



**RECORDINGS OF CONSTITUENCY PUBLIC HEARINGS OF MUMIAS CONSTITUENCY HELD AT ST.**

**BEDAS BUKAYA SECONDARY SCHOOL**

**ON 29<sup>TH</sup> JULY 2002**

**PRESENT**

**Com. Riunga Raiji** – in chair

**Com. Salome Muigai**

**Com. Dr. Mohammed Swazuri**

**SECRETARIAT IN ATTENDANCE**

John Watibini	Program Officer
Gladys Gichuki	Asst. Program Officer
Asha Bor	Verbatim Recorder
Anne Nambiro	District Coordinator

**The Meeting started at 10.00 a.m. with Com. Raiji in the chair.**

.....mmoja wenu atuongoze kwa maombi.

**Rosenail Obonyo:** Natuombe. Baba katika jina la Yesu, tunakuita sasa hivi Mungu wetu kwa sababu umetuwezesha kufika siku ya leo, siku ambayo tumeongoja sana. Baba tunasema asante, asante kwa kuleta wageni ambao wamekuja kuchukua maoni yetu baba. Tunakuomba ukae kati yetu wakati tunaanza, hata wale hawajafika Mungu wangu, tunaomba uwaletе kwa haraka ili tuendeleе pamoja. Asante kwa serikali yetu, asante kwa Rais wetu ambaye ametupatia nafasi hii tutoe maoni yetu ambayo itatusadia hata na watoto wetu na wajukuu wetu. Baba tunaomba uzidi kutuongoza kwa hiki kikao baba. Tukimaliza vizuri vile tutaanza vizuru, tutakushukuru Baba. Naomba katika jina la Yesu kiongozi wetu. Amen.

**Com. Raiji:** Asante sana mama. Kwa niaba ya tume ya kurekebisha katiba, ninafuraha kuwakaribisha nyinyi nyote katika kikao hiki rasmi cha tume. Kabla hatujaanza, ningetaka tujue tuko na Commissioners wagani ambao wametumwa hapa na tume na nitawauliza muwaambie majina yao nikianza upande huu wangu wa kulia.

**Com. Salome Muigai:** Hamjambo watu wa Mumias

**Audience:** Hatujambo

**Com. Salome Muigai:** Mimi naitwa Salome Wairimu Muigai na ni furaha kubwa kuwa nanyi leo.

**Com. Swazuri:** Habari ya asubuhi?

**Audience:** Mzuri

**Com. Swazuri:** Mimi naitwa Mohammed Swazuri.

**Com. Raiji:** Na mimi jina langu ni Riunga Raiji na mimi ndio nitakuwa Mwenye Kiti wa kikao cha siku ya leo. Pamoja na ma-Commissioners hawa wako mbele yenu hapa watatu. Tuko na maofisa wengine kutoka makao makuu ya Tume. Tuko na Bwana John Watibini ambaye ni Programme Officer.

**John Watibini:** Hamjambo?

**Audience:** Hatujambo

**Com. Raiji:** Tuko na Bi. Asha Boru ambaye ni Verbatim Recorder

**Asha Boru:** Hamjambo?

**Com. Raiji:** Tuko na Gladys Gichuki ambaye ni Assistant Program Officer. Na pia tuko na District Coordinator na wana chama wa Constituency Committee na nitamuuliza District Coordinator aje hapa atujulishe tu kwa majina wale wanachama wa threeCs ambao wako hapa ambao wamekuwa wakitayarisha na kufanya kazi kubwa ili kutayarisha mambo ya siku ya leo.

**Anne Nambiro:** Hamjambo?

**Audience:** Hatujambo.

**Anne Nambiro:** Tuko na wanakamati wa katiba ya (inaudible) hapa wanne na nitaanza na Mwenye Kiti, Acting Chairman. Jina lako tafadhali na jambo.

