mwingi, pengine, na kuna wengine ambao ni educated na hawajaajiriwa. Kwa hivyo ningepuliza, kama inawezekana, hawa wanaweza kugawia wengine, ama malipo ya hawa ipunguzwe ndio wale wengine educated wapate nafasi ya employment. Ndio wasi-discourage wale wengine kusoma, kwa sababu, wakiona umesoma na umekaa tu, watoto wale wengine wataona kisomo haina maana, na wanaweza kukaa. Kwa hivyo, wale ambao wako katika ma-kazi, wakitoka, wale wako nyuma watafanya nini na wameona masomo hayana maana. Kwa hivyo ningeweza kusema hayo, kama inaweza kusaidia, tusaidiane tujenge nchi yetu.

Com. Kangu: Umemaliza, eeh?

Peninah Kula: Ndio.

Com. Kangu: Haya, sawa sawa. Na Simon Muthui? Hayuko. Ndili Nzoka.

Ndili Nzoka: Jina langu ni Ndili Nzoka. Kwa hivyo nazungumza chache, yangu si mengi.

Ya kwamba, wakati wa zamani, wakati wa kikoloni, serikali hiyo ya kikoloni ilikuwa na ma-chiefs na ikawa na kama DO ama DC. Kwa hivyo, kwa kweli, watu wengi wakisema, hawa watu waondolewe, kwetu itakuwa ni taabu. Kwa sababu, wakati Waingereza walipoingia, waliandika chief. Na ikiwa ma-chief wataondolewa kweli, wale ambao hawana nguvu, wataavunjwa mbavu. Kwa hivyo hapo, nimesema.

Ya pili, kuna watu wanaitwa headmen. Hao adui wa kijiji. Hawa watu wanafanya kazi kubwa sana. Na katika Bunge, miaka ingine iko hapo mbele, walifikiria hawa watu walipwe mshaara. Na kwa kweli, Bunge ikasema, tutaangalia hawa watu, na mpaka sasa, hao watu, wanafanya kazi kubwa, na hawapati chochote. Kwa hivyo, nazungumza kwa niaba ya hawa watu wote, kutoka Kenya nzima, wapewe mshahara. Yangu nimemaliza.

Com. Kangu: Umemaliza?

Ndili Nzoka: Nimemaliza.

Com. Kangu: Ngoja kidogo. Mzee unasema ma-DO na ma-chief, wakiondolewa, mutakuja kuumia, mutavunjwa mbavu. Nani atavunja mbavu?

Ndili Nzoka: Wananchi wale wana nguvu.

Com. Kangu: Wale wana nguvu wataumiza wale hawana nguvu?

Ndili Nzoka: Sisi wale wadogo.

Com. Kangu: Okay. Kuja andikisha hapa. Tupate Ben M. Mulatia. Na kama ni yako binafsi ama unasimamia kikundi, utueleze.

Benedict Mulatia: Kwa jina naitwa Benedict Mulonzia Mulatia, na ninasimamia Catholic Justice & Peace katika eneo hii,

na pia huwa kama Para-Legal worker. Tumekusanya kazi hii, tukiwa pamoja na Commissioners wale wengine ambao wametawanyika katika Tarafa yote ya Nuu.

Now, we went through the booklet that you supplied us and we have the following observations to make:-

There is a need for a preamble in our Constitution, and the preamble should contain the following elements:

That the citizens are the true source of power and the legitimacy of the State.

Citizens have the role and duty to develop the nation.

All citizens are equal before the Constitution and should be protected by the Constitution.

The disabled and marginalized are citizens of Kenya.

The Constitution should protect the Kenyan culture and its traditions.

Directive principles of State policy: the directive principle that we would like put into the Constitution are:

Power belongs to the people, and is exercised on their behalf through representatives and accountable institutions.

Gender equality and protection of minorities are key elements of Kenya.

Natural resources belong to all Kenyans.

Constitutional supremacy: there is a great need for the supremacy of the Constitution to be upheld. The Parliament should amend some parts of the Constitution by 75% of the elected Members of Parliament.

The parts of the Constitution that give powers to the Executive, Judiciary and Legislature should not be amended before people are consulted through a referendum under the supervision of an Ombudsman.

Citizenship: if a man from another country marries a Kenyan lady, he should be allowed to become a citizen of Kenya after denouncing his native citizenship. There is no need for dual citizenship. Kenyans should carry ID cards as evidence of citizenship.

Defence and national unity: the disciplined forces should be established in the Constitution, under Commander of the Chief of

General Staff. War should be declared by the President after the approval of Parliament.

Political Parties: all political parties should participate in development projects. The number of political parties should be limited to three. The registered political parties should be financed by the Government. All parties should have a national outlook.

Structure and system of Government: the Constitution should provide for a Presidential system where the President is not an MP. Power should be devolved, decentralized to provincial and district level, through development co-ordinators and the local authorities elected by the people.

The Legislature: the following appointments should be made by Parliament:

Governor of the Central Bank of Kenya.

Controller and Auditor General

Chief Justice

Chief of General Staff

Commissioner of Police

Being a Member of Parliament should be a full-time job. The Presidential Candidate should have at least 35 years and retire at 65 years.

Candidates for local, parliamentary and presidential posts should have form IV examination and be of unquestionable moral and ethical character.

A Member of Parliament can be recalled by the people who elected him as/of 75% of his constituents are needed to pass a vote of no confidence in the member. A Member of Parliament should act on the basis of instructions from constituents.

The Legislative Commission, whose Commissioners are not Members of Parliament, should regulate the salaries of MPs.

There is need to preserve some parliamentary seats for the disabled, marginalized and women. Appointment should be made by Parliamentary Service Commission.

A coalition government can be constituted where a party which is the majority, is unable to form a stable government.

Presidential elections should be delinked from the election of MPs and civic leaders. The President should be purely

ceremonial. The President can be removed through impeachment.

There is no need for a Provincial Administration in Kenya.

The Judiciary: there should be a Constitutional Court in Kenya apart from the High Court. Retiring age of Judges should be 65 years. The Kadhis, like other Judges, should be qualified and should be appointed by Judicial Commission. There should be a Kadhi Appellant Court.

There should be at least one court in every division. There should be provision for legal aid for paupers and those who commit capital offences. There should be a regulator jury to carry out judicial review of laws made by Parliament.

Local Government: the Mayors and Chairpersons should be elected directly by the people, and serve for three two-year terms. The people have a right to recall a lazy councillor by 75% of the registered ward members.

The Legislative Commission should determine the councillors' salaries. The said Commission should be given the mandate to dissolve county councils.

The Electoral system: the winner of an election should get at least 75% of all the valid votes cast. The winner of a presidential seat should get 25% of the valid votes cast in at least five provinces.

The review of the constituency boundaries should be done after every five years. Votes should be counted and declared at every polling station.

There should be an election calendar for Presidential, Parliamentary and civic elections. Presidential elections should be conducted directly.

The Electoral Commission should enjoy security of tenure and serve for ten years. The Electoral Commissioners to be appointed by the Legislative Commission and approved by Parliament.

Basic Rights: all citizens should enjoy the right to free education at primary level and the right of employment.

Rights of vulnerable groups: the Constitution should establish funds to support the aged (wazee).

Land and Property Rights: the land should be owned by individuals. If minerals or precious stones are found in an individual's land, the concerned individual should continue receiving 10% of the total money after tax yearly.

No Kenyan should own more than 500 acres of land. If a person requires more than that, they should have the approval of Parliament.

Pre-independence land treaties should be abolished. One should be able to own land anywhere in Kenya. The Government should ensure that there are no squatters in the country.

Environment and nature: there should be an Environmental Commission appointed by Parliament to handle environmental protection issues.

Constitutional Commission: the Constitution should establish an office of Ombudsman to act as a neutral person for the State.

There should be a Gender Commission to handle gender issues.

There should also be a Land and Anti-Corruption Commission.

The Attorney General should be an independent office appointed by Parliament. The Minister of Constitution Justice should be re-introduced.

Succession and transfer of power: the Attorney General should be able to take charge of the Government during elections. The election results of Presidential race should be declared as soon as the counting of votes is over. The winning Presidential candidate should form his Government within one month.

The Chief Justice should conduct the oath and swearing in of the new President at Uhuru Park. The outgoing President should be given security and provision of his/her welfare.

These proposals was compiled by twelve elders from all over Nuu Division under the chairmanship of Benedict Mulonzia Mulatia, a list of their names is attached.

Com. Kangu: Thank you very much Mulatia, thank you very much. You will take some questions from my colleague

Com. Salim: Citizenship – you said if a man from another country marries a Kenyan lady, he should be allowed to become a citizen. What about if a Kenyan married a foreign woman?

Benedict Mulatia: When a Kenyan man marries a foreign woman, she becomes an automatic citizen of the country, but

when a lady marries a man from another country, the man is supposed to undergo several ordeals, before he comes a citizen.

Com. Kangu: Now, I have some questions. One, you are saying, political parties should be limited to three. You appreciate that, at the moment we already have over 40. What mechanisms are we going to use to identify those that will remain among the three, and those that must go? That is one question, you need to be noting.

Two, you said on the structure and systems of Government, that the power should be devolved or decentralized to provincial and district levels through development co-ordinators and local authorities elected by the people. I would like you to give us a little more detail on this devolution. What powers should be devolved? Do we devolve the legislative powers only, or do we devolve both the legislative and executive powers, and the finances, the revenues that go with running of the functions to be devolved. How should they be shared between these levels of government and the Central Government?

Then, three, on the Executive, you said that, the President should be purely ceremonial, but you do not tell us, therefore, who will exercise the executive functions of the State, because if the Presidential is purely ceremonial, you are saying, he should not be head of Government. Who will be exercising the functions of the Head of Government?

Then, four, you are saying that during elections, the Attorney General should take charge of the Government pending the finalization of the elections. I would like to know whether you intend the Attorney General to take over all the functions of the Executive, or whether you would like us to put some limitations. Because, if the Attorney General is acting for a short while, we might find it necessary to limit what he can do as the Head of Government, and if so, we limit that to what?

Benedict Mulatia: Thank you very much sir. On the question about the political parties. I think the country should gauge the political parties. Currently, we know some have no representatives in Parliament, some have one or without enough, and several don't even come to the standard of being called a party. You find a tribal party generated around here in Ukambani. And then, well, I say, since I can get a few sponsors, I have formed a party. You see that doesn't have a national outlook. Parties to be recognized in the country, should carry a weight of let us say, 2 million and above of registered members, and the party should be able to claim at least two or three of our provinces. So that we say a party is formed here in Kitui or in Embu, that is Eastern, just one province. It should be able to claim a large area i.e. in the Rift Valley, maybe go in Nairobi City, those are three provinces. That way, your Commission should be able to assess and say, well, these three have reached this number of percentage, so they qualify as a party in Kenya. A party that has a national outlook and not tribal parties.

To add on that point, with all the 46 or 50 parties, you see the country cannot afford to finance them. If these parties have got to be financed by the Government from the consolidated funds, they should be even fewer. But the number recommended by my group is three.

Number two, (skipped me as you were asking), that is on the provincial administration? Was that the question?

Com. Kangu: (inaudible)

Benedict Mulatia: It is on the provincial administration, that instead of the current system which is a bit colonial and old, we need to have development officials to co-ordinate the provinces, districts, divisions and maybe they can go down to locations. This will be cheaper than the amount used to pay the administration at the moment. I think slightly over 3 billion is being used every month for paying them.

With these a few officers manning the provinces, districts, I think things will be a little bit better.

The legislative will be left as it is, but the Executive, that is the Office of the President should be deprived that part of the administration.

Number four – electoral systems. This one was the review of.....

Com. Kangu: You say he should be ceremonial, who will be head of government? And then the other question was on the Attorney General running the Government during elections, whether we need to limit the powers or the functions he can perform in that short period.

Benedict Mulatia: After seeing that, that work was a bit needy, I had to go down into detail personally, and I inserted this one, that there should be an office of the Prime Minister who will take charge of Government while the President becomes a ceremonial President (that is in the second hand-out that I have given you).

Com. Kangu: (inaudible)

Benedict Mulatia: Yes sir. And about the Attorney General, it is just a limited term in office. He should not take over everything. He will just be in-charge during the time of the elections and hand it over immediately.

Com. Kangu: Thank you very much for the time taken to submit a copy there. Can we now have..... Ooh, you have a second part?

Benedict Mulatia: Yes.

Com. Kangu: Which you want to address us on?

Benedict Mulatia: Yes sir.

Com. Kangu: Please, then, do so quickly because your time is over.

Benedict Mulatia: Political and constitutional framework be put

Com. Salim:(inaudible). Is it your own personal.....

Benedict Mulatia: It is my own personal, to add on to this one.

Com. Kangu: I am giving you one minute.

Benedict Mulatia: Thank you sir. I will rush through. The political and constitutional framework be put in place to ensure total eradication of nepotism, tribalism, gender inequality and other forms of discrimination.

Number two, the new Constitution should create mechanisms to ensure that leadership at all levels is anchored on patriotism, meritocracy and moral uprightness.

The President should not have power to summon, prorogue or dissolve Parliament at will. Parliament should have its own calendar.

The independence and impartiality of the Public Service Commission, the Central Bank, the Attorney General, the Controller and Auditor General and other constitutional offices, should be guaranteed under the new Constitution.

The following Ministries should be established in the Constitution, sir:-

Prime Minister.

Home Affairs.

Finance & Planning.

Transport & Communications.

Labour.

Education.

Health.

Defence.

Justice.

Agriculture.

Legal & Constitution Affairs.

Energy & Natural Resources.

External Affairs.

Commerce & Industry.

Land & Settlement.

And each Ministry to have only one deputy. Thank you.

Com. Kangu: Thank you very much. Present there and sign. Dominic Mulunzia, has he come? Dominic Mulunzia is not there. Simon Muthui? Not there. Can we have Joseph Musyimi.

Joseph Musyimi: My names are Joseph Musyimi, and I am giving my own views as a citizen of Kenya.

I am beginning with the Executive (mamlaka ya nchi): the term of the President should be of two terms each with five years. And then after that, the President should resign, he or she to give way to others.

Second, there should be independence of the Executive, the Judiciary and the Legislature. And therefore, the President should not be a Member of Parliament, but should qualify and win the confidence of the people of the country by having votes of 30% from six provinces, and this will enable the President to be able, to be if he misuses the office, it will be easy to be brought before the law.

Another thing is on provincial administration: the provincial administration should live to live, because, the provincial administration are the mobilizers of the community from the DC up to the level of an assistant chief. But, chiefs and assistant chiefs should be transferable because they are civil servants like others. And therefore, they should be able to meet the language, that is Kiswahili and English so that they can communicate to the community they are transferred to.

And then, there must be an education level of D+ or division III, and, if the Government increases the mean grade, then, they should meet that qualification.

Also, the village elders should live with the people, and they will assist the assistant chiefs or chiefs who will get transferred from different areas to communicate to the community. And then, the village elders should also be paid, either by the Government or by the community.

On Local Government: Mayors and Chairmen should be elected by the people, and they should be in office for a term of five

years. Councillors, Mayors and Chairmen should have a form IV mean grade, so that they can assist the community they are working with. For example, if a Mayor is elected and is not educated, he will not meet the needs of the community.

Com. Salim: What is the minimum education you said?

Joseph Musyimi: I said form IV at least. There should be no nominated councillors in the Local Authorities, and also in the Parliament, there should be no nominated MPs, because the nominated MPs and councillors, they sometimes interfere with those who are elected, and they do not assist them in their work – they were elected by the people. Thank you.

Com. Kangu: Thank you very much Musyimi. Can I have Joshua Kivusu?

Joshua Kivusu: Asante sana. Yangu ni machache.

Com. Kangu: Taja majina kwanza.

Joshua Kivusu: Jina langu ni Joshua Kivusu. Yangu ni machache. Sikuwa tayari kuongea, lakini, wakati nimekuta wananchi wengine, na nikaelezwa ni kitu gani iko, nikaonelea nije.

Jambo la kwanza, naongea juu ya kuandikwa kwa chiefs na sub-chiefs. Naona, ingekuwa vizuri, wachaguliwe na wananchi wenyewe. Nasema namna hiyo kwa sababu, zamani kidogo, walikuwa wakichaguliwa kwa mlolongo, na leo, wanaandikwa na office. Wanaweza kuwa watu kumi, wale ambao wamefanya interview, na saa ingine, mtu amepita kuwa number one, or amekuwa number three, number two, na utakuja kuona mtu ambaye alikuwa number sita, ndiye amechukuliwa. Sasa, hapo, kwa maoni yangu, siwezi kujua, ni kwa nini, na mtu akifanya interview na awe number one, anatazamia kuchukuliwa.

Ya pili, ninaongea kuhusu watu ambao wamestaafu. Mtu amefanya kazi kwa muda wa miaka ishirini na tano mpaka labda miaka thelathini, na pengine aliandikwa akiwa na miaka ishirini na tano. Ukiangalia mtu huyu, kweli amekomaa. Sheria inamuruhusu atoke kazi. Ametoka kazi akiwa hana nguvu, kwa sababu ametumikia serikali yake kwa muda mrefu, au niseme, pengine hajapata nafasi ya kukaa nyumbani pamoja na wananchi wengine, na wale wanapishana kupata shamba, yeye mwenyewe hayuko. Anakuja kupata wananchi wengine wamejipatia, yeye anakaa. Kwa hivyo, mimi ninaona, ingekuwa vizuri, serikali kumwangukia huyu mtu ambaye amefanya kazi kwa muda mrefu, na kuangaliwa kwamba amepata pension, itakuwa vizuri, apewe pesa.

Watoto wake vile vile, kwa muda huo wote alikuwa hawangalii, pengine sasa hana nguvu, hata watoto ikiwezekana, wapewe pesa.

Point ya tatu, nitarudi tena kwa ma-chiefs na ma-subchiefs. Tuko na sub-chiefs tangu wakati wa ukoloni na ma-chief wetu, walikuwa hawapewi transfer kwenda mahali ingine. Na kutoka wakati huo mpaka leo, hawaendi transfer. Mimi naonelea, wakati mtu amekaa mahali kwa muda mrefu, anakuwa na ujuzi mwingine, usio wa kawaida. Naona, ni vizuri, ma-chief wawe wakipewa transfer, subchiefs vile vile, wawe wakipata transfers kwa sababu hawa ni wafanyi kazi wa serikali. Wakati mtu mpya amekuja, huenda ikawa atafanya kazi vizuri kuliko yule ambaye ni wa area au sehemu hiyo.