**Peter Sakwa:** Peter Sakwa. Hamjambo?

**Audience:** Hatujambo.

**Anne Nambiro:** Mwenye anatumfuata ni secretary

**Rita Katamwa:** Rita Katamwa. Hamjambo?

**Audience:** Hatujambo.

**Anne Nambiro:** Mwenye anatumfuata ni member

**Abdangwa Shikanga:** Abdangwa Shikanga. Hamjambo nyote?

**Audience:** Hatujambo.

**Anne Nambiro:** Next, member

**Janet Ayeta:** Janet Ayeta ni member. Habari zenu wote?

**Audience:** Njema

**Janet Ayeta:** Mwakaribishwa

**Audience:** Asante

**Anne Nambiro:** Na mimi ndiye District Coordinator, Ann Nambiro. Asante kwa kufika.

**Com. Raiji:** Asante sana Anne. Kwanza kabisa kabla hatujaanza tungetaka kuwajulisha utaratibu ambao utakuwa katika kutoa maoni. Kwanza kama mnavyojua, hiki ni kikao rasmi cha tume kwa hivyo wakati munatupatia mapendekezo yenu, mtakuwa mkipatia Tume na kila mtu yuko huru kupendekeza mambo yote anayofikiria itatusaidia katika kurekebisha katiba. La pili, tutatumia lugha zetu rasmi, Kiingereza na Kiswahili lakini kama hujui hizo lugha, uko huru kutumia lugha ya mama na nafikiri Ann atatumia mtu wa kututafsiria.

Kuna jinsi tatu za kutoa maoni. Kwanza kabisa unaweza kutupatia nakala au memorandum ambayo umeandika bila kusema neno lolote, utatumia kwa sababu hapa ndio ofisi yetu. Tutaandika, tutaipokea na tutaitumia wakati wa kuiandika ripoti ya

kurekebisha katiba. Unaweza kuwa na memorandum lakini ungetaka tu kuzungumza maneno machache. Utapatiwa dakika tano kutupatia tu summary au highlights kwa sababu ya masaa hatuwezi kukubalia mtu asome memorandum yote kwa sababu ingine ni ndefu sana kwa hivyo, utapatiwa dakika tano utupatie tu yale muhimu kwa sababu memorandum yenyewe tutaenda nayo na tutapitia wakati tunarekebisha katiba.

Jinsi ya tatu, unaweza kuwa huna maandishi yoyote lakini unataka kunena mapendekezo yako. Uko huru kufanya hivyo na pia utapatiwa dakika tano ili sasa ututolee mapendekezo. Ningemuomba wakati mnakuja hapa muwe mkitupa mapendekezo, recommendations or proposals kwa sababu hizo ndizo tunataka ili tuzitumie kurekebisha katiba. Kwa hivyo ma-story ndefu sana sana kwa hivyo, jaribu kuleta point yenyewe ili utumie saa yako vizuri. Pia, baada ya kutoa maoni yako, ma-Commissioners wako huru kukuliza upanulie jambo fulani ambalo labda hawajaelewa ama kupata sawa sawa. Kwa hivyo utangoja kidogo kama kuna maswali ama kitu cha kufafanua, utaulizwa lakini ningetaka kuwajulisha kwamba ma-Commissioners hawako hapa kujadiliana na nyinyi. Kazi yetu kama Commissioners ni kusikia na kupokea maoni yenu. Maoni yote mnatoa hapa tuna record, tuko na tape recorder kwa hivyo usiwe na hofu kwamba hayo mapendekezo yenu hapa labda hayatafika huko kwa Tume, yatafika.

Nafikiri hakuna mengi, tutaanza sasa na vile tunafanya ni kwamba tunaanza na mtu ambaye alijiandikisha mbele. Kwa hivyo tutafuata taratibu wa vile watu walifika lakini tukiona ni heri tunaweza kurukia ili tufikie labda watu kama wakina mama ama walemavu, wale ambao wako shuleni na kwa hivyo tutafuata orodha. Ukimaliza kutoa maoni yako au memorandum, tafadhali utaenda hapa ujiandikishe kwa sababu Tume inataka orodha rasmi ya wale waliotoa maoni ili wakitaka kuenda kuthibitisha, watakuwa huru kufanya hivyo. Asanteni.