Mimi nafikiri hata hivo vile nilikuwa nimesema, sina mambo mingi, nilikuwa na point hizo tatu, lakini kuna mahali kidogo tu, naguzia.

Mambo ya mashamba. Kuna gharama kubwa sana, kwa sababu, sisi kule mashambani, utakuta mtu amekata shamba lako, sasa tumeanza/kukazana. Kule kukazana, mimi sina nguvu, na yeye ako na mali. Iko shida, kwa sababu ananinyanganya hilo shamba kwa sababu yeye ako na mali. Anaenda anatoa pesa nyingi, anatoa elfu tano, mimi natoa elfu moja kwa sababu ni lazima, sasa, mambo iko namna hiyo. Unakuta nimenyanganywa shamba. Kama ikiwezekana, hiyo nafasi ya watu kutoa pesa ndio mambo ya mtu iangaliwe, yaondolewe. Ni hayo tu.

Com. Kangu: Swali moja mzee. Unatuambia chiefs na assistant chiefs, turudi vile ilikuwa zamani – wanachaguliwa na watu, na mimi nafikiria sababu ni kwamba unataka watu watumikiwe na yule mtu mwenyewe wamechagua. Halafu tena unasema, chiefs wapatiwe transfer. Sasa, nyinyi mukichagua wenu hapa, hapa Nuu, mtu mmefurahia, halafu munasikia amepelekwa kule Tseikuru, munaletewa mwingine alichaguliwa huko, sasa itakuwa namna gani?

Joshua Kivusu: Anapochaguliwa, wananchi wanachagua mtu yule wanaona huyu ni mzuri. Hapo, wacha niongee kidogo, niseme, mimi nimefanya kazi ya serikali, na wakati nilichaguliwa, nilichaguliwa kulingana na business yangu – namna ninaonekana mimi ni mzuri, na nikaenda. Kwa hivyo, wananchi wakimchagua, wanajua huyu ni mtu hardworking – mtu anayefanya kazi na bidii. Kwa hivyo, hata mahali ataenda, atafanya kazi vizuri, kwa sababu, yeye si mtu mvivu. Na, hatufanyi kazi kwa kujuana tu, bora mtu afanye kazi serikalini.

Com Kangu: Na hao wanachaguliwa chiefs – ni maisha ama ni kwa muda fulani? Na ikiwa ni kwa muda fulani, wakati kura inafika kama umepelekwa transfer, unaomba kura huko, ama unarudi kwenu?

Joshua Kivusu: Mtu akistaafu, amestaafu, na anarudi kwao. Akirudi kwao, wananchi wanajua wenye huko (location hiyo), wanajua mtu yao amefutwa kazi, na already office inaomba, inataka mtu mwingine, na itatangaza.

Com. Salim: Mzee, swali langu linahusu pension. Umesema kwamba, mbali ya mtu aliyefanya kazi serikali kwa miaka mingi apewe pension, pia bibi yake apewe pension. Sio? Ulisema hivyo?

Joshua Kivusu:(inaudible)

Com. Salim: Mama apewe pension wakati mume wake akiwa hai, au baada ya mume kufa?

Joshua Kivusu: Hata wakati mume wake ako hai, mama apewe kitu kidogo. Na watoto pia nilikuwa nimesema namna hiyo, watoto pia wapewe, lakini kama ako na watoto kumi, wanaweza kupewa. kama alikuwa ni elfu kumi ile wanapewa, wanakagua vile walivyo. Hiyo nyumba itasaidika, kuliko mtu kwenda nyumbani, halafu baadaye anakuwa maskini.

Com. Salim: Kwa sababu unaweza kuwa unapata hata wakati mtu anafanya kazi. Kuna Wanaume wengi wanafanya kazi, hakuna kitu wanapatia mama. Hakuna kitu anapatia watoto, anasahau. Sasa, saa ile ana-retire, ndio unataka serikali ipatie hawa, na wakati yeye mwenyewe alikuwa anafanya kazi, saa ingine hata hawapatii, itakuwa namna gani. Sababu ni gani unataka serikali ipeane pesa kwa mama na watoto baada ya retire?

Joshua Kivusu: Siwezi kuingilia kwa individual problem, lakini nasema kulingana na watu wale wanafanya kazi vizuri, mtu ambaye ako na watoto wake, lazima awasaidie, na ndio sababu anasomesha watoto mpaka wanaenda university, na wengine wanasoma kiwango ile ambayo watafikia, na nguvu ya huyo mzee imekwisha. Hiyo ndio sababu ninasema, wale ambao hawakufanikiwa, ni vizuri wapate kitu kidogo. Sisemi kiwango.

Com. Kangu: Weka sahihi pale. Tupate Kitata Kula.

Kitata Kula: Jina langu naitwa Kitata Kula. Mimi ni mzee, wakati wa ukoloni, ninaelewa na kikoloni. Lakini wakati tulipata uhuru wetu wa Kenya, tulisumbuka sana.

Ya pili, Mzee wetu wa mpili, Mtukufu Jomo Kenyatta, alikuwa anasema, anaondoa 'mungikia' kutoka Kenya, na kumbe, ndipo 'mungikia' inaingia Kenya. Ki sababu chake, mtu yuko uhuru, ni mtu yuko serikalini. Lakini, mtu ambaye hayuko serikalini, hakuna uhuru kwake.

Mkoloni alikuwa anajengea sisi mashule na kutulipia walimu wetu, mpaka tusomeshe watoto, na tukawa tunaendelea sana na Mwingereza. Lakini wakati sisi tulipata uhuru, kitu hiyo ikamalizika kabisa, ikawa sisi ndio tunajenga mashule yetu, na kulipa fees yetu katika mashule yetu. Kila kitu chote, iko katika mikononi yetu. Sasa tunauliza katika serikali ya Kenya, munasaidia sisi nini? Hakuna kitu.

Com. Salim: Mzee, haya ni mashtaka (inaudible). Lakini, samahani, mimi sisemi jambo hili kumchekesha mtu, wajua tunasikiza maoni hapa. Ungependelea kitu gani nifanye kusitawisha mambo hapa nchini?

Kitata Kula: Maombi ninaomba kwa serikali, iangalie sisi, maskini wa Kenya.

Com. Kangu: Endelea.

Kitata Kula: Kwa sababu, watu ambao hawana pesa ya kusomesha watoto, Kenya haitainuka, kwa sababu, hakuna pesa ya kusomesha.

Com. Kangu: (inaudible)

Kitata Kula: Ni kupunguza malipo ya mashule. Na kama itakuwa hivyo, tutaweza kusomesha watoto.

Ya tatu, ni katika mambo ya mchanga yetu. Kenya iangalie sana, kupokonywa mchanga na mtu ambaye ako na pesa, anakuja kunyakua mali ya mtu mwingine.

Kitu ya nne, ni kuhusu ma-chiefs ambao wameandikwa. Hakuna ubaya kwa ma-chiefs ndio kusema waondolewe. Chiefs na sub-chiefs ni lazima. Kwa sababu wanalinda sisi.

Ya tano, ni mtu anaitwa councillor. Councillor ndiye ataweza kupigania kitu kinakuja katika location yenu. Hana sababu ya kuondolewa. Kilio yangu iko namna hii, mimi sina mengi sana, maoni yangu ndio hayo.

Com. Kangu: Tupate mwalimu Mwendwa Isika.

Mwendwa Isika: Kwa majina naitwa Mwendwa Isika, na mimi ni mwalimu wa watoto wenye akili punguani, hapa Nuu, na niko na maoni nilikuwa nafikiria inaweza kufikiriwa katika Katiba yetu ya nchi yetu ya Kenya.

The parts I am trying to address are on the disabled and the vulnerable groups, and the proposals I am trying to give, we made these proposals with my staff in the school. They are proposals of six people as follows:

First, the Constitution should provide or it is the duty of the Government to provide for the upkeep, the educational costs and medical care for persons with disabilities. Where, upkeep would amount to the Government to give monthly allowances for the upkeep of the adults or persons with disabilities or to the parents or guardians of the children with disabilities, and especially, for those who have no formal employment or earning. Educational cost would include the Government putting up the cost of education for the disabled at all levels, and especially, when the person with disability is not able to pay for the same. Medical here would include, free medical care i.e. medicine, operation, hospital admission, etc for persons with disabilities, especially those people who are not able to pay, this should be provided in all government hospitals.

We are saying this strongly, that, we are seeing there is high drop-out of those children with disabilities and parents with their attitudes, ignorance or even the stigma they may have, like a case where one has an handicapped person or child, sometimes it becomes very difficult for this person to keep on supporting the same. I think we have experienced a situation where many have even tried to kill the disabled.

The parents of the persons with disabilities i.e. children with disabilities, who would hide the disabled children be punished by the law.

Abuse of persons with disabilities to amount to heavy punishments, and/or compensation. Abuse would include, any form of slavery, hard labour, denial of education or any other social amenities or physical abuse like rape, sexual exploitation, etc.

About street children or persons (because now we have street wazees not children). All street children or persons be put in rehabilitation homes under the supervision of social workers and the police. My proposal is a bit strong, I am saying, the police. At the rehabilitation homes, the street children or persons be exposed to behaviour modification practices. Labour in farms but not for any payment. Maybe, the payment should come in form of food and clothing. And, in those rehabilitation homes, the skills to have skills development or training or skill upgrading for those who may have some limited skills. Maybe this will enable them to come out to get some gainful employment.

The proposal we are giving here is that, the NGOs can supplement for the burden of the rehabilitation of street children, the churches and others. Many other groups can come to our help.

What we are trying to say here is that, whenever we go to towns, we are finding those street children, the 'chokoras' and wakati mwingine wanachukua mavi, wanataka kukupaka, nini, all those kind of things, then harassment. Why can't we have them in rehabilitation homes? Why can't these people be made useful?

On poverty eradication and those who become vulnerable or marginalized due to remoteness of their homes or geographical positioning, like you find yourself, your home place is Lokitang, whatever, all those kinds of places, I may not know where Lokitang is, but I want to think you could be somewhere, in the middle of the wilderness in Kenya. You are still Kenyan and yourself, you never choose where to be born anyway, so you find you are born somewhere. We are trying to give this proposal, say, like for the case of communication hardship. The Government should provide for the communication accessibility to people living in remote areas, and the proposals we are giving here would include:

Reduce or withdrawal of taxes for installation of communication networks. Say like mobile phones extending to remote areas, and these people never chose to be born there.

Telephone calls made from remote areas may be charged less, because maybe, an old mama living in a remote area may not be able to make a telephone call. Even five shillings could be a problem to this person, but the same person wants to call the mzee at the grazing place on the other side, and I think it is important to try and make a call.

On transport hardship to those remote areas: to support the poor, the Government should remove all duties or taxes made while importing two wheeled vehicles and their parts, which are common man's means of transport. Here, I am trying to address myself on bicycles and motor-cycles, and I am not talking of those motor-cycles which are luxuries. You know, there are those motor-cycles with an engine capacity of less or equal to 185cc. The proposal here, is to remove duty from motor-cycles, whether they are new or even second-hand, which will cost less and therefore affordable by the middle class persons, and especially those living in remote areas, with poor roads network, often washed down by common current rains. And we also know, that fuel consumption and running costs of motor-cycles is low and affordable. So, the common mwananchi – the low or middle class man, or woman will be able to afford this.

Under rural electrification, the proposal here is, to find yourself in a place where there is no electricity, is not your choice or making. The Government should provide for the accessibility of electricity to all, and especially to people living in rural remote areas. The proposal here is to speed up the national rural electrification process.

And, the other proposal here is to withdraw the monopoly of power generation from one group. I think in Kenya, we have the KENGEN or the Kenya Power & Lighting Co. Ltd., and allow individuals to generate electricity for sale in remote rural towns. For example, where a small town like Nuu here which has no electricity, why can't someone have a generator and generate electricity for sale here? The electricity lights from Kindaruma, Kiambere, etc may reach here after maybe 100 years when we are all dead, but we also need to have electricity like any other.

The other thing is, to withdraw duty from all remote area based electric generating gadgets. I am trying to talk of portable generators (they are small, they can be used by small groups), solar panels, or those solar batteries and equipment. This is the proposal we made.

Com. Kangu: Thank you very much. We have no question, you submit there and sign. Can we have David M. Kilai.

David Kilai: Asante. My names are David Mwendwa Kilai. My views of course have been presented by Mr. Mulati, but I have there are a few things he has left out or which I need to add.

One is on education: It is my feeling that the Constitution should be amended such that the system of education will be one in this country, instead of having several.

Two, the Government, if possible, should cater for the facilities in our institutions, because education has become very expensive and we are likely to have very many drop-outs, because of the poverty or inflation. So, it is my feeling, that the Constitution should be amended, such that, our kids should get free education, if possible, at least, primary level.

The system of education should also be changed so that it be – what I am trying to say is that the present system of education, the 8-4-4 system is not very convenient. And, most of our kids come out half-baked, because it is not appreciated by everybody.

Com. Salim: What system should replace it?

David Kilai: The old system – 7-4-2, and if that happens, I think also the university, education should be reduced to three years instead of the four years. That way, we will feel more comfortable.

The other issue I want to raise is on civil servants. It is my feeling that a civil servant in this country has become more or less, lazy and have nowhere to go. I wish, apart from the Public Service Commission which employs them, there should be another Commission to look into the affairs of the civil servants, because, they have no where to appeal when they have a problem. They are sacked at will, and sometimes, even they are sacked when they are very innocent by the politically well connected fellows. They should not be left to suffer that way, if we have a sound constitution.

On retirement, it is my feeling that the Constitution should be amended such that, it takes care of those who retire, because, sometimes, they walk in the corridors in Nairobi for more than three years and this makes their children even drop out of school. This is very serious. It should be taken to account if possible.

Com. Salim: What exactly are you saying?

David Kilai: I am saying, when they retire, there should be prompt payment, instead of an old mzee, staying in the streets, going up and down, and nobody is listening to him. So, if there was a Commission to look into the retirement benefits for the old wazees, it would be very good.

Com. Salim: In what period do you want it to take?

David Kilai: If possible, six months.

In our Constitution, it is my feeling that we should not have such a word like ‘retrenchment’, because, this is a breach of contract. When you are employed, you sign a contract that you retire after 55 years, but all over a sudden, you are told that you have been retrenched, and after retrenchment, there is no payment. You also continue suffering. I wish the Constitution

should safeguard us from this problem.

The other issue that I want to raise is of the “national cake”. I have a feeling that there should be proper distribution of the national cake. There is no need of having some places look like London when others look like reserve. We all pay taxes, and it is our feeling that we should be treated equally. Thank you very much. That is all what I had.

Com. Kangu: What is the best way that will treat people equally. What is your approach to the distribution of the national cake?

David Kilai: If only our MPs could be allowed to make the budget. For example, the MP from this area knows the problems in this area. But when the budget is prepared by other people and it is presented in Parliament, just for him to listen, and maybe, start clapping, that does not make any sense. But if he is involved and any other MP, then, the wealth will be equally distributed all over the country.

Com. Kangu: Munuve Musyimi.

Munuve Musyimi: Asante sana. Jina langu naitwa Munuve Musyimi, mimi ni mzaliwa wa (inaudible). Maoni yangu ni:-

Number one, upande wa kupeana madaraka, upande wa President ama vyeo kadhaa kama Mkuu wa Sheria, teremka mpaka PS (Permanent Secretary), watu namna hiyo. Hiyo ambayo ukiangalia sana, inasemekana imepeanwa na mtu mmoja, lakini kwa maoni yangu, inafaa, wakati tunachagua Wabunge wa Parliament, ukifika kule, kama viama ni mbili ama tatu, wawe wakichagua kamati, ambayo ni ya kuchunguza hiyo kupeana wa kazi.

Pia, chairman wake anaweza kuwa Prime Minister, badala, ya mtu mmoja anakuwa kama ngazi ama mlango wa kufungia wale wengine. Kwa sababu, ikiendelea namna hiyo, hatujui hao Wabunge wetu wa Parliament, hatuwezi kujua tunawachagulia nini.

Ya pili, nikiguzia hapo kwa hawa Wajumbe wa Parliament, hata pale kwa President, iko mambo ingine wanafanyia sisi, ambao ninaonelea ya kwamba inaweza kurekebishwa. Ya kwanza, watu wanaweza kusimama katika division, na kuwa kuna yule mtu ambaye alikuwa anashikilia hiyo kiti ya Parliament, halafu aangushwe ama ashindwe kura na yule mpinzani wake. Na akirudi kule, tunasikia, amepewa kiti kama ile ile tu alikuwa anagombea. Anakuwa kama mjumbe maalum na vile vile anakuwa Minister, na huyu mtu akirudi kule constituency yake, hawezi kutumikia wale watu kamili, kwa sababu, walikuwa wamemukataa, na wamemukataa kwa haki, pengine, anaweza kuwa amewapokonya mali yao, na wakajua. Ama wakati anaenda Parliament, hakuna mambo anawakilisha hao. Hiyo ninaonelea, hafai kupewa kiti kama mjumbe maalum.

Hata pia hawa Wajumbe nao, kunaweza kuwa na councillor ambaye wamekuwa sio mzuri kwa location, anapingwa na mwingine, ananyimwa kura. Akirudi kule, yule Mbunge ambaye mulichagua katika hiyo division, anachukua yule councillor, anamuweka councillor maalum. Yeye pia akirudi kule, atakuwa anadharau wale watu wa location hiyo, na kuwaambia maneno ambayo haifai, kwa sababu alikuwa amekataliwa.

Number mbili, nitaongea mambo ya ofisi ya utawala. Ofisi ya utawala wamezidi sana kwa ufisadi ama hongo. Kwa sababu, hata pengine mtoto yako anaweza kuua mtoto wa yule. Na huyu akiwa na mali, yule mwenye mtoto aliuu mtoto wa mwingine, anaweza uza kama ng'ombe sita, apeleke rushwa, hiyo statement inatengenezwa vizuri, hata ikifika kortini, huyu mtu anawachiliwa, anarudi hapo, na yeye ni muuaji. Hiyo, tunataka, kama ingewezekana, kwa upande wangu, hiyo maofisi inakaa kwa wafanyi kazi wa utawala iondolewe. Na hiyo ofisi iletwe polisi, kwa sababu polisi italeta mahali fulani, na ukipata mambo ya mauaji, inachukua hatua, vile iwezekanavyo, inapeleka huyu mtu kortini, halafu anahukumwa vikali. Nimeona wengi kutoka 1980, sijawahi kusikia mtu amefungwa kwa ajili ya kuua, na hiyo inaonekana kuna rushwa ama hongo kubwa kupita kiasi.

Ya tatu, nitaongea habari ya wafanyi kazi ambao tunaona ni watu sawa kama walimu. Walimu ni watu ambao wanabidii sana, kusomesha mtoto kutoka nursery, mpaka anaenda university na mpaka ngambo. Yule mtu ambaye anatoka ngambo, anakuja kukalia huyu mwalimu. Ningetoa maoni yangu, mwalimu atumikiwe kikamilifu, kwa sababu huyu mtu amefanya kazi mingi sana. Pia, wafikiriwe sana, kwa kupewa mshahara ambao unawatosha. Kwa sababu ukisikia watu wanasema mshahara ni kidogo, lazima wanafinywa mahali fulani.

Ya nne, ni upande wa Parliament. Hawa watu wanajipenda sana. Wakati wanachaguliwa, baada ya mwaka moja, wanajiongeza mshaara. Wanamaliza miaka mbili, wanajiongeza mshaara, mpaka pesa zote ambazo zinaweza kutolewa kama bursaries kwa watoto wetu, zinaishia pale kwa watu hawa. Kwa hivyo, kwa maoni yangu, naonelea, ile kamati ambayo nilisema ambayo inasimamiwa na Prime Minister, inaweza junguza mambo ya mishaara ya hawa, na kuwe kamati zingine hapo kando kando kama vile hiyo ingine ya kuchunguza Katiba ndio wawe wakiangalia mishaara ya watu wa Bunge. Kwa hivyo, yangu ni hayo, kulingana na mafikira yangu.

Com. Kangu: Asante sana mzee. Hakuna swali, weka sahihi pale. Tupate Philip M. Kula? Hayuko. Abbey K. Kithome? Solomon Nkulumbi?

Solomon Nkulumbi: My name is Solomon Nkulumbi kutoka Nuu.

Com. Kangu: Tupatie nafasi atuelezee maneno yake, wale wanazungumza huko nyuma.

Solomon Nkulumbi: Asante sana. Ningependa kuongea juu ya:-

Elimu huku mashambani: mimi kama mzazi, ninaona vita ambazo zinatokea wakati wa kusomesha, na hizi vita tunafikiri zinatokana na serikali. Ningependekeza kwamba mukifanya marekebisho katika Katiba, elimu ya huku mashambani iangaliwe.

Nyakati zile za kale tukisoma, tulikuwa tukitoa karo ya shule na hatukuwa tunaitishwa kitu ingine. Tangu tunyakue uhuru wetu, mwaka wa 1963, kumekuwa na mabadiliko. Wazazi wajenge shule, wanunue vitabu ya watoto, waandike waalimu, na vile vile hivyo, kwa sababu wale waalimu wa serikali wako katika ma-shule, hawatoshi. Na inasemekana huku mashambani, elimu inunuliwe. Sisi wazazi tunauliza, kama huku mashambani ambapo kuna shida ya pesa, na tunaambiwa tununue elimu kwa kutoa karo na pesa zingine za mijengo, na hapo kuna pesa zingine tunatolea serikali, sisi wazazi wa kuhu mashambani, na tunatangaziwa kuwa hiyo ni amri kutoka kwa serikali.

Com. Salim: Solomon!

Solomon Kulumbi: Yes.

Com. Salim: Ungependa kitu gani ifanywe sasa?

Solomon Kulumbi: Ningependa, kama inawezekana, hiyo kutoa pesa zetu kuandika waalimu, waalimu waandikwe na serikali wa kutosha kama hapo mbeleni. Hiyo ni moja.

Com. Salim: Na karo ya shule?

Solomon Kulumbi: Karo ya shule, tunataka tuwe tunatoa pesa kwa upande moja, kama ni kutoa pesa ya vitabu, tutoe pesa ya vitabu, kama ni ya kujenga, tutoe ya kujenga. Kwani, siku hizi tunaambiwa tutoe pesa, ijaze gari ya EO mafuta, ijaze gari ya EEO, ijaze gari ya DEO. Tunauliza, hapo zamani, mbona hakukuwa hivo? Sisi tunashangaa. Pia hapa kuna shida zaidi ya pesa. Huku mashambani, sisi tunaumia.

Bado tunaona shida shuleni upande wa elimu. Tuna waalimu wale wa shule za msingi. Waalimu hawa, serikali haikuwaandika wawe karani wa kuokota pesa kutoka kwa wazazi. Tunataka kuuliza aje, wakati mwalimu mkuu (headmaster) wa shule za msingi, wakati anaokota pesa ya wazazi, nani anasomesha wakati anaokota pesa? Tena tunataka, ikiwezekana hiyo ipinduliwe. Sisi kama wazazi, tunataka karani wetu, na huyu mwalimu kazi yake iwe ni kusomesha watoto pekee yake. Lakini kama mwalimu ndio mkubwa wa kuokota pesa kutoka kwa wazazi, atasomesha watoto siku gani?

Com. Kangu: Sasa unataka waandike karani wa kuchukua pesa?

Solomon Kulumbi: Ya wazazi, uko, nao wakifundisha. Na hao waalimu wakuu (headmasters) waondolewe kutoka kuokota pesa za wazazi. Kwani wakati wanaokota, wanasomesha saa ngapi?

Com. Kangu: Umemaliza?

Solomon Kulumbi: Hapana.

Com. Kangu: Haya, endelea.

Solomon Kulumbi: Kitu kingine, tangu tulichukua kipande, mwaka 1979, ile kipande tulikuwa tunachukua mume na mke. Na watu wengine kama vile siku hizi kunakuwa, waweza kuoia bibi leo, na anaenda kupata kipande na wewe, halafu anakuja anakuwacha, na huku amekwisha chukua kipande na jina lako. Akienda na hiyo, inasemekana, huyu ni bibi ya fulani, na hiyo kipande, pengine sisi tulika mwaka mmoja naye, na yeye anaenda na jina langu na kipande yake. Huyo mwanamke akienda kuolewa na mume mwingine, itakuwa vita. Unaambiwa hiyo kipande, utoe shilingi elfu moja ili waweze kubadilisha majina, kwani, huyu si mwanamke wako. Na hiyo inatumiwa kwa ujuzi. Itakuwa aje hiyo ibinduliwe? Kama mwanamke alikuwa ameandika jina la bwana na wamewachana, inatakikana, hiyo kitu ipadilishwe, ndio akienda, atengeneze mambo yake, na mimi nisiambiwe huyu ni bibi yangu, kwa sababu kama ameenda, hiyo kipande ipinduliwe.

Com. Kangu: Unataka akikuwacha, hiyo jina igeuzwe?

Solomon Kulumbi: Ndio. Kuwe na njia rahisi ya kugeuza hiyo jina, badala ya kuitishwa pesa ndio hiyo jina ibadilishwe.

Com. Kangu: Umemaliza?

Solomon Kulumbi: Bado.

Com. Kangu: Haya, endelea.

Solomon Kulumbi: Kuna ingine, kuhusu ma-chiefs. Huko kwetu mashambani, kuna shida, na namba kubwa, tunaonelea ma-chiefs na sub-chiefs wanaweza kuendelea. Lakini, kuna kitu kimoja tu kama inawezekana. Ukienda kwa chief ama sub-chief kwa sababu ya shida fulani, kama labda mtu amenipiga, ama ameiba mbuzi yangu, chief ama sub-chief anakuitisha pesa ya kupiga report na ameandikwa na serikali. Hiyo itupiliwe mbali ama igeuzwe. Lakini, waendelea kawaida, kwa sababu, hawa ndio tunakaribiana nao.

Com. Salim: Kwa sasa wanaitisha kitu?

Solomon Kulumbi: Ndio.

Com. Salim: Kama kiasi gani?

Solomon Kulumbi: Kile anataka tu, anakuitisha, na ukikosa kupeana, pengine hiyo shida yako haitaangaliwa vizuri. Hiyo ipinduliwe, lakini waendeleo kawaida, kwani, wanatufanyia kazi.

Com. Kangu: Endelea.

Solomon Kulumbi: Kitu kingine, ni kama vile ilivyo ongewa na watu wengine, kama tunachagua mtu, kama ni councillor, kama ni MP, aende akae hiyo miaka tano. Wakati huo wa hiyo miaka tano, ni kama ameandikwa na serikali, na saa ingine, anaweza kulazimisha nyinyi kufanya vile hatujapanga, na ni nyinyi mumechagua huyu mtu. Je, tunauliza, watu kama hawa, kama mtu ni councillor ama ni MP, akichaguliwa na wananchi, hawa hawezi kuwafanya kama wamemuandika, afutiliwe mbali. Hata ikiwa hiyo miaka tano bado kwisha, atupiliwe mbali, tuchague mwingine.

Com. Salim: Kwa maana amefanya nini?

Solomon Kulumbi: Kwa maana, kama tunachagua yeye na anakuja huku akituambia tufanye nini na nini, eti tukikosa kufanya nini, serikali haitasaidia sisi. Zamani, wakati wa mkoloni, tuliona shida zingine kubwa, tukasema wale walifanya na mkoloni, wakasema, afadhali wakati yule wa mkoloni. Na hiyo shida kubwa, ni hiyo, kama nilikuwa ninataja hapo mbeleni, pesa kuitishwa pesa, kupeleka kwa serikali, na sisi tuko huku mashambani, na hatufanyi kazi. Pia, tunataka kujua, ni serikali haina pesa, inatoa huku kwa wananchi wao wa chini ama namna gani? hapo tunashangaa.

Ile ingine ya mwisho, sisi tunaomba kama serikali haina pesa, tunajua hapa Kenya tuna vyama kama ishirini na kitu, na wakati tunaitishwa pesa huku, sisi tunajua hiyo vyama? Maoni yangu, kama Kenya inaweza kuwa na vyama nne ama tatu, zile pesa inatumia mingi kwa hiyo viama, na hao watu wako huku, na sisi huku mashambani tunaumia, tunaitishwa pesa, warekebishe vyama ziwe nne ama tatu. Na hiyo ya mwisho yangu.

Com. Kangu: Asante sana mzee. Weka sahihi. Tusikize Francis Muthangia? Hayuko. Munyalo Nzuki? Hutaki kuzungumza? Okay, fine. J. M. Mumo?

Jeremiah Mumo: Mimi ni Jeremiah M. Mumo.

Kwanza, ninaongea juu ya land: sisi wananchi, upande moja wa mchanga au land, tunapata taabu sana. Taabu yetu, ni kuwa sisi ambao wengine wako kazini, wakija, wanakuta mchanga au land, mashamba yote imechukuliwa na wale walikuwa pale. Na wakati wewe unaenda kufanya kesi kwa mkubwa, kama, sub-chief au chief, huwezi kufaulu kabisa.

Kwa nini mzee?

Kwa kuwa hongo imekuwa nyingi. Yule mwenye pesa, anakufikia mbele, na kwa kuwa hujui, unaambiwa kwamba hii mchanga si yako, sababu, ameuza ile shamba, imekuwa ni yake tena, na hiyo pesa ndiyo inamfanya atangaze shamba yako. Kwa hivyo sasa, tungependa tu, hapo zamani, katika Ukambani, kuna kitu kimoja tulikuwa tukiamini, nacho ni hiki. Nikisema hii kitu ni yangu, na wewe useme ni yako, kuna waamuzi ambao unatakikana na wazee. Wazee wale, kulikuwa kitu kimoja kilikuwa kinaitwa 'Kithitu'. Kithitu irudishwe. Na ikiwa pande zingine, kwa sababu Kenya ni kubwa, haiko, Wakamba wanaiamini sana hiyo kiapo. Kithitu irudishwe. Maana wewe mzee muongo, huwezi kula ile Kithitu, utaogopa, na utaseme, umewachilia mbali.

Com. Kangu: Sasa mzee, wale wameenda kwa ma-kanisa, watakubali hiyo 'Kithitu'?

Jeremiah Mumo: Maana ikiwa katika sheria, ni lazima iwe. Sheria si kwa mtu yeyote. Hata ukiwa mission, hata ukiwa Islamu, sheria ni sheria. Kweli hiyo, Commissioners, mimi nataka hiyo kitu irudishwe, na ndio shamba, tutafanya kesi vizuri.

Kitu cha pili, nitaongea ni juu ya kustaafu. Watu ambao wamefanya kazi kwa miaka nyingi katika serikali, lakini wakija huko, kwa kuwa wanakaa kwa miaka nyingi hapa kama miaka kumi au kumi na tano, mtu ambaye alikuwa na watoto, na wakichukua ile mali yote ambaye amepewa na serikali wakati wa kustaafu, amekuwa bankrupt, hana chochote. Sasa yule mtu, siku yake ya kufa anazikwa kama kuku kwa sababu hana chochote cha kukusanya wale watu ambao wanaweza kukusanyika pale. Hivyo, tunaomba serikali, iangaliwe wale sana kwa sababu ni watu yao, na maisha yao imeishia pale.

Com. Kangu: Sasa, ungependelea aje?

Jeremiah Mumo: Ningependelea serikali iwaangalie kwa njia ya ki-pesa, kwa sababu, kuna nchi nyingine, mtu akistaafu, anakuwa akipata card ya kwenda kuchukua chakula mahala pamoja na pesa za matumishi.

Com. Kangu: Mimi nasema kwamba, maana akistaafu, anapewa pension.

Jeremiah Mumo: Anapewa pension yake.

Com. Kangu: Sasa ungependelea nini?

Jeremiah Mumo: Awe akipewa pesa ya kumusaidia maishani mwake. Kwa sababu, akipewa pesa zote, na zitumike zote, huwa sasa anaenda pale pale.

Com. Salim: (inaudible)

Jeremiah Mumo: Kama mshahara.

Com. Kangu: Mwezi baada ya mwezi?

Jeremiah Mumo: Mwezi baada ya mwezi.

Com. Kangu: Badala ya kumpa yote?

Jeremiah Mumo: Badala ya kumpa yote.

Com. Kangu: Kwa sababu akipatiwa yote, watoto.....

Jeremiah Mumo: Anatumia yote. Na tunataka, serikali iwe ikimulinda kwa mambo yeyote ya maisha yake.

Com. Kangu: Endelea.

Jeremiah Mumo: Hii nchi yetu ina mambo mengi sana. Moja, kama vile tunaongea hivi, Katiba hatubadilishi, isipokuwa tunanyorosha. Kuna kunyorosha na kuna kubadilisha. Hivi ni kunyorosha, maana, ikiwa ni kombo kombo, tunyoroshe iwe ni straight. Kwa hivyo, tunataka hivi, upande wa Raisi, sio yule ambaye anakaa hapo, ni Raisi wa Kenya. Tunataka, awe na kazi moja. Raisi wa Kenya awe na kazi moja.

Com. Kangu: Kazi gani?

Jeremiah Mumo: Awe na kazi ya uraisi peke yake, na asiwe na kazi nyingine. Kazi moja tu, kwa mtu mmoja.

Com. Kangu: Kwani hivi sasa anafanya kazi gani nyingi?

Jeremiah Mumo: Ana nyingi, kwa maana sasa tunasikia, yeye ndiye Commander-of-the Armed Forces (wakati majeshi ikikusanyia, mpaka awe pale), lakini kuna mtu ambaye tunamjua kuwa yeye ameandikwa katika majeshi, na anaweza kusimamia ile kazi.

Com. Kangu: Na kazi ya Raisi inatakiwa iwe gani hasa?

Jeremiah Mumo: Kazi yake ni – kama sasa amechaguliwa na watu, kazi yake ni kuangaliwa watu katika nchi.

Com. Kangu: Na sasa, unasema asisimamie majeshi, kama kuangalia watu, akiwachia mwingine haaribu kwa kuumiza watu, itakuwa namna gani?

Jeremiah Mumo: Mamlaka itakuwa katika bunge. Sijui tunachagua bunge kufanya kazi gani?

Com. Kangu: Endelea.

Jeremiah Mumo: Kitu ingine ni court ya wazee – tribunal court. Korti ni nzuri, wazee ambaye wanakuwa pale, tunataka wawe wakichaguliwa na wananchi. Sio kuchaguliwa na njia ambayo hatujui. Wakishachaguliwa, wananchi watangaziwe hadharani, kuwa hawa ni wafanyi kazi na mshahara yao watakuwa wakipata mahali fulani. Kwa sababu, wanasema, saa ingine wanachukua mshahara kwetu, mshahara yao inakuwa ni kwetu. Kwa sababu wakati unashtaki, na wakikuja kusimama, wanakuitisha pesa kama elfu saba, mwingine elfu saba, inakuwa elfu kumi na moja, na, ukikosa kutoa ile pesa, shamba sio yako.

Com. Salim: Hawa ni wale wanachama wa tribunal?

Jeremiah Mumo: Tribunal court. Court ya wazee. Nyorosheni nyinyi, mimi nasahau basi.

Com. Kangu: Sasa hiyo unataka tufanye namna gani?

Jeremiah Mumo: Nasema wanachaguliwe na wananchi. Wakishachaguliwa na watu, hiyo report inaenda kwa DC, na mshahara wao lazima iwe kule. Sasa hawa, wanakuwa huku kwetu kama kufanya kazi. Au sivyo? Wasije kusema kutoa pesa. Na ikiwa pesa, tupewe circular ya kwamba wanataka tutoe pesa hivi na vile.

Com. Kangu: Endelea basi, na uharakishe kwa sababu ma-saa yako inaisha.

Jeremiah Mumo: Nakazana. County council: country council, hatujui mwelekeo wake, sababu unaweza kwenda Mwingi upate bei ya ng'ombe iko chini. Ukija Nuu, unapata bei ni juu. Ukienda kule Garissa unakuta bei ni kubwa. Sasa tuseme, county council hii inatungwa na sheria gani katika Kenya?

Com. Salim: Unataka namna gani?

Jeremiah Mumo: Iwe kitu kimoja.

Com. Salim: Kila mahala?

Jeremiah Mumo: Kila mahala. Iwe county council, hata nani, ni mbuzi – ni mbuzi, ni ng’ombe – ni ng’ombe, iwe sawa kwote.

Com. Kangu: So, county council iwe ndio inaamua bei?

Jeremiah Mumo: Sheria inaamua. Sasa ikiwa hawa ndio wanaamua, si watasema vile wanataka. Kwa hivyo, naona yangu imeishia hapo.

Com. Kangu: Swali moja mzee. Kuna sehemu zingine Ukambani tumekuwa, na wanatuambia, hiyo tribunal ya wazee, afadhali irudi kwa ile ilikuwa ya Kikamba inaitwa “mbai”, “clan”. Wewe unaona namna gani?

Jeremiah Mumo: Hao wenye walisema hivo, hawakusema makosa, kwa sababu, kabla haijaenda katika tribunal court, lazima ipitie katika “mbai”, maana kwa ile “mbai” ndio inajua, una “wadui” tunasema “adui”. Huyu na huyu na huyu, wanajua sehemu hii ni ya nani. Na huyo ambaye akifanya plan yake, na iwe ni ya huyu, sasa huyu akikataa, inaweza kwenda katika tribunal court. Ikitoka kwa tribunal court, isiende popote pengine mpaka kortini. Haina haja kwenda huko kwa chief wala assistant chief.

Com. Kangu: Josephat Mutambuki.

Josephat Mutambuki: Maoni yangu kuhusu mageuzi ni kwamba:-

Elimu ya sasa ningependelea ikuwe kama vile ilikuwa. Igeuzwe iwe 7-4-2-3. Ya pili kuhusu elimu, ningependelea elimu iwe ya bure, kwa sababu, watu wote wanatozwa kodi. Ila akifika university, apewe loan ya kulipia, arudishe baada ya kufanya kazi. Kama hana kazi, asilipe.

Maoni yangu ya pili, ni kuhusu Bunge: ningependelea Mbunge akichaguliwa kwa miaka mitano, na kama waliomuchagua hawaridhiki katika ile kazi aliyochaguliwa, wenye kumuchagua wawe na fursa na mamlaka ya kumrudisha nyumbani, na wampeleke mwingine.

Com. Salim: (inaudible).

Josephat Mutambuki: Hiyo, watu wa hiyo constituency, wanaweza kuungana, wawe na mkutano, watoe maoni, wapeleke hayo maoni yao kwa DC, ili wapewe kibali cha kuenda kumrudisha nyumbani, ili wampeleke mwingine mwenye wanaonelea.

Hali kadhalika, na pendelea pia, iwe pamoja na madiwani. Madiwani wakichaguliwa kwa miaka mitano, na kama pia hawahudumii wenye kuwachagua, wafanywe hivyo hivyo.

Com. Salim: (inaudible)

Joseph Mutambuki: Ningependelea thaluthi moja kimoja, waliomchagua. Kama wanaweka sahihi katika orodha yao, wakubaliwe.

Maoni yale mengine, ni kuhusu utawala: ningependelea kuwe tu na utawala vile ilivyo, lakini kuhusu ma-chief, chief awe akichaguliwa na wenyeji. Na pia wawe na mamlaka, ya kwamba kama hawahudumii, na awe amepewa tu kiwango cha kuwahudumia kwa miaka mitano kama vile tunachagua diwani. Kama ahudumii vizuri, pia, wawe na mamlaka ya kumwondoa.

La mwisho kabisa ni juu ya wastaafu: mimi ningependelea kwa sababu ni contract wameandika na serikali, miaka hamsini-na-mitano ikifika, inajulikana kiwango chake ni fulani. Kwa hivyo, mwisho wa mwezi wa mwisho kabisa, marupurupu yake yawe katika banki, maanake amepeana kila kitu, hakuna kitu hakijulikani. Ni hayo bwana Commissioner.

Com. Kangu: Asante, andikisha pale. Joseph Kitavi? Hayuko. Philip M. Mutui? Gideon Mwasi.

Gideon Mwasi: Jina ni Gideon Mwasi (tape completed)

Maoni yangu vile nilikuwa nataka, kama sheria inaweza kutulinda hapo, iwe chief anaweza kukutumikia kikawaida. Kama vile ameajiriwa na serikali, akutumikie. Ukienda kwake, asiwe anataka kitu ingine kidogo. Anakutumikia vile ilivyo.

Ile ingine, kama vile ilikuwa hapo mbeleni, ma-chiefs walikuwa hawana haki ya kuitisha hiyo hongo, kwa sababu serikali ilikuwa inafuatilia hapo sana. Na, ninaonelea ni vizuri, kama ilivyo kawaida, wawe wanafanya kazi kama vile ilikuwa.

Ile ingine, naona wawe wakiajiriwa vile wanaajiriwa, lakini, waende transfers. Maanake, kama ameajiriwa hapa Nuu, na anakaa hapa tu mpaka maisha yake a-retire, na kuna watu wengine pengine vile binadamu hukosana, hataendelea kufinya yule mtu, akija kwake, hawezi kushughulika na mambo yake, kwa sababu hataenda mahali popote. Lakini akijua kwamba ataenda pale na pale, atashugulikia mambo ya wananchi sawa sawa.

Ile ingine, nilikuwa nataka kuguzia, ni hii ya mahakama. Kwa kweli kuna mahakama zetu na ma-judge wako, lakini kwa vile

mwenendo wanapoingia kwa mahakama, inakuwa ni kama kawaida, wangukuwa wanachaguliwa na wananchi, na wapewe muda, ile kipindi wataweza kutumika pale.

Com. Salim: (inaudible)

Gideon Mwasi: Eeh. Na wawe wakipewa muda ule watatumikia. Ukimalizika, watarudi wachaguliwe, kama ameonekana anafaa. Ndiyo sababu atafanya kazi akijua, kuna ma-judge wengine wako nje, wanataka kufanya kazi ya judge. Na akifanya, akiweka kesi sana, pengine ataondolewa na wananchi kwa sababu wameona hafai. Kwa hivyo, awe akichaguliwa na apewe muda wa kukaa kortini.

Ile ingine ni kuhusu mambo ya ardhi: kwa kweli, tuna ardhi zetu lakini unaweza kukaa mahali kwako, usikie barabara inapitia pale, ama pengine kuna kitu kimepatikana pale. Unaambiwa wewe toka hapo, unatolewa. Kwa hivyo, tunaona sheria itulinde hapo, pawe ni kwako. Na kama kumepatikana kitu, muwe munashauriana na serikali, ili ikichukua pengine uwe unashiriki pale. Kama ni kitu anatoa, wakulipe. Si kunyakua hiyo ardhi, na ufukuzwe uende, upatiwe shilingi elfu uambiwe uende. Hiyo iwe ni pahali yako, na utapatiwa kile mutasikizana, lakini sio kuondolewa hivyo.

Ile ingine nilikuwa ninataka kuzungumzia ni hii ya Mbunge ama MP. Kwa maoni yangu, ninaonelea kuwe na kamati maalum Bungeni, ambayo, inaweza kuchagua, kama ni vile tunaona. Ma-Minister wanachaguliwa na Raisi moja kwa moja, na pengine anaweza kuchagua wale watu anajua wanasikilizana vizuri, hata mtu asiye na elimu, anachaguliwa. Naona, kuwe na kamati ya Bunge ile itachagua ma-minister, na wale wengine hivi. Isiwe ni Raisi tu ndiye anachagua, kuwe na kamati. Na tena kuwe na Kamati ingine hiyo ya Bunge, itaweza kuangalia, tumesikia wanapitisha sheria, na wanasema kama ni 65%, hiyo imepitishwa. Na pengine, ile Bungeni palikuwa na wajumbe thelathini. Na wanaangalia 65% ya wale Wabunge thelathini, inakuwa ni kama kumi ama nne, na wanapitisha Sheria. Hiyo tunaona, Wabunge kama ni 250, ile 65% ya hawa iwe ndio itapitisha sheria. Sio wachague wengine hapa wa kumi(inaudible), hiyo tunaona iwe namna hiyo.

Hii ingine ni ya kujiongezea mshahara. Iwe na kamati tena ya kufanya mambo ya wabunge, kwa sababu leo tunasikia, 75% per month, tena tunasikia wamejiongezea mpaka elfu mia nne kwa mwezi, na wanasema Kenya haina pesa, na Mbunge moja anakula mishaara ya watu wa Nuu wote. Sasa hiyo itakuwa aje? Tunanata iwe ni sheria inatulinda hapo. Sio mtu ajiongezee mali yote, ili akienda kwake, iwe ni yeye pekee yake. Kwa kuwe na kamati, ili mishahara ya wabunge nayo, iwe ikienda sambamba na wananchi wale wengine.

Com. Kangu: Na kamati iwe inje ya Bunge au ndani ya Bunge?

Gideon Mwasi: Hiyo kamati, ninaonelea, kama kuna kamati ambaye itachaguliwa nje ya Bunge, inawezekana.

Com. Kangu: Umemaliza?

Gideon Mwasi: Bado. Ile ingine ya mwisho ni hii ya urithi. Yaani kama mtu amekuwa unarithi kitu, kama ni mwanamke ama ni mwanaume na ameaga dunia, pengine watu wengine watakuja ama mtu mwingine atakuja na anaanza kudai hivyo, na kama vile tulisema ki-sheria, kuwe kama pale ni yule mtu anaangalia na anajua mambo ya ile ni chief, na anajua yule mtu sawa sawa, ndiye anaweza kutumia haki, ndio ule urithi wa yule mtu usiende kwa mtu asiye na haki.

Com. Kangu: Ile ya bunge unataka kuwe na wabunge wangapi?

Gideon Mwasi: Ninasema, kama tuna wabunge, kwa mfano, kama wabunge wetu ni mia mbili na hamsini, na wanaenda wanakaa wakitaka kupitisha S=sheria, si wanatafuta percentage ile itakuwa ndio wapitisha hiyo sheria.

Com. Salim: Hiyo percentage ni ya wabunge wote wale wako ndani?

Gideon Mwasi: Ndio. Sio wale wenye wamehudhuria siku hiyo, kwa sababu wanaweza kuhudhuria thelathini, na waseme kikao cha bunge kimetoshia, ndio watafute percent yao pale.

Com. Kangu: Wakati mambo ya bunge inaendelea, na ipatikane hawako thelathini na tano, ikiwa kuna mmoja, mwenye anaweza kukumbusha Speaker – to draw his attention to the fact kwamba hakuna quorum, ndio Speaker anaweza kusimamisha maneno. Lakini kama hakuna yule atamukumbusha hakuna quorum, watapitisha maneno hata wawili.

Gideon Mwasi: Yaani idadi ya kutosha wabunge. Sio wabunge wachache wanasema imetoshia ile percentage halafu wanapitisha ile sheria.

Com. Kangu: Asante sana. Na Ben Mathuku, huyo naona alisema ni wa ku-observe tu. Mathuku yuko, anataka kuzungumza? Hakuna Peter Musili, hata yeye amesema ni observer. Na Fredrick Chilunda, hata yeye ni observer. Tupate John M. Musyimi.

John Musyimi: Mimi ni John M. Musyimi. Nilikuwa mwalimu kwanza, halafu nimekwenda retire.

Neno langu la kwanza, ni, President should be under the law, not above the law.

La pili, chiefs and assistant chiefs should be transferred from one place to another like other civil servants.

Tatu, kura ziwe zinahesabiwa mahali zimepigiwa.

Nne, mfanyi kazi awe si mtu wa business, kuweka business. Afanye kazi tu ambaye amehandikiwa. Chiefs or hata agriculturalists, wote hawa wasifanye duka.

Com. Kangu: Kwa serikali ama watu wowote?

John Musyimi: Government workers.

Com. Kangu: Government workers wasiwe kwa biashara?

John Musyimi: Wasiwe kwa business.

Ya tano, ni President asichague Ministers. Wachaguliwe na kamati ambayo ni maalum ya bunge – Ministers and the Vice President.

Kuna need ya Prime Minister.

Wananchi wapewe nafasi wachague watu ambao wanaandika kama village elders. Na village elders wapatiwe kitu kidogo ili wawe na furaha kwa sababu hawapati kitu kama huko kwetu. Ni hayo tu.

Com. Salim: Umesema kwamba, Mawaziri, wachaguliwe na kamati ya Bunge. Hiyo inatosha, kamati ikishawachagua, wamekuwa Mawaziri?

John Musyimi: Kuwe na kamati ingine ya nje kidogo, ndipo tujue kweli yule mtu anafaa kuwa Minister.

Com. Salim: Kamati ya nje?

John Musyimi: Kamati ya nje.

Com. Salim: Hiyo kamati ya nje ni ya watu wa aina gani?

John Musyimi: Watu ambao ni educated katika committee, ambao wanaweza kuwa.....

Com. Kangu: Haya weka sahihi. Makutu (inaudible), you don't want to, you just want to give written? Fine, basi, peana hapo na utaweka sahihi. Na tupate Katiti Mwanzia, amewekwa kama observer. John Mwenga?

John Mwenga: Majina yangu ni John Mwenga. Nimefika mbele ya Tume kutoa maoni yangu kuhusu Katiba tunayotaka sisi wanakenya.

Kwanza, Rais, ikiwezekana, awe chini ya sheria kama mwananchi yule mwingine. Pia, Raisi kama anafanya makosa, ashtakiwe kama vile mwananchi mwingine.

Pili, Raisi wa nchi hii, akifanya kosa la wazi, (kuna yale makosa ambayo sio ya office, makosa mengine ya kando) kwa mfano aki-interfere na mambo ya watu kama vile Clinton alifanya, ashtakiwe na mambo yaletwe wazi, ndio tujue ubaya wa huyu mtu.

Pia, korti ambayo inasikiza kesi ya Rais, iwe ni independent body – kama ni President wa Kenya, kuwe na ile sheria ya kwamba, anatakiwa, wale ma-judges ama wale waamuzi wa kesi yake, kuna wale wanatoka nchi zingine ambazo ziko na sheria ya aina hiyo. Kwa mfano, kama ni Kenya, kuna nchi labda iko na sheria kwamba Rais akifanya makosa, anashtakiwa na wale ma-judges wanatoka nchi fulani ambayo iko na hiyo sheria.

Ya tatu, Rais asichague mbunge yeyote ambaye pia watu hawamtaki. Kwa sababu watu kama hawa, ikiwa hawatakiwani na wananchi, hakuna haja Rais amuchague. Kwa sababu kama watu wamekataa, na mbunge ni mwakilishi wa watu, Rais ana haki ya kumchagua. Achaguliwe na watu.

Misaada: misaada inayokuja Kenya inatakiwa sheria ikuwe. Kama misaada inakuja Kenya, kama ni ya education (masomo), iende straight kwa ofisi za education. Na iwe zimetambazwa kulingana na vile hizo pesa zimekuja, na vile hizo pesa zitatumika, ziwe divided equally.

Kwa misaada pia, Kenya ikipewa misaada, ningependelea, hiyo misaada, ifikie kwa ofisi ambazo, the offices which are not concerned with the funds. Tuchukue kama ni DO ako na ofisi labda hapa Mwingi, ikuje direct to Mwingi, lakini sio ikuje kwa Provincial Administration, ama kwa DC ama PC. DC na PC kazi yake, wawe wakiangalia na kutoa proposals vile hizo misaada zinatakiwa zifanywe.

Terms of office ya Rais, iwe kuna limitation. Kama ni miaka tano, Rais atoke ikiisha. Na Rais akitoka kama kuna limitation, anatoka na serikali yake, lakini sio term ikiisha, Rais anasema kuna kitu fulani si kuwa nimefanya. La, hiyo iwachiwe yule Rais mgeni atakuja. Sheria iwekwe ya kwamba, Rais akitoka, ile kazi amewacha kama haijakamilika, ije ifanywe na Rais yule mwingine anayefuata na serikali yake.

Wasomi au professionals: kuna watu wengi Kenya hii ambao wamesoma. Na kwa mfano, Mbunge anaweza kuwa ni Mbunge wa eneo hili. Na huyu mbunge wa eneo hili, ni chairman wa university fulani, ama ako na kazi fulani ya cheo fulani katika institution fulani. Na katika hiyo area, kuna wale wamesoma. Sasa anachaguliwa na wananchi, na pia anaenda kufanya

kazi ingine ambayo ni ya serikali. Kwa hivyo, mimi ningeomba, sheria ipitishwe ya kwamba, kama mbunge amechaguliwa na watu, afanye kazi ya ubunge, asije akafanya kazi ingine, labda ni chairman huku, ni secretary huku, hiyo kazi iwachiwe wale watu wamesoma namna hiyo.

Ya pili, councillors, wachaguliwe na watu direct kama vile inafanyika. Ningeomba sheria ipitishwe ya kwamba, councillor kama amechaguliwa na watu, pasije pakawa na councillor mwingine – nominated councillor, hata alikuwa amewachwa na inch moja ya kura, na uwe rafiki na yule councillor ambaye amechaguliwa kwa eneo hilo. Wasije wakawa ma-adui, na wafanye kazi, washirikiane, ndio wajenge nchi.

Ya mwisho, ningeomba sheria ipitishwe, sisi wote Kenya nzima, kuwe na – kama ni registration, iwekwe kila pahali. Kama ni kitu inafanyika na serikali, kila mtu anasikia, kuliko, ooh tulisikia fulani alienda huku, amefanya, etc. Kunatakiwa sheria ziwekwe na zile journals za radio zimekuwa nyingi, ziwekwe kila pahali, tuwe sisi wote tunapokea yale mambo ambayo yanafanyika na serikali.

Pili, kwa vituo za radio: ningependelea ama ningetoa maoni ya kwamba, yale mambo yanaendelea bungeni, yawe live coverage from parliament, ama yawe yanatoka direct kutoka kwa Bunge, sio eti “leo tunawaletea kutoka bunge” ambayo imeandikwa na mtu. Je, wajua aje kama huyo mtu asharekebisha mapatano ingine ambayo tunataka tuyajue, ndio, sababu (inaudible) tunakuja kumwambia makosa alifanya.

Kama ni Bunge, kama ni live coverage from parliament, kama ni radio ama TV tunaiona live, kama ni kusikiza, tunasikiza kutoka kwa bunge direct.

Ya mwisho, ningeomba serikali, ama sheria ipitishwe ya kwamba, sisi wote tuwe kitu kimoja ama tuwe equal. Hivi ni kumaanisha kwamba, pasije pakawa, kama ni Mbunge amekuja hapa kutembelea sisi, eti lazima uone huyu ndio upite pale, la. Sheria iwe moja ya kwamba, kama unataka kuona mbunge wako, unaenda direct, unaenda kumwona. Kama ni Parliament, unataka kumwona Parliament, kama ni pale kwa mji anahutubia baraza, una haki ya kwenda kumwambia, mimi niko na shida hii na hii na hii. Na tukifanya hivo, nafikiri Kenya itakuwa line. Asante.

Com. Salim: Mr. Mwenga, swala moja. Umesema kwamba Rais akifanya kosa lolote, afanyiwe trial. Na ukasema ya kwamba ma-judge watakuwa ni ma-judge kutoka nje. Atakuamo judge yeyote kutoka Kenya, ni watu wa nje tu? Na ni kwa nini watu wa nje?

John Mwenga: (inaudible). Kama office of the Attorney General, inaweza chagua judge moja, halafu asaidiwe na wa-judge wengine kutoka nje, ndio wakuje wasikize...

Com. Salim: Wangapi wote watakuwa?

John Mwenga: Tuseme kama watano hivi, wa kutoka nje. Lakini judge wa nje akuweko, labda ndiyo atakuwa mwenye kiti, ndio aweze kusoma ile proposal ya wale halafu anawaachia, kama vile Commissioners wanafanya, halafu ..

Com. Salim: Faida yake ni nini?

John Mwenga: Faida yake ni kwamba, sheria ya Kenya, kwa vile sasa, ile iko haisadii, kwa sababu, ni judges wako Kenya, na watu hapa Kenya (sisi), tumezoea TKK (toa kitu kidogo). Rais ako na haki kwa sababu, yeye ako juu, kuona judge mmoja, amwambie, sasa hii kesi, fanya hivi na hivi. Sasa, huyo judge atakuwa, hata wengine wakija, atakuwa already yeye amekula kitu. Kwa hivyo judges wa nje, faida yake itakuwa ni hiyo. Kukomesha ile corruption katika korti.

Com. Salim: Huyu wa Kenya, cheo chake ni gani?

John Mwenga: Yule judge mwenye atakuwa hapa Kenya, ndiye mwenyewe, kwa sababu, professional skills, ndiye mwenyewe atakuja kuchagua, anajua, nchi fulani, kunaweza kuwa hakuna corruption.

Com. Salim: (inaudible)

John Mwenga: Kunaweza kuwa kuna High Court Judges. Hao ndio sana sana watakuwa wanahusikana na mambo kama haya.

Com. Salim: (inaudible)

John Mwenga: Sasa kazi ya Chief Justice inakujia pale, yeye mwenyewe ndiye yuko kwa sababu kazi yake ni hiyo. Yeye mwenyewe, ana-appoint Judge moja wa High Court, anamwambia, sasa wewe utafanya hiyo kazi, halafu mimi, kazi yangu ni kupokea report. Ndio sasa kuwe na utenda wazi ama transparency.

Com. Kangu: Na tupate Kivutha Simba?

Kivutha Simba: Jina yangu ni Kivutha Simba, na mingi imesemwa na wenzangu. Na ile ambao ninataka niseme. Hapa ninasikia mumekuja kwa Katiba. Sijui kama hapo mbeleni kulikuwa na Katiba. Kuna vitu ingine inahangaisha sisi.

Ukiangalia zile pesa unazo mfukoni mwako, ina alama mbili. Na hapa tunaposikia hapo Kenya, kuna watu ambao huwezi

kushtaki kortini. Na tukiangalia pesa, iko neno linatuambia, hapa, kuna Katiba. Iko pesa ingine, crown iko juu, iko ingine, pesa iko shida. Tujui hiyo tutafuta Katiba gani. Na hata ile iko mfukoni kwako. Tunataka kama ni Katiba tunatengeza, Katiba iwe ya pesa, ni hiyo, crown ikiwa juu, iwe juu, pesa ikuwe chini, iwe chini.

Com. Kangu: Katiba ieleze pesa itakaa namna gani.

Kivutha Simba: Moja tu. Hiyo ingine, ikiwa ni Katiba, huku nchi yetu, mimi nina shamba na ninataka kuuzia mwenzangu. Na tunakubaliana na yeye, elfu ishirini. Tukienda kwa chief ama sub-chief atuwekee sahihi, tunaitishwa sisi zote elfu mbili kila mtu. Sasa, mimi nanunua kichaka elfu ishirini na mbili, na hiyo mbili ya huyu mwenye kuniuzia, ananisindikiza. Iwe kama sub-chief anapata mshahara kwa serikali, aweke hiyo sahihi bure.

Ya tatu, ikiwa sisi ni watu wa Kenya wote, na tunataka hii Katiba iwe mzuri, ningesema mfano kama hapa Nuu, mtu akiwa ni wa Kenya, kwa maoni yangu ninataka, kila pahali kuwe na simu, ikitokea ubaya, iwe simu inaenda haraka, mpaka ile mahali huwezi kufika.

Mengi imesemwa na wenzangu, naingia wa ma-chiefs na ma-sub-chiefs, mimi naona, chief na sub-chief waendeleo.

Com. Salim: Ingawa wanachukua kitu kidogo?

Kivutha Simba: Hiyo sitaki wachukue, waendeleo kwa kazi, bila kuchukua hiyo.

Com. Kangu: Na DO, na PC, na DC, waondolewe?

Kivutha Simba: Hapana, hawa pamoja. Sub-chief, chief, DO, na DC waendeleo. Kwa maoni yangu, mimi ninataka hao watu waendeleo.

Com. Kangu: Endelea.

Kivutha Simba: Ya mwisho yangu, kuna karo za shule. Tuliambiwa hapo mbeleni, primary hatutaitishwa pesa. Tunaenda, tukimaliza miezi miwili, tunaambiwa iko district fees. Sasa ikiwa ni secondary, unajua secondary ile ninapeleka mtoto yangu, iko shillingi elfu ishirini. Na ukifika pale, unaambiwa sasa ni therathini. Iwe msimamo moja tu.

Com. Salim: Lakini, unaweza kuelewa gharama ya siku hizi imeenda juu?

Kivutha Simba: Si ndio, kabisa, imeenda juu. Unapeleka mtoto wako kwa shule (mimi nasema vile ninaona na

ninachomeka mimi), ninaambiwa karatasi ninayo. Ninaangalia kwamba, hapa nikipeleka ishirini, mtoto wangu anasoma na ninampeleka. Mwisho yake, ninaambiwa ishirini na tano. Haya, Asanteni. Yangu ni hiyo, sitaharibu ma-saa.

Com. Kangu: Kuna Mwangangi Mumo, alisemekana ni observer, hataki kuzungumza. Jones M. Mwingi, hata yeye observer. Sasa, tupate Julius Maundu. Julius Maundu?

Julius Maundu: Niko na written.

Com. Kangu: Tuseme hivi, wakati tulianza, wengi walikuwa hawajaingia, na tulisema maoni iko tofauti tofauti. Unaweza kuwa na maoni ya maandishi yenye hutaki kuongezea lolote mbele yetu, hiyo unapeana hapa, unaandikisha jina, unaweka sahihi. Sababu ninasema hivyo ni kwamba, ikiwa kuna mtu ako na haraka ya kwenda kufanya jambo lingine kwingine, hakuna haja ukae ungojee tuite jina lako.

Ikiwa uko na written memorandum, unataka kupeana tu na kwenda, unaweza enda pole, unapeana unaenda.

Wengine wako na written memorandum, lakini yenye ungependelea uzungumzie mbele yetu, kumulika mambo ya muhimu kwa hiyo written memorandum kama haujapeana kwetu. Hawa watangoja, wazungumze, wakimaliza, ndio wanapeana hiyo hapo, na hao tulisema wanapatiwa dakika tano.

Na wengine tukasema, kuna wale hawana maandishi yeyote, lakini wako na mambo kwa kichwa, wanataka kuzungumza mbele yetu, wanapeana oral submissions, hawa wanakaa hapa, tunawapatia dakika kumi. So, wale wenye wangukuwa wanataka kwenda mahali na wako na written memorandum, usione tumekufunga, unapeana, halafu unaenda. Sawa sawa?

Response: Ndio.

Com. Kangu: Na watu wa Nuu, tumesikiza tu wanaume mpaka tunaanza kushangaa, na hii watu, wanakaa namna gani, hakuna wa-mama wanataka kuzungumza kutoka Nuu? Iko huko nyuma?

Response: Ndio.

Com. Salim: Basi tupatie mama muda kidogo. Nyinyi wanaume wote hamuwezi kuwa hamukutoka kwa mama. Mupatie mama. Mama chukua kiti, utuambie jina, halafu uzungumze mambo yako.

Ngunya Makau: Nye ninena Kikamba

Com. Salim: Unataka kunena Kikamba? Wapi mtu wa kutafsiri?

Ngunya Makau: Nye nitawa Ngunya wa Makau.

Translator: Mimi nazungumza Kikamba.

Ngunya Makau: Ikolyo yakwa ni yee.

Translator: Swali yangu ni hii.

Ngunya Makau: Niwakwewa ni mwemeu.

Translator: Na bwana yangu amekufa.

Ngunya Makau: Na niwatiewa siendo ni mwemeu, mbaa kitheka kana ngombe.

Translator: Na amewacha mali kama kichaka, na ng'ombe.

Com. Salim: Shamba na ng'ombe?

Translator: Shamba na ng'ombe.

Ngunya Makau: Na mundu unge niwaumela vaya utee.

Translator: Mtu mwingine akatokea upande.

Ngunya Makau: Niwooka alika kila kithekani kya mwemeu.

Translator: Ameingia kwa shamba ile ya bwana yangu.

Ngunya Makau: Niwatila.

Translator: Na amekata.

Ngunya Makau: Na niwathi wathi kusikata.

Translator: Nimeenda kushtaki.

Ngunya Makau: Na wasikata, nimwoka mwekala nthi.

Translator: Na kama umeshtaki munaenda munakaa,

Ngunya Makau: Mbee wa athome kana munene.

Translator: Na assistant chiefs ama chiefs.

Ngunya Makau: Nayu ila mukuka munenanye.

Translator: Wakati munazungumza,

Ngunya Makau: Wiitweka nukwetwa mbesa mbinge utasyona.

Translator: unakuwa unaitishwa pesa na hiyo ni hongo ya assistant chief ama chief. Unaitishwa pesa ambazo uwezi kuzipata.

Ngunya Makau: Kila kitheka chaku nichathi na mundu usu nundu wa kweithiwa ndina mbesa.

Translator: Ile shamba yako itaenda na huyo mtu kwa sababu huna pesa ya hongo.

Ngunya Makau: Ngombe yaku niyakwatwa ni mwana na ndwise na niwatwaa lipoti kwa munene waku, na niwalea kuateania na mundu usu wakwata ngombe yaku. Wekata we na ndwe na vinya? Ngombe ni yathi kana ndinathi?

Translator: Ng'ombe yako imechukuliwa na mtoto yako, unaenda kupiga report kwa chief, na huna la kufanya. Utafanya nini?

Ngunya Makau: Utontha kwika ata?

Translator: Unaweza kufanya aje, kama huna uwezo? Yaani, huna uwezo ile ya pesa kumpa yule chief.

Ngunya Makau: Na mwana usu niwata ngombe isu esekiwe ni chief nukuta, na niwata na maya mbesa isu na chief na ala ange mee vau.

Translator: Huyu mtoto ameza hiyo ng'ombe, amekula pesa ya hiyo ng'ombe na huyu chief. Ukijua, utafanya nini?

Ngunya Makau: Nienda nitaphwe undu ndontha kwika?

Translator: Nataka nijue nitafanya nini?

Com. Kangu: Sasa mama, mimi nikisikiza wewe ukizungumza, unalia kwamba, ma-chief ndio watatue shida zenu, wanaitisha pesa kwenu, na nyinyi hamna pesa. Na ukikosa kulipa, unapoteza kesi yako, unapoteza shamba yako, unapoteza ng'ombe yako. Sasa wewe ungetuambia, tukitengeneza sheria mpya, tuseme nini kuhusu hii shida inatoka kwa ma-chiefs.

Tena umesema, mtoto saa ingine anachukua ng'ombe yako anauza. Hayo sasa inakuwa mambo ya familia. Utuambie, ki-nyumbani, watoto wa vichwa ngumu kama hao, saa ingine wanachukua ng'ombe ya mama bila kuuliza yeye wanauza, na mama akienda kwa chief anaitishwa pesa, watunzwe kwa njia gani?

Ngunya Makau: Asee ala ma athome na anene, wise kwithiwa ninatunzwa wise kwithiwa nimakwatana mwana na nthinya, kana makwatane mwana na ithe.

Translator: Mimi nasema, hawa chiefs ama assistant chiefs, iko sheria imewekwa, ili washikanishe mtoto na mamake.

Com. Salim: Mama, vile tunavyojua, chief na sub-chief, wako watu juu yao, wana mamlaka juu yao. Kuna DO, na kuna DC, ulijaribu kwenda mbele kidogo juu ya chief ukamshitakia DO kwa mfano? Kwamba chief hakuweza kunisaidia, ningependa wewe unisaidie, ulijaribu hiyo?

Ngunya Makau: Ila nai na thina usu nethi kwa DO na nithi kwa Chief na ndi na kingotele ningokulya. Ila nguthi kuya nithi kwitwa kingotole ula (inaudible).

Translator: Huwezi kwenda kwa DO ama kwa yule mwingine ako mbele, kwa sababu, masira yangu ni kwamba, hawa juu pia wataniitisha ile ile nilikuwa ninaitishwa na chief ama assistant chief, kwa sababu team ni moja, na wao....

Com. Salim: Ikiwa wote wana tabia kama hiyo, na ungefahamu kwamba, utawala ina watu kadha wa kadha, kila mmoja juu ya mwenzake. Na wewe una haki ya kupata msaada kutoka juu zaidi.....

Ngunya Makau: Ninaanekie valua na ndwetwa mbesa. (inaudible)

Translator: Anasema hata kortini ameenda, na kila mara akienda, anaitishwa pesa. Kwa hivyo atafanya nini, na hana hizo pesa? Hata kortini ameenda.

Com. Salim: Na kwa korti (inaudible)

Ngunya Makau: Asikale aa.

Translator: Si hao ma-askari na makarani wa korti.

Com. Kangu: Sasa na wewe unatuambia kuna hongo kila mahali. Corruption imekua kila mahali, hakuna sehemu yenye imebaki.

Ngunya Makau: Nduvika vaya utambete kunewa valuwa ii. Na valuwa ii yendeka mbesa syana undu una. Nakwa mbesa iii nakwa ndinasyo.

Translator: Amezunguka kila mahali, na kila pahali anaitishwa pesa.

Com. Kangu: Sasa kwa maoni yako, kama ugonjwa hii inaitwa corruption (hongo), imekula kila mahali. Maoni yako ungeona, tutengeneze Katiba ya aina gani ya kuua hii ugonjwa umalizike? Tuweke nini na nini?

Ngunya Makau: Yu chatitina, niwo utontha kuthi kukuna lipoti. Nduma vau wese kwethiwa niwese niwamatha. Kila mundu wonthe niwese niwathi kukuna lipoti. Ekuna na mbesa syana undu una. Na atumea mekala nthi vaya memwitya mbesa syana una. Nundu methi kumwitya mbesa, mbesa mutasyona.

Translator: Sasa tuweke kiwango fulani kwa Katiba ambacho kila mtu anajua, ambacho mtu mdogo kama yeye anaweza.

Ili, kama unaenda kwa chief, unajua unatoa pesa ngapi, kama unaenda kortini, unajua unatoa pesa ngapi. Ijulikane ni pesa ngapi.

Com. Salim: Ijulikane ni pesa ngapi?

Translator: Ichulikane ni pesa ngapi. Hiyo ndiyo mapendekezo yake.

Com. Salim: Kuna lingine mama?

Ngunya Makau: Hapana, hakuna ingine.

Com. Salim: Na kuna mama mwingine anataka kuzungumza? Hakuna. Basi, turudi kwa list. Nduku Mungulia, huyu alikuwa observer. Anataka kuzungumza? Hataki. Nthuku Musili? Hata yeye observer. Mulwa Kofi? Hayuko. V. K. Musyoki? Also observer. Izekiah Ilwenge? Pia yeye hataki kuzungumza. Wengine tena nimebaki nao hapa wote ni wale wanasema wanataka ku-observe. Kioko Kitheka? Kama umeandika ni observer, lakini umebadilisha mafikira, unataka kuzungumza lolote, nikiita jina, useme. Ngui Kilumbi? Sava Muthingi? John Mwanzia? Josephine Kilonzo? Teresiah Mwinza? Thameme Musyimi? Juliana Isee? Mbaki Coly? David Safari? Endelea David.

David Safari: Yangu ni moja tu, zingine zimezungumzwa.

Com. Salim: Sema jina lako.

David Safari: Jina langu ni David Safari Nyithia.

Nataka kutoa maoni yangu kuhusu elimu. Mimi ninataka hiyo Katiba irekebishwe kwa elimu, kuwe, unajua watu wa mapato kidogo, wamepata shida kwa elimu na tutaendelea kuwa wajinga. Kwa hivyo, serikali ikitengeneza Katiba, ifikirie hao watu wa mapato kidogo.

Com. Salim: Ungependelea nini?

David Safari: Hata kuwe na kiwango ya school fees, kwa wale watu hawajiwezi. Kwa maana, inaonekana elimu imebaki ya watu wale ma-tajiri peke yake.

Com. Salim: Kiwango kiwe gani?

David Safari: Kiwango, kiwe kile mwananchi wa kawaida anaweza kujimudu.

Com. Kangu: To reduce costs?

David Safari: Ipunguzwe ama iwe kiwango, shule ziwe tofauti. Kwa ma-Minister na wengine, wako na kiwango ya juu, na shule zingine za watu wa kawaida, ndio tuwe pamoja. Kwa maana, tumewachana sana. Mtu kama mimi ningesoma sana, lakini pesa ikakosekana. Nilikuwa na hiyo tu, mengine yamesemwa.

Com. Kangu: Unajua umesema tuwe na shule ya wale wanaojiweza, ya wale hawajiwezi. Maana unasema, gharama ziwe tofauti tofauti, kunalingana na uwezo wa watu, na hiyo iwe kwa masomo pekee ama iwe hata kwa vitu vingine? Kwa sababu mimi nasikia huko India, watu wamepangwa tofauti tofauti. Ndio unapata hata saa ingine maduka, iko vitu ya bei tofauti tofauti ya watu, wakiwa tofauti.

David Safari: Tukipata elimu zote sawa, hiyo ingine itakuwa sawa sawa, kwa maana, mtu atapata kazi kama ule mwingine – kama yule mtoto wa Minister na yule mtoto wangu, watafanya kazi pamoja.

Com. Kangu: Na Kavii Nguchua, huyo ni observer. Yuko, ama hataki kuzungumza. David Nzuki? Unataka kuzungumza ama uko na maandishi?

David Nzuki: Ni written.

Com. Kangu: Ni written? Basi peana hapo. Na Zanzai Mulu? Observer. Elija Siengo?

Elijah Siengo: Jina langu naitwa Elijah Siengo wa Kimweli.

Maoni yangu kubwa ni muundo wa serikali. Niliona kwa ile kitabu yenu, muna tofauti za ki-serikali. Kuna ki-Raisi, ingine munaita mseto, na ingine munaita ya Prime Minister. Mimi nataka Kenya hii yetu iwe na serikali ile Rais anagawanya uwezo wake na Prime Minister. Ikiwa ni mseto, iwe Kenya, kila siku, tuko na serikali ya mseto.

Hii serikali ya ki-Rais ina mfano wa kufananisha Rais na Mungu. Na sisi hatuna haja ya Mungu tuna mmoja ambaye ni munyenyekevu. Hatutaki Mungu mwingine, tunataka Mungu mmoja.

Shida yetu ni Rais. Tunataka Rais yule anagawanya mamlaka yake na Prime Minister ama ile chama ingine – kama ile ya Mandela, Afrika ya kusini.

Maoni ingine yangu ni court. Nataka hii serikali yetu, yule anaitwa Chief Justice achaguliwa na wananchi, lakini sio Rais.

Kwa sababu Rais atachagua mwenzake, rafiki yake na ataumiza sisi.

Com. Kangu: Kwa muda gani huyo CJ kuchaguliwa?

Kama muda ule Rais anaweza, yao iwe kama hiyo. Lakini, achaguliwe wakati wake, sio wakati moja na Rais.

Ile ingine ni kuhusu hii court. Sisi unaona, hata kwetu ni mbali, na Nairobi, Embu, etc. Na huko Embu, mtu hawezi kutembea na miguu mpaka Embu, na hii kesi yetu inapelekwa Embu. Yaani, hii ni wakati umepelekwa kortini, appeal yako inapelekwa Embu. Mimi mwenyewe nilienda kwa DC, nikamuuliza hii maneno, akasema “no shortcut”. Sasa siwezi enda Embu na miguu na alisema hakuna shortcut. Alisema no shortcut. Siendi Embu na miguu, na hakuna shortcut, si basi tutatazidi kutafutwa na wale wenye pesa kwa sababu, sisi hatuwezi kwenda huku ma miguu? Sina maswali mengi.

Com. Salim: Kufuatia maneno hayo ya kwamba korti iko mbali sana, wewe ungependelea kitu gani ifanywe?

Elijah Siengo: Korti iwe karibu na mwananchi, hata ikiwa ni High Court, iwe karibu na mwananchi wa kawaida.

Com. Kangu: Enda uandikishe pale. Jeremiah Mutua?

Jeremiah Mutua: Mimi ninaitwa Jeremiah Ndithya Mutua. Na kile kwanza ningependa kuzungumzia ni mambo ya serikali za mikoa. Mambo ya serikali za mikoa, ninaona inaweza kuendelea kama vile ilivyo. Kwa sababu, kama vile tunaona, mahali kwingi, hakuna wafanyi kazi wa serikali ambao wanaweza kusaidia maneno hivi na hivi, wakati wa matatizo ama shida.

Kwa mfano, hapa Nuu tuko, kuna area moja inaitwa ‘Tuvaani’, sijui ni kilometre ngapi kutoka hapa, ni mbali sana. Na yule mlinzi ambao tunaonelea anaweza kutusaidia sehemu hiyo ni assistant chiefs. Kwa hivyo, ninaona, hawa wakiondoka, tutakuwa na shida mingi kila mahali.

Tena, kama vile serikali inaongea kila wakati, inasema, kuna upungufu wa kazi, hakuna kazi. Na tukivunja wizara ile ambaye imeundwa na serikali, tutakuwa tunasababisha ukosefu wa kazi tena, ama shida kwa wananchi. Kwa hivyo, mimi nasema, hiyo wizara inaweza kuendelea kama vile ilivyo.

Com. Salim: Utawala wa?

Jeremiah Mutua: Utawala wa mikoa.

Ile ingine ni kama vile nimesoma kitabu cha Katiba, ilikuwa inauliza, ni kwa nini Rais anapatiwa mamlaka ya kuitwa Amri Jeshi Mkuu wa Majeshi yote ya Kenya. Na hapo, ndio hata walikuwa wanauliza, anaweza endelea namna hiyo, ama polisi wanaona aje kuhusu Rais kuwa Amri Jeshi Mkuu. Kwa maoni yangu, ninaonelea, anafaa kuendelea hivyo hivyo. Kwa sababu, hata tukimuweka kando, tunajua, nchi yeyote ikichokozwa na ingine, ni lazima hii mambo iongewe na Bunge, na Rais aweke sahihi kama anataka vita iendelee. Na Rais asipoweka sahihi ya vita, hakuna vita inaweza kuendelea. Kwa hivyo, ninaona, hatuwezi tukamutoa, kwa sababu, yuko pale pale, na ni nyumba yake.

Com. Salim: (inaudible) Bunge?

Jeremiah Mutua: Kama vile ninasikia, uchokozi ukitoka mahali popote kwa nchi, Bunge ndio inazungumzia hiyo mambo, ionelee kutakuwa aje, kama ni vita iendelee, wapitishie iendelee, na Rais apatiwe hiyo thibitisho, ili aweke sahihi kama ni vita ianze.

Kwa hivyo, hiyo topic, maoni yangu, nikuonelea, kiongozi hawezi kukaa kando kwa mambo ya nchi yake, hasa sana sana, kama kwa majeshi yake.

Ile ingine, ni upande wa mchanga, ama kesi za mashamba, kama vile wenzangu walikuwa wanaongea. Hiyo siwezi kusema eti, hawa wazee wanaendesha kesi za mashamba waajiriwe na nani, ama na nani. Kile naweza kusema kwa maoni yangu, ni kwamba, hawa wazee wakiajiriwa, wapatiwe mafunzo. Wafundishwe vile watakuwa wakiendesha kesi kama hizi. Kwa sababu, mtu atakuwa anaajiriwa kutoka huko tunaita Kiengoni, kama pengine alikuwa mwalimu, kazi yake alikuwa anajua kusomesha, hiyo mambo ya kesi hajui, na kadhalika. Lakini mtu kama huyu, inaonekana, maana hiyo ni kazi ingine ambayo alipewa, anataka afundishwe kwanza, ili akienda kando, awe haendi kinyume cha sheria, kile alifundishwa.

Mambo ya hongo, si wote tunasema wanaitisha hongo. Hongo ni mtu kama, uzembe ya mtu kama moja ama mbili, hiyo sitaki kuzungumzia. Ninaonelea, hawa watu ni wafunzwe, ama wakichaguliwa na wananchi, kwanza wapatiwe mafunzo, wakiajiriwa na serikali ama na ofisi ya DC wapatiwe mafunzo. Na hiyo inaweza kusaidia wananchi sana kwa kesi za mashamba.

Ile ingine, ni upande wa elimu. Kama vile wenzangu walikuwa wameongea, nchi hii yetu ni nchi kavu, haina mapato. Na elimu, kwanza, wacha ile ya secondary, wazazi wengi wanashindwa na hii ya primary (shule ya msingi) hapa. Watoto wengi wanakaa kwa shule ya msingi miaka mingi bila kufanya mtihani wa darasa la nane. Kwa sababu ni kila wakati wanatumwa pesa kwenda kuchukua, mzazi hana, anaenda kuongea ki-maneno, kesho yake anatumwa tena, mwaka unakwisha ikiwa huyu mtoto anasoma pengine miezi minane ama miezi kumi. Na hiyo, inaonekana hii shida ni kubwa sana. Kwa hivyo, serikali inaweza kuangalia, sijui kama ni njia gani inaweza kufanya, ili kuwe na kama bursary fund ya kusaidia watoto maskini wakiwa wamepita

kwenda kusoma, kuwe namna hiyo. Kwa maana, kama form I, tukiangalia karo ya form I, haiko chini ya elfu ishirini na kitu, nao, wale wazazi wa kawaida kama mtu hana mbuzi na hana ng'ombe, kupata elfu ishirini, ni ngumu, hawezi kuona. Na yule mtoto atakuwa amejaribu, kwa kusoma miaka minane, akafanya mtihani na akapita sawa, lakini, pamoja na hiyo, kazi yake itakuwa ya bure, ataenda kukaa nyumbani, apende, asiponde, pamoja na mzazi wake. Kwa hivyo, ndiyo ninaonelea hiyo, mambo ya elimu inaweza kuangaliwa sana kama

Com. Kangu: Ikuwe bursary kwa...

Jeremiah Mutua: Bursary kwa watoto werevu.

Ile ingine tunaona, ni msongamano ya watoto ma-shuleni. Unaenda kukuta standard I, iko watoto karibu mia moja, darasa la pili, namna hiyo. Na hiyo inafanyika kwa sababu, pengine, zile shule zimefunguliwa, ni chache, zimeshindwa na watoto. Kwa maana, watoto wanakuwa kila mwaka, na ikiwa ni shule iko karibu, itakuwa ikingiwa na watoto kila mwaka, baada ya miaka mitatu ama mine, hiyo shule itakuwa imeshindwa na wale watoto. Kwa hivyo, kile wanafaa, ni kama, wananchi wanaona kuna sehemu ambao wanaweza kufungua shule mpya, wanaweza kupeleka watoto wengine huko ndio ile msongamano, iishe.

Pamoja na kufungua ma-shule mapya, tena walimu, hawako wa kutosha shuleni. Sasa hiyo elimu, taabu yake ni hiyo. Ni karo, walimu na msongamano ya watoto, maana mwalimu hawezi kuangalia masomo ya watoto kama watoto ni mia moja, aangalie hesabu, angalie kizungu, angalie nini, hawezi, kwa siku moja.

Ile ingine, ni kama vile nimesoma hiyo kitabu, inaonesha kama, Rais, kama anaweza kushtakiwa kama wale wengine wa kawaida, kuna mahali nimesoma namna hiyo. Sasa hapo ndipo ninaona, hata Mungu mwenyewe, hakuumba watu wakiwa kiasi moja. Watu hawawezi kuwa hali moja, ama, size moja. Kwa hivyo tukitaka tuweke watu pamoja, tuwe pamoja, tuwe tumefanana, kiasi ni moja, hiyo inaweza kutuletea maneno ingine. Kwa maana, kuna mkubwa na mdogo, na kuendelea. Sasa, Rais wa nchi akiwa atakuwa anashtakiwa kama mimi, sasa hiyo mambo sijui itakuwa namna gani.

Com. Kangu: Kuna Teresia Kyalo, huyo ninaona alikuwa observer. Unataka kuzungumza, Teresiah Kyalo?

Speaker: (inaudible)

Com. Kangu: Wewe unaitwa nani?

Speaker: Dominic.

Com. Kangu: Dominic nani?

Speaker: (inaudible)

Com. Kangu: Tutaangalia. Pamenas Kilonzo?

Pamenas Kilonzo: Mwanzo, ningependa niwasalimu, na niwashukuru kwa kufika kwetu hapa kusikiza mawaida yetu. Jina langu ni Pamenas (inaudible) Kilonzo, mimi ni diwani, (inaudible).

Jambo la kwanza, najua Katiba mzuri, tunaweza kusema ni maisha mazuri. Nitasema points zangu bila kufafanua zaidi.

Jambo la kwanza, ni mambo ya ID cards ama kitambulisho. Ile umri wa miaka kumi na nane watu wanaopatiwa hizo vitambulisho, inafaa watu wote wawe wanapatiwa passport badala ya kitambulisho.

Ningependa niseme tena, baada ya sisi wenyeji kwa jumla tukifanya kazi kufikia ile umri ya ku-retire, mtu aki-retire, pengine aende akafanye kazi zake mwenyewe, lakini sio apatiwe kazi tena za serikali, maanake, atakuwa amezuia wale ambao wametoka shuleni, kazi kama hizo wangezifanya.

Ningetaka niseme tena, upande wa council. Wale ma-chairmen tunawachagua, tunawachagua miaka miwili, halafu baada ya miaka miwili tunawachagua tena. Ingalikuwa ni mzuri wachaguliwe miaka mitano bila hii mambo ya nusu nusu.

Com. Salim: (inaudible)

Pamenas Kilonzo: Hapo nitafafanua kidogo. Ilikuwa maoni yangu, ama nilikuwa nimeonelea, ili tuwe na chairmen ambao hawatakuwa na upendeleo upande wote ule, ingelikuwa ni mzuri chairmen wachaguliwe na wananchi kama wa wilaya mzima. Na vile vile, yeye asiwe na location yake ile ambaye amesimamia. Awe ni mtu independent.

Upande wa Rais vile vile, ni maoni yangu kuwa, Rais wa nchi asiwe na sehemu ile anawakilisha. Awe amechaguliwa na wananchi wote kwa jumla, wenyeji, na vile vile asiwe na upendeleo mahali pake ambapo amezaliwa.

Na ningesema hapo vile vile, Rais naye mwenyewe, asiwe ni mtu wa kuchagua wale ma-ministers. Ma-ministers wawe, kuna tume ya kuwachagua. Maanake, anaweza akachukua ndugu zake wote, na watu wengine wabaki bila hiyo u-minister.

Ingingesema ni ile, wanaochaguliwa viti vyote vile – vya Udiwani ama vya Ubunge. Baada ya kukataliwa na watu wao, wasiwe wakipatiwa nomination tena. Ukienda nyumbani, na upate nominee wanachukuliwa, pengine independent persons.

Ningependa vile vile niseme, kuna pombe inaitwa ya kienyeji ambayo inakataliwa sana. Ningependa niseme kwamba, badala ya watu kunyimwa kutengeneza hizo pombe, wapatiwe licence. Anayeshindwa na kuchukua licence, basi, anyimwe hiyo mambo ya pombe.

Kuhusu elimu, ilikuwa ni maoni yangu, kama mtu ni mfanyi kazi, kuwe kuna kiwango kile ambacho kinakuwa deducted from his salary. Halafu, hiyo pesa, inakusanywa inapelekwa kwa shule, kama vile hii pesa ya hospital fund, na ile karo inatozwa wanafunzi wa secondary school, ipunguzwe, isiwe ya juu zaidi, ili isiwe ni wale tu wanafanya kazi. Kwa maana, kuna watu wengine, tangu azaliwe, hajaajiriwa mahali popote akafanya kazi, na angependa kusomesha watoto wake vile vile, na yeye hana namna.

Ile ingine ya mwisho, nitakayosema, ni hii mambo ya majimbo. Majimbo, ingawaje watu wengine wanaongea mambo ya majimbo, wanasema ni mazuri, kwa sasa, mimi ninaona hii nchi yetu, haijakua kutosha ili watu wawe na majimbo. Maanake, itamaanisha kama, upande wa Eastern Province imekuwa jimbo independent, na kuna ma-factories ama hakuna nafasi za kazi, watu wa sehemu hiyo watakosa kazi. Kwa hivyo, ni afadhali hii nchi ikuwe kutosha na majimbo pengine itakuja baadaye, lakini sio kwa sasa. Na kwa hayo machache, ninasema asante.

Com. Salim: Asante. Andikisha pale. Patrick Ngala Maluki?

Patrick Ngala Maluki: Ni asante sana kwa kupata nafasi hii. Ninafurahia kushiriki kwa maneno ya leo ya kurekebisha Katiba, vile tunaweza kutengeneza hii nchi yetu. Niko na mambo machache. Mengine imesemwa, nilikuwa nimechelewa. Nimetoka Mwingi, ninafanya huduma za jamii. Ninaitwa Patrick Ngala Maluki.

Kwanza nitachangia habari ya assistant chiefs na chiefs, wawe wanapata transfer, kama wafanyi kazi wale wengine. Sababu yake ni kwamba, wengi pengine ndio wanasababisha mikasa mingi ya familia. Kwa sababu, wanajua familia kutoka zamani, mpaka mwisho yake.

Ile ingine ya pili, ni kwamba, kuna nominations ya councillors na MPs. Ningeshangilia kama ingewezekana, hawa watu wawe si watu ambao walikuwa wamegombea kiti. Wawe independent persons, wale ambao hawakuwa kwa kile kiti. Kwa sababu, tumekuwa tukijua mambo mengine mabaya sana, mtu ameanguka, tumeangusha yeye, na pia tunaletewa yeye pia tena. Sasa inakuwa ni balaa kwetu, kwa sababu, inaonekana kwamba, kweli ukiwa umekataa mtu, sasa unaletewa tena mwingine. Ni heri yule ulikuwa umekataa. Hiyo ningesema, tuwe na mtu independent, ambaye hakuwa amegombea kiti yeyote.

Kile kingine, ningengea habari ya prices of commodities. Yaani, siku hizi kila mtu anauza vitu zake ile bei anataka. Na hii ni vitu vingine, mwananchi wa kawaida pengine amedhulumiwa, kama watu wako mbali na zile market za kawaida. Kama zamani kulikuwa na prices ya commodities, watu walikuwa wanajua kama ni sukari, bei yake ni hii. Sasa kama serikali

ingeangalia vyema, bei za commodities ziwe standardized – ziwe ziko na bei moja, ingekuwa mzuri kwa mwananchi. Kwa sababu, sasa mwananchi hawezi kujua sukari hapa ni kiasi gani, pale ni kiasi gani, kwa hivyo hiyo, tungependelea.

Ile ingine ni kama serikali iko na mpango wa retrenchment vile ilifanya, iwe na mpangilio mzuri, na malipo ya wananchi iwe tayari. Kwa sababu, hata leo, kuna watu wameenda nyumbani, wako na miaka karibu mbili ama moja, na bado hawajapata malipo yao. Sasa kama watu wanafanya retrenchment, serikali iwe imefanya ready payments – ziwe tayari kama kuna retrenchment.

Ile ingine ni counting of votes. Hii ni kitu ingine ninaona, kama mwananchi, kama inaweza kuwa hesabu ya kura, inaweza kuwa kwa kituo, bila kupeleka hizi kura Mwingi ama wapi, na hapo kwa barabara, pengine wote hawatoshea kwa gari, wengine wanawacha kama wale observers, nini. Kura iwe inahesabiwa kwa polling stations. Hiyo ni maoni yangu ingine.

Ile ingine ni katika education, especially primary level (wacha niongee hiyo kwa sababu hiyo ingine ya secondary school imeongewa). Katika primary level, tumekuwa hata hatujui ni nini inatolewa, ni nini inalipwa. Tunasikia term hii, wazazi wanatakikana walipe kiasi hii, ile primary ingine ni kiasi ingine, sijui ni kulingana na mipango gani ya education. Kwa hivyo kama education level ingekuwa imeangaliwa, hata kama ni primary level, tuwe tunajua kwamba, kama ni primary – yaani watu wanapatiwa viwango. Viwe viwango hivi na hivi, hivyo, wazazi wanatakikana walipe hivyo, hiyo ingekuwa ni mzuri. Kwa hivyo, ningependelea kama tuko na kiwango fulani za primary levels. Tuwe tunajua iko primary levels hii na ile, kwa sababu, sasa naona kama ni hapa Nuu, hii primary mwaka moja, mtoto analipa elfu moja, ingine pale, just around 5 kilometres, analipa five hundred. Sasa sijui iko tofauti gani, na wazazi wanatoka area moja. Kwa hivyo, hiyo iangaliwe ndio itakuwa vizuri.

Ile ingine ningeweza kusema ni kwamba, kama ni tume ya kuajiria wafanyi kazi, kitu ya kwanza ni kuangalia walimu ndio msingi kwa kila kitu. Kwa sababu Teachers Service Commission, I think it is a priority of this Government to be able to achieve whatever is going to happen in this country. So, it should be given priority number one.

Com. Kangu: Iko wapi Dominic.

Dominic Mulonzya: Jina langu ni Dominic Mulonzya. Ninaongea juu ya urekebishaji wa Katiba.

Mwanzo, nitaanza na Urais: maoni yangu ni kuwa, Rais achaguliwe kwa muda wa miaka mitano, na hiyo miaka mitano kama inakwisha, aondoke, mwingine aingie.

Na Rais asiwe juu ya sheria. Iwe, akifanya makosa, anaweza kushtakiwa kama watu wengine.

Rais pia, asiwe na uwezo wa kuchagua mawaziri. Kuwe na kamati maalum katika Bunge, inashughulikia mambo ya mawaziri.

Na Rais asiwe, mbunge, awe ni Rais peke yake. Asiwakilishe pande ingine, ni kuwa tu Rais wa nchi. Nchi hii tu peke yake.

Na kama mtu amechaguliwa kuwa waziri, naye pia, asiwe Mbunge. Awe ni waziri, afanye kazi moja.

Jambo lingine ni kuhusu utawala wa mikoa: watawala wa mikoa, wanafanya kazi nzuri, isipokuwa, kuna mahali waliweka tofauti kidogo. Tofauti yao ni kuwa, tukianza DC, tuje mpaka kwa DO, wanapatiwa transfers, na kutoka hapo, chiefs na sub-chiefs hawapatiwi, na wanafanya kazi ya njia moja. Ningependelea, kutoka sub-chief kuendelea mpaka PC, wawe wakipatiwa transfers za kazi.

Jambo lingine, ni kuhusu mambo ya majimbo. Majimbo sioni kama ni kitu mzuri, kwa sababu, ukiwa katika nchi yako, unafaa utembe kila pahali bila wasiwasi wowote. Kwa hivyo, majimbo ikitotea, kitu ya kwanza hatuna uhuru, tutakuwa ni kama tuko na migawanyiko.

Jambo lingine ni juu ya kesi za shamba: ningependelea kesi ya shamba, ianze tu pahali mtu anatoka – na inaanza kwa hiyo kijiji. Ikishapitia kwa hiyo kijiji, isiende kwa sub-chief ama kwa chief, iende moja kwa moja mpaka kortini. Na korti sasa, ichague watu wa kuja kusikia hiyo kesi, na kuamua pia. Nafikiri naweza kufikia hapo.

Com. Kangu: Asante sana. Sasa tutachukua break ya about one hour. Sasa ni twenty minutes kufika saa nane, tutarudi kama inabakia dakika ishirini kufika saa tisa, ndiyo tuendeleo na wale wenye hatujafikia. Kwa hivyo, munaweza kwenda kunyosha miguu kidogo, murudi saa nane na nusu.

AFTERNOON:

Com. Kangu: Wale wamejiandikisha wamesharudi tuone kama wako. Japhet M. Munyithia?

Response: (inaudible)

Com. Kangu: Ni wewe lakini hutaki kuzungumza? Sawa. Teresiah Chaka, observer. Jemimah Mulwa, pia yeye observer. Mwitugi Musili, sawa. Kanjui Mutinda? Faith Mulwa? Joe Ngua Kula? Justus Mugai Kaole? Priscillah M. Kituu? Georgina John? Katikati ya wale wako ndani, kuna yule alikuwa anataka kuzungumza, tuanze na yeye? Ama ni wale wameshazungumza? Hakuna. Basi tutasubiri tuone kama watakuja. Yule nani – ndugu? David Nzuki? Okay. Umeandikisha jina lako?

David Kilonzo Nzuki: Nilikuwa nimeandikisha kule, lakini in the form of written.

Com. Kangu: Na pale?

David Kilonzo: Kuko, kila mahali.

Com. Kangu: Pale umeandikwa?

David Kilonzo: Yaah.

Com. Kangu: Sawa. Okay, anza.

David Kilonzo: Sasa, mambo ambayo ninaona ni muhimu kuongeza katika Katiba yetu ya Kenya...

Com. Kangu: Anza na majina yako.

David Kilonzo: Mimi David Kilonzo Nzuki.

Com. Kangu: Endelea.

David Kilonzo: Jambo la kwanza, ningeponelea ni mzuri kama tungekuwa na Waziri Mkuu -- Prime Minister katika serikali yetu.

Lakini, ninaona, ingefaa, kama tungekuwa na chiefs elected by wananchi. Wawe wamechaguliwa na wananchi.

Com. Kangu: Na assistants wao?

David Kilonzo: Chiefs na assistant chiefs, wachaguliwe kwa kupigiwa kura. Na tena, kama inawezekana, wawe ni transferable. Wawe wanaweza kupatiwa transfers kutoka hapa hadi mahali pengine. Na nikiulizwa zaidi, nitaeleza.

Com. Kangu: Umemaliza?

David Kilonzo: Sijamaliza.

Com. Kangu: (inaudible)

David Kilonzo: Ya tatu, ni juu ya handing and taking over kwa outgoing and incoming MPs and councillors. Wawe wakifanya wakati wowote, baada ya uchaguzi kufanyika na huyu mmoja ameenda na yule mwingine ameingia ili, maendeleo, iwe ni mfululizo. Nikitakikana nieleze zaidi baadaye, nitaeleza.

Com. Kangu: Endelea, eleza tu, hapana ngoja tuulize wewe. Kama ulikuwa na maelezo, peana tu, huu ndio wakati wako.

David Kilonzo: Ngoja basi nimalize na hii ya nne, ili

Com. Kangu: Sawa.

David Kilonzo: Ya mwisho katika list yangu, ni amnesty. Hii inapeanwa na Rais kwa wafungwa wale ambao wamefanya makosa, au pengine wakapatikana na hatia wakafungwa. Halafu baada ya kifungo, muda kidogo tu, wanaachiliwa, wanarudi nyumbani. Hiyo, huleta madhara mengi. Ni hayo tu.

Com. Salim: Sasa hautaki amnesty?

David Kilonzo: Nitaeleza. Hebu nieleze juu ya amnesty. Sasa, inapatikana ya kwamba, kuna Bwana amehukumiwa kifungo kwa ajili alikuwa amewaumiza wananchi huko katika ile sehemu ametoka. Na kabla hajasoma ama kupata funzo lolote, wakati unaingia amnesty, anaachiliwa. Halafu, kurudi, anaanza kufuata wale waliomfanyia hiyo kazi, ashikwe aende huko.

Kwa hivyo, amnesty lazima iwe ina kiwango ambacho inaweza kupeanwa kwa kosa ili, na lile na lile.

Nikienda kwa ile ya kwanza – Prime Minister. Hiyo ni sawa hiyo.

Number two, ile ni chiefs and assistant chiefs. Wakiwa wamechaguliwa na wananchi na wawe wana muda, kama vile tunafanya kwa MPs hata na Rais. Watafanya kazi sawa sawa, na kama hiyo haitawezekana, wakuwe transferable.

Com. Kangu: (inaudible)

David Kilonzo: Kwangu hiyo ni alternative, kwa vile..... (tape complete). Lakini kama wangekuwa wanabadilisha kama vile wafanyi kazi wa serikali wanafanya, hiyo..... dakika ya mwisho, chief angepata heshima kuu zaidi, akistaafu akiwa nyumbani kwake, ama astafaafu anarudi nyumbani kwake.

Com. Salim: Jambo lingine.

David Kilonzo: Lile lingine, ni hili la handing and taking over kwa MPs na councillors wakishachaguliwa. Nafikiri kila mmoja anajua ya kwamba, Mbunge, huwa na jukumu kubwa, na huwa anawakilisha eneo kubwa, watu wengi, na miradi huwa ni juu yake, ile ambaye huwa ameanzisha. Kwa hivyo, kama tunapata mbunge mwingine, achaguliwe, halafu, aweze kuwasiliana na yule aliyekuweko (the outgoing one). Itakuwa ni kama kukanyaga maendeleo, iwe ni hapo chini. Lakini, handing over, hapo ninasema, huyu anaweza kumwambia mwenzake, kulikuwa na miradi hii, tulikuwa tumefuata hii, tukafika pale, fuata hii, itawafaidi wananchi, na councillor, hali kadhalika. Ni hiyo.

Com. Kangu: (inaudible)

David Kilonzo: Yule mwenye ameanguka, ameondolewa na yule mwenye ameshinda. Na saa ingine, ni watu wanakuwa na shida.

Com. Kangu: Ni nani anatakikana asimamie hii handing over – ku-supervise kuhakikisha imefanywa properly?

David Kilonzo: Yangu ni kusema ya kwamba, hawa wenye kuchaguliwa huwa wanawakilisha jamii kubwa, na hatuwezi kutatizika kwa chuki zao. Lazima kila mmoja akubali kushindwa, yule mwingine akubali kushindana, lakini kwa vile walikuwa wanawakilisha wananchi, wafanyiwe hiyo handing over, ya kwamba, kulikuwa na hii, kama ni barabara, kama ni nini, imebaki mahali fulani. Hiyo tu, halafu mambo itakuwa sawa sawa.

Com. Kangu: Asante. Utaweka sahihi pale. Sijui kama Kandui Mutinda amerudi? Hayuko? Ni nani kati kati ya nyinyi mko mwenye anataka kuzungumza? Wewe tulikusikiza ndugu?

Response: (inaudible)

Com. Kangu: Ngoja kwanza, kuna mwingine? Mwingine mwenye hajazungumza anataka kuzungumza? Wewe haujazungumza? Wacha tutangulie huyu. Na umeingiza jina pale? Na Justus Munga Kaole, yuko? Nguli Munyika Kavindu? Huyo ni observor. Evans Karangau? Also observor. Wilson Kivisu? Observor. Augustus Muthuu Mutina? Benevicta Kweta Makau? Ni wewe. Haya chukua.

Benevicta Makau: Kwa jina naitwa Benevicta Kweta Makau. Asanteni.

Yangu ya kusema ni kuhusu Bunge: kwa upande ule ninataka ni upande wa kazi. Upande wa kupanga kazi, Wabunge wanatakiwa wawe kazini kila siku, sio tu zile ma-siku maalum.

Upande mwingine ni kuhusu yule Mbunge mwenye amechaguliwa. Kulingana na kazi ile mmemupatia, akikosa kufanya kazi kwa utaratibu na mwenendo mzuri kwa wale waliowachagua, ninataka huyu mtu achukuliwe na hao watu, aletwe mahali amechaguliwa, aulizwe ni kwa nini, na akikosa, amri iwekwe ya kufanya uchaguzi tena.

Naenda upande wa Mayor: Ni lazima Mayor achaguliwe na wananchi, lakini sio councillors wenzao. Ile miaka mbili ikiisha, uchaguzi ufanyike tena.

Com. Kangu: (inaudible)

Benevicta Kweta Makau: Kwa miaka mitatu.

Kwa upande wa councillors (diwani): akikosa kufanya ile kazi kama MP, nao apatiwe ruhusu ya kwenda nyumbani, ama achukuliwe na wale watu waliomchagua, na uchaguzi ufanyike tena, kama hakutimiza kazi ipasavyo.

Naenda upande wa ma-chiefs na sub-chiefs. Hapo, kuna vitu ambao sisi tumeumia sana kwa upande wa land. Hao watu, wanatakiwa wawe na orodha ya kuongoza, kuhakikisha ya kwamba, ile amri ya land (akihakikisha kama mtu fulani na fulani wamegombana kwa ajili ya ardhi), awapatie ruhusa waende kortini. Yeye awe anawapatia ruhusa tu, lakini sio kuongoza kesi hiyo. Iwe inaamuliwa kwa korti.

Na upande mwingine, ni ile haki yetu kwa serikali. Nataka kupunguzwe kodi, maanake, tumeteseka sana, ingawapo sisi hatuna kitu ambao tunasema tunapatiwa bure. Kila kitu chochote tunatoa kodi, hata mtoto akiwa kwa tumbo, huyo mtoto anatoa kodi. Kwa hivyo, ni lazima serikali ichunguze ya kwamba tumeumia sana. Hizo kodi zipunguzwe. Tax ile inatakikana ni ile ya umma.

Com. Kangu: Kama gani unataka ipunguzwe?

Benevicta Makau: VAT ipunguzwe. Iwekwe kiwango ambao kila mtu anaweza kustahimili. Nasema asante.

Com. Kangu: Ngoja swali moja.

Com. Salim: Huyu MP na councillor. Unasema kwamba, ikiwa hawakufanya kazi sawa, wapeleke watu wamurudishe mahali ambapo alichaguliwa. Sasa, akija pale, tuseme amekuja hapa, ni kitu gani ambacho kitafanyika kuhakikisha kwamba, sasa huyu sio MP tena? Watu watafanya nini?

Benevicta Makau: Kuna kazi ambayo watu wanapeana wakiwa wamechagua mtu kulingana na developments za hao watu. Na huyu mtu, hiyo miaka mitano imepita..

Com. Salim: (inaudible)

Benevicta Makau: Sawa, kwa kuchukuliwa kule kwa Bunge?

Com. Salim: (inaudible)

Benedicta Makau: Akija, hawa watu watasikizana na huyu mtu. Na wakikosa, iwe ni lazima hao watu wamuchague mtu mwingine.

Com. Kangu: Kwa utaratibu (inaudible)

Benedicta Makau: Utaratibu.

Com. Kangu: (inaudible) umetoka na wewe kwanza, sasa sisi kama watu wa Nuu ama tuseme watu wa Mwingi South, tulichagua wewe. Tutachukua hatua gani ki-serikali, ki-sheria, ya kutoa wewe, ndio tupate nafasi ya kuchagua mwingine?

Benedicta Makau: Tuchukue muda kwa uchaguzi. Mtu kuchaguliwa, tuchukue muda. Lakini, akikosa kufanya kazi kwa hiyo muda ambao hao watu wamepanga, iwe inawekwa utaratibu wa huyo mtu....

Com. Salim: Sasa Bwana Makau, wananchi hawafurahi na kazi yako, utaletwa hapa. Pia tunataka kujua, ni nani atakayekuleta hapa? Ni nani ambaye ana mamlaka ya kukuleta hapa?

Benedicta Makau: (inaudible)

Com. Salim: Watakwenda nyumbani kwake, ngoja, mutakwenda nyumbani kwake, mumutoe kwa nguvu, mumulete hapa?

Benedicta Makau: Uko kwa Bunge.

Com. Kangu: Utamutia kwenye gari?

Benedicta Makau: Eeh..... (inaudible)

Com. Kangu: Makau, elewa hivi. Hawa watu wote, wewe hukai nao nyumbani kwako. Kila mtu ako na kwake. Na ikifika kiwango munataka kutoa Mbunge, ni wewe ndiye utanza kwa kila nyumba ya kila mtu kumwambia kuja tuende tumtoe, ama atakuwa nani? Hiyo ndio tunataka kujua. Hatua gani itachukuliwa ndio ijulikane serikali inajua sasa huyu, hatoshei, hatoshelezi watu wake, ametolewa, tuweke mwingine?

Com. Salim: Na Speaker hataki ku..... (inaudible).

Benedicta Makau: (inaudible) watu wamepanga kutengeneza ile maendeleo. Huyu mtu ukitaka harambee ama kuna kitu fulani, ama mradi mwingine wa utambazaji wa maji, huyu mtu tunamuita atusaidie. Maanake, tumemupeleka huko, atusaidie.

Com. Salim: Katika tuseme chama chochote, ikiwa yule office-bearer, secretary, na nini, hakufanya ile kazi, katika ile constitution ya kile chama, kuna njia ya kumwondoa. Watu kukutana, kwa kuhudhuria tuseme three-quarters wa members wakihudhuria wakapitisha azimio, huyu secretary hatumutaki tena, hiyo hiyo ni kanuni, ataondolewa. Maanake, unafuatia ile Katiba ya kile chama.

Sasa katika habari hii ya Mbunge ambaye watu hawafurahi naye, utafuata utaratibu gani? Ukisha muleta hapa, utafuata utaratibu gani kumwondoa kwa njia iliyo ki-sheria, si kwa marungu na vitisho na kumutukana.

Benedicta Makau: Utaratibu wenye utachukuliwa ni vile nimesema. Na nimesema, tukichagua mtu, tunampenda. Lakini, akienda kule, yeye anashikilia mambo mengine, lakini si yale tulimuchagua atusaidie nayo.

Com. Kangu: Basi wacha tuseme hivi. Kama ulikuwa haujafikiria hayo, unasema, si kuwa nimefikiria. Lakini jambo tunajaribu kusaidia nyinyi ni kwamba, iko mambo mawili, moja ni kwamba, kama Mbunge ama mtu mwingine amechaguliwa vile mumesema hata councillor, afanyi kazi vile inatakikana, wananchi wapatiwe uwezo wa kutoa yeye katika hiyo kazi, wapatiwe nafasi kuchagua mwingine. Hilo tumesikia. Lakini la pili, lenye tunauliza na inaonekana pengine hamjafikiria, pengine muende mufikirie siku ingine mutaandikisha mutume huko Nairobi, ni kwamba, utaratibu wa kutoa huyu ni aina gani. Kwa sababu shida ingine yenye iko, tukiweka tu, na mimi muniyati kiti, naona wamechagua mwaka huu, mimi sitaki yeye, nitakuja hapa nichokore watu wa hapa, niwaambie, semeni huyu atolewe. We have to guard against all these things. So, lazima tuweke utaratibu wenye hauwezi kutumiwa vibaya, na kutoa hata wenye wananchi wenyewe hawajakataa.

So, we must have a proposal, kuhusu, ni njia gani tukifika kiwango hatumtaki. Njia ya kumutoa yenye haitakuwa na shida, ni njia gani.

Wengine wamesema, enda chukua signature kwa watu wa hiyo constituency, wakifika elfu moja ama elfu mbili, hiyo inasemekana imetoshwa, kuna wale wanasema hivyo. Lakini, hata hiyo nayo iko na shida yake. Mtu atakuja atengeneze hapo signatures za uongo, aende atoe mtu kwa kiti. Pengine yule mwenye ulishinda, tukisema signature ya watu nusu ya wale wa constituency imetoshwa, pengine wewe ulimushinda na kura two-thirds ama three-quarters, lakini anarudi anachukua signature ya only a half. So, utaratibu inatakiwa iwe. Because, we are making a very good proposal, ni nzuri. Lakini tusipoweka utaratibu sawa sawa, it will be abused. Si munaelewa?

Response: Tunaelewa.

Com. Kangu: So, wewe nenda fikiria, mutatuambia siku ingine. Ama bado uko na maelezo?

Benedicta Makau: (inaudible)

Com. Kangu: Asante, okay, sawasawa. Basi weka sahihi. Tusikize Raphael Mulinge Kasomo? Hayuko. Mbuvi Kaluku? Umeshasema?

Mbuvi Kaluku: Hapana.

Com. Kangu: So, hutaki..... Asante. Na Kasivi Mutinda? Umezungumza?

Kasivi Mutinda: (inaudible)

Com. Kangu: Asante. Na tena mumerudia kuandika majina wakati munarudi? Kula Musili? Umezungumza ama unataka kuzungumza?

Kula Musili: (inaudible)

Com. Kangu: Asante. Na Kilonzo Musyimi?

Kilonzo Musyimi: Nimekuja kusikiliza.

Com. Kangu: Umekuja kusikiliza. Sasa, ni nani yule anataka kuzungumza na hajapata nafasi? Yule alikuwa anataka apeane maelezo. Na wa-mama, mbona hamutaki kusema mambo ya wa-mama, na wa-mama wanalia. Hapana, mukuje huku mutuambie hata kama ni moja, tujue wa-mama pia nao walisema hivi. Hamutaki, ama wanaume wamezungumza kwa niaba

yenu? Ama hawa, mukizungumza wakisikia tena itakuwa vita? Museme, kama ni hivyo, tuwaambie waende nje, tusikize nyinyi peke yenu.

Com. Salim: Hiyo pia inawezekana.

Com. Kangu: Asante basi. Ndugu ulikuwa unataka kuongezea maneno kidogo.

Benedict Mulonzia Mulatia: Asante sana my dear Commissioners, niko na points tatu.

Com. Kangu: Jina lako?

Benedict Mulatia: Sehemu tatu kidogo nimekumbuka. Ninaona mara mingi, wananchi tunawachagua Wabunge, na mara Mbunge anapochaguliwa, akifika kule Bunge, anahama chama kile ambacho kilimchagua – defections. Kwa hivyo, mimi naonelea kuwa, Katiba itukabalie tuweke heavy penalties especially financial. Na yule Mbunge ambaye ametoka chama chake kwenda chama kingine, asikubaliwe kusimama.

Point number two, ninaona kuwa ma-baraza yetu ya hawa county councils, wanataabu mara nyingi, kuhusu pesa.

Wanakusanya pesa, wanapeleka Nairobi kwa Central Government, na huko ma-councillors wenyewe wanaenda bila mishahara. Tunaonelea kuwa, pesa ambazo wanakusanya katika sehemu yao, watumie zile pesa kwa kuwalipa wafanyi kazi, walipe allowances zao, na kisha, wapeleke percentage fulani kwa Central Government – kama 25% or 30% to the Central Government.

Com. Kangu: 75% (inaudible).

Benedict Mulatia: Yaah. Watumie katika mishaara ya wafanyi kazi, na hao wa-councillors wenyewe waache kubabaika na kuangaika uko na uko.

Sehemu ya tatu, Bwana Commissioners, ni appointment of judges wakuu, kama ambassadors, parastatal heads and other senior posts. Sasa, appointment of judges should be recommended by Judicial Service Commission, be vetted by Parliament, and then, the President is given just to sign the appointments.

About the ambassadors, parastatal heads and other senior posts. The Public Service Commission should take charge, recommend them, the Parliament does the work of vetting and then, back again maybe to the Head of State just to sign.

A point that my friends do not get, is that, at our cities, we recommended to introduce the post of Ombudsman in our

Constitution. The Ombudsman acts as a mediator between the Government and wananchi. Na wakati wananchi kule wana malalamiko, wanamupelekea Ombudsman, naye anayasukuma kwa serikali. Kwa hivyo, kama kuna malalamiko kuhusu Bunge, kuhusu councillors, yanapelekwa kule, ata-recommend kitu gani kinafanyika. Lakini huku, kuwe na watu over 75% wanaotaka yule mtu atoke. Asante sana Commissioners.

Com. Kangu: Sasa swali moja ndugu. Unasema over 75% wa watu, wa-recommend kwa Ombudsman ndio Mbunge atolewe. Hawa watu ni nani atakusanya wote awapeleke kwa Ombudsman? Ama unasema, kama mmoja anaenda kulalamika kwa Ombudsman, Ombudsman akuje achukue ile inaitwa opinion poll, ama namna gani?

Benedict Mulatia: Ombudsman – ni mipango itakayotokea kule, kwa sababu ni a very tricky issue to handle down here. Utafanya wewe unataka kupanga ili msukume MP fulani, na upande ule, ana watu wake kidogo ambao wana nguvu. Kwa hivyo, mukianza hapa, bila shaka munaweza ku-cause clashes. The best thing would be to take this to the Ombudsman, and then, the Ombudsman recommends something like a referendum here for the people now, to see whether they really want him back or he is being defeated

Com. Salim: (inaudible)

Benedict Mulatia: Initially, this will have to be in a written form through what you mentioned the signatures of the people. There is no problem. For example, when you are a candidate, you have your agents around and around, if they get fed up, the same people can easily get to the masses to sign against you. And then this document is taken alongside the complaints of the people now – “we, the South Constituency are fed up with our MP, because of this and that, and we would him back to us here” so that we can think of an alternative.

Com. Salim:(inaudible). As my colleague was saying, can you arrange for signatures for hundreds of people for verification – mechanism for verification will be required. Unless you want that want that last to be the Ombudsman.

Benedict Mulatia: I think he will organize his way, he will be working. Having been given an office, he will know how to deal with this issue because many will be going to see him. What we want in the Constitution is to be allowed to recall, if it is a lazy councillor and this unworking MP.

Com. Salim: Thank you sir.

Com. Kangu: Wengi wametuambia, tuweke ofisi ya Ombudsman, na hawasemi, kwa sababu Ombudsman mingi unapata ni mtu moja. Na unasikia watu hapa wanalia, hata mahakama tu -- High Court, iko mbali. Sasa tukiweka Ombudsman Nairobi,

hii watu watatoa wapi pesa ya kufikia yeye. Hii Ombudsman, iwe mtu moja Nairobi ama iwe na offices huku nchini?

Benedict Mulatia: Iwe na offices huku chini.

Com. Kangu: Kwa level gani? District, Province, ama mpaka Location?

Benedict Mulatia: You see, if we take it down to the location, it will be too taxing and we are talking of money not being there. So, if we establish an office, we must make sure that it is not going to consume much. So, for the first time, let us try his extent of the office to come upto the district level. Then from there, we can know what to do next. Thank you sir.

Com. Salim: One other point. You said Judges should be vetted by Parliament. Parliament vets, who proposes the names to Parliament to vet?

Benedict Mulatia: The Judicial Service Commission because they know their performance.

Com. Kangu: Na mwingine yuko anataka kuzungumza? Ngoja tuone kama kuna yule hajazungumza. Kuna yule hajazungumza? Unataka kupeana written memorandum?

Speaker: (inaudible)

Com. Kangu: Hutaki kuongezea mazungumzo?

Speaker: (inaudible)

Com. Kangu: Basi peana hapo. Jina nani?

Speaker: (inaudible)

Com. Kangu: Augustus.....

Com. Salim: Tuna-repeat mara nyingine. Naona kina mama wako hapa. Muna hakika amutaki kusema na yeny pia? Maana tumeamulishwa sisi, Wana-Tume, kuhakikisha kwamba maoni ya Wananchi yanatoka kila upande, na katika kila sehemu ya jamii ya Wakenya. Kina mama, kina dada, walemavu, watu wa dini,

Com.Kangu: Vijana...

Com. Salim: Vijana, na kadhalika. Kwa hivyo, tunawakaribisha tena. Yuko aliyebadilisha maoni yake akataka kuja sasa? Tumemtia kidogo moyo wa kuja?

Basi, unataka kuzungumza ndugu? Mzee unataka kuzungumza.

Speaker: Kuongezea.

Com. Kangu: Hapana, tukianza kusema kuongezea, hiyo itaanza kuturudisha nyuma. Tuseme kama hakuna mwingine mpya anataka kuzungumza, basi tutafunga kikao.

Speaker: (inaudible)

Com. Kangu: Iko muhimu sana?

Speaker: Ndio.

Com. Kangu: Ukirudi nyumbani huwezi kulala.

Speaker: Siwezi kulala.

Com. Kangu: Haya, kuja basi.

Com. Salim: Umeshika moto.

Com. Kangu: Jina kwanza.

Jengo Kimweli: Jina ni Ndia Jengo Kimweli. Asante Bwana Commissioners.

Yangu ilikuwa ni hii. Nchi yetu iko na masikini wengi sana. Nilisikia kwa radio, kuna ma-taifa wanapea wananchi mishahara, wale wenye mashamba. Kwa nini hatutengenezi Katiba? Wale watu wenye mashamba huko kwa taifa ile ndio wengi, wakapewa mshahara? Ili tumalize umaskini kila mahali.

Com. Kangu: Hata wale hawako kwa kazi wapatiwe mshahara?

Jengo Kimweli: Wale wenye mashamba.

Com. Kangu: Wenye mashamba?

Jengo Kimweli: Eeh.

Com. Kangu: Kwa nini?

Jengo Kimweli: Ili wasaidie kumaliza (inaudible). Watu wengi huko, wana mashamba lakini kwa kukosa pesa.....

Com. Kangu: Wapatiwe pesa ya kulima mashamba yao?

Jengo Kimweli: Ya kulima mashamba yao.

Com. Salim: Mikopo hivi?

Jengo Kimweli: Mikopo hiyo. Iwe ni lazima kila mwananchi mwenye shamba, apatiwe mkopo.

Com. Kangu: Nini ingine?

Jengo Kimweli: Sina ingine, ni hiyo.

Com. Kangu: Ni hiyo tu?

Jengo Kimweli: Ni hiyo tu.

Com. Kangu: Sawa sawa. Basi asante. So, tuseme, sasa imefika saa tisa karibu na nusu, na tunaona hakuna mwingine ako na maoni anataka kupeana. Kwa hivyo, sisi tunarudishia watu wa Nuu shukurani, kwa kutoka na kupeana maoni yenu, mukitaraji kwamba itatumika kwa kubadilisha Katiba, muweze kupata Katiba inayoweza kusaidia nyinyi kwa maisha yenu. Asanteni sana, twawashukuru, twatarajia yale mumechangia, itawaletea manufaa. Na, kwa hivyo, pengine nitapatia mwenzangu kama ako na la kusema, azungumze, halafu turudishe kwa District Co-ordinator, na yeye amalize kwa kufunga mkutano.

Com. Salim: Asante Mwenyekiti, langu ni fupi, nalo ni kusema kwamba, maoni ambayo tunashughulika hivi sasa kuyakusanya nchi nzima nzima, Province baada ya Province, Mkoa baada ya Mkoa. Maoni haya tunashughulikia hapa, tutayapeleka ofisi yetu kuu kule Nairobi, kuna watu maalum ambao wanafanya kazi ya kuchambua maoni haya, na kuyaweka kwa utaratibu unayofaa, ili tutumie kuandika Katiba. Na ni haki yenu kujua, mumekuja kutoa maoni yenu. Ni haki yenu kujua sasa maoni haya yatafanywa nini.

Kwa hivyo, hatua ya pili, ni sisi kukusanya maoni ya wananchi wote, kuandika report na mswada wa Katiba. Yaani, mapendekezo yetu ya Katiba. Jambo hilo, au report hiyo, na Katiba, ya mapendekezo tuseme. Maana, haijawa Katiba. Haiwezi kuwa Katiba mpaka Bunge ipitishwe. Lakini tutaandika report, na pendekezo la Katiba, kisha tutaeleza pendekezo hilo la Katiba na report yetu. Nyote mupate kusoma na kufahamu. Na huenda wale civic education providers, pia, watasaidia kufahamu hiyo report na hiyo mapendekezo yetu ya Katiba.

Kisha kutakuwa na mkutano mkubwa, ambao utafanyika, wa kiasi cha watu mia saba. Wabunge wote, ma-Commissioners wote, wawakilishi wa kila district watatu, mmoja wa kila waakilishi hao atakuwa lazima awe ni mama. Kwa hivyo, munahakikishiwa ya kwamba, kina mama pia watachaguliwa, na pia wakilishi wa dini, kutoka ma-makanisa, kutoka misikiti, kutoka temple ya mabaniani, na kadhalika. Wote hawa watakaa katika kikao kirefu, kujadiliana juu ya ule mswada wetu au pendekezo letu la Katiba. Lile nzuri, sote tupitishwe, na kadhalika. Ikiwa kuna mapendekezo yoyote kubadilisha tena Katiba, itabadilishwa. Ikiwa kuna mapendekezo kutoka kikao hicho cha national conference cha Katiba, tutabadilisha tena.

Kisha, stage itakayofuata ni, ikiwa wote jamaa hawa watapatana, Wabunge, sisi hatuna ruhusa kupiga kwa katika mkutano huu – sisi ni observers, kama wengine kati yenu wamekuja kusikiza. Sisi kazi yetu ni kusikiza, na kutimiza amri tu, siku hiyo. Lakini hao wengine, wana-Bunge, ma-wakilishi wa kila district, na kadhalika, wakipikisha kwa consensus wamepata, na basi pendekezo letu la Katiba baada ya kubadilishwa hapa na pale, litapelekwa Bungeni na kupitishwa kuwa ni Katiba yetu.

Kwa hivi sasa, tuna nafasi ya wananchi kushauriwa tena. Ikiwa katika kikao hiki kikubwa cha watu karibu mia saba, hakutakuwa na mapatano kamili, juu ya kila jambo lililoko katika Katiba, ikiwa kuna mambo fulani ambao hawakupata juu yake. Wamekaa wakazungumza, mapatano yakawa ni taabu kupata, basi, mambo hayo huenda ikawa machache, mawili au machache, hata jambo moja tu, ikiwa hawakupatana juu yake, basi kutafanywa referendum – kura ya maoni. Wananchi wote wataulizwa juu ya jambo hilo, na matokeo ya kura hiyo ya maoni, yatatiwa katika Katiba ndio ipelekwe Bungeni na ipitishwe. Kwa hivyo, kama kuna haja kujua baada ya kazi hizi tuliufanya hapa na nyinyi, na nyinyi kutaabika, je! tutakuwa na nini baadaye?

Sasa hayo ndio mambo yatakayofanywa baadaye. Na tuombe kama mwenzangu alivyosema, kwamba, tutakamilisha kazi hii, kwa ukamilifu, na kwa njia ambaye itasaidia nchi yetu kuendelea, ki-uchumi, ki-jamii, na ki-siasa. Asante.

Speaker: (inaudible)kuwa watulivu na kunaomba msamaha kama pengine tuliwasumbua kwa kuwatatiza kwa maneno hapa, na kutojua vile tungeweza kusema. Tulipokuwa tukiandikisha pale, nafikiri mulikuwa mukituliza, na Bwana Co-ordinator kama pengine ilifanyika wakati nilikuwa nimetoka nje kidogo, sijui ma-Commissioner wetu kwa majina. Samahani tungetaka tujue, naona yule hivi hivi. Asante sana.

Com. Kangu: Sisi tulifanya introduction mwanzo lakini wengi walikuwa hawajaingia. Mwenzangu anaitwa Prof. Idha Salim, yeye ni Commissioner, tena ni Naibu wa Mwenyekiti wa Tume. Mimi naitwa Mutakha Kangu, tena mimi ni mmoja wa ma-Commissioners.

Inatakikana mujue vile tuko hapa saa hii, kuna wenzetu sehemu zingine tofauti. Kama jana, tulikuwa Migwani, na wengine wakawa kwingine. Leo tuko hapa, wengine wako huko Mui, wengine wako Mwingi town, wengine walienda Matinyani huko Kitui, wengine wako uko North-Eastern. Kesho kutwa, sisi tutakuwa huko Tana River, huko Bura. So, tumejigawa kwa vikundi kadhaa ndio tuende pamoja. So, wengine wenye hamujaona, siku ingine mutakuwa bahati kuwaona. Asante.

Musaki Musyoka: Asante sana wageni wetu, Chairman wa kikao hiki, Commissioner Kangu, tunashukuru kila mmoja wenu. Nafikiri hatuna ya ziada ya kusema. Hata wale walifanya civic education hapa, walifanya vizuri. Sababu, tukisikiza vile wazee walizungumza, walikuwa wameelezwa bila shaka. Kwa hivyo, mimi nikiwa Co-ordinator, na kwa niaba ya watu wa hapa Nuu, nasema ni asante kwa ule muchangio mumefanya kwa siku ya leo. Maoni yenu yamechukuliwa na Commission, na kwa hivyo kama vile ma-Commissioner wamesema, itakuwa pamoja na yale wengine – ya Wakenya. Kwa wakati huu ninasema ni asante, na sasa tutafunga mkutano wetu na maombi. Kama kuna mmoja wenu, ako tayari, tafadhali, ajitokeze atuombee ili tufunge mkutano huu. Tafadhali. Usimame utuombee.

Gideon Mwasi: Tuombe. Baba Mwenyezi Mungu, narudisha shukurani mingi sana wakati huu tunaenda kufunga mkutano, kwa vile umetuwezesha kuendeleza mambo ya Katiba yetu, na umetupatia nafasi nzuri kwa kila mmoja akatoa maoni yake. Mungu uwe nasi na uongoze ma-Commissioner wetu ili waende na maoni yetu, wakaitoe kikamilifu vile tumeyazungumzia. Mungu utusaidie kutoa Katiba ile ambayo itatufaa kwa kila mtu na itamulinda kila mtu. Mungu enda nasi, na ukiwasaidia njiani, tutakurudishia shukurani. Na ni katika jina la Yesu twaomba na twaamini. Amen.

Meeting ended at 5.30 p.m.