Tutaanza na Celine Wesonga, Ukaya Student. Karibu. Wa pili tutampatia nafasi, Stephen Rabile Okuok. Stephen, Ukaya Teachers', yuko?

**Speaker:** (inaudible)

**Com. Raiji:** Yuko upande huo?

**Speaker:** Ndio.

**Com. Raiji:** Okay. Rowland Ombuge? Rowland eh?

**Speaker:** (inaudible)

**Com. Raiji:** Okay. Uko tayari kutoa yako?

**Speaker:** Niko nayo

**Com. Raiji:** We will give you five minutes to give us the highlights or summary. Please have a seat. Utaanza kwa kusema jina lako ili liingie kwa tape.

**Stephen Obok:** Hamjambo wote?

**Audience:** Hatujambo.

Kwa majina ni Stephen Obok. Nina maoni ya Waalimu wa St. Bedas Bukaya High School. Tumeandika kwa lugha ya Kimombo kwa hivyo nitasoma kwa lugha hiyo. Teachers from St. Bedas Bukaya Secondary School are proposing the following: -

- Nominated MPs should not be allowed to hold Ministerial post in the country.
- Even children be allowed to acquire or inherit their parents property especially land and other things.
- The President should not be the Chancellor of all public universities in Kenya instead they should appoint qualified personnel to that position.
- Basic education should be free and compulsory to all Kenyan children to eradicate illiteracy.
- They are also proposing the creation of post of a Prime Minister and reduce the powers of the President. They are saying that the Prime Minister should serve a maximum of two terms of five years each.
- Sentence for rapists should be made more harsh to reduce such incidences.
- Anybody who fails general elections should not be nominated as an MP. A person who attempts to vie for either MP or President twice unsuccessfully should not be allowed to vie any other time.
- MPs and Chiefs or leaders should be answerable to what development progress has been achieved during their time and why and how it has been achieved otherwise they will drop if they cannot explain.
- Agriculture being one of the most important sectors, it should be well addressed in the Constitution to enhance productivity. Actions, which may lead to poor production that is stealing from other people's funds or mismanagement of products, should be addressed.
- All parents should give proper care to their children according to their abilities.
- The scrapping of nomination of MPs and councillors.
- All MPs be involved in the proroguing and dissolution of Parliament. It should not be left to the preserve of the President.
- There is a suggestion that they should have two Chambers in the House, that is the House of Common for elected representatives and the Senate made up of retired senior citizens from various professions like law, medicine and

engineering just to name a few.

- They are also suggesting that we create a federal system of government with five governors in this manner; Western, Central, Rift Valley, Eastern and Coast.
- There is a suggestion that all nursery school teachers to be employed by TSC instead of community.
- The government to train and post guiding and counselling personnel to schools to counsel teachers and students.
- We naturalize the citizens born of Kenyan mothers and alien fathers.
- The delegate system of voting should be done away with. Ceremonial positions like Mayors be scrapped. Selection to middle level colleges should be done away with.
- All sub Chiefs and Chiefs should be of 'O' level education and above and have a certificate or diploma in Public Relations and they be paid well to avoid corruption.
- Teachers in a given situation should elect their heads whenever vacancy arises.
- Interdiction for teachers should be decided by all teachers before the Principal or BOG, that is to say a disciplinary council made up of teachers and they should be part of the policy makers. Ministries should not be headed by MPs but by specialists that is people with education that pertains to that Ministry.
- The Constitution should give room where the voters who are the employers of the MP to have a vote of no confidence to their MPs if they fail to work as expected.
- The President should not be an MP, he or she should be an independent Kenyan and not attached as a Member of Parliament in any constituency.
- Presidential elections to be carried out separately from MP elections and even civil elections. The President should not be a Commander-in-Chief of the Armed Forces and finally they are suggesting that we should abolish political inheritance. Thank you

**Com. Raiji:** Thank you very much Stephen. Register yourself. Celine Wesonga. That was the student. Welcome.

**Speaker:** You can have a sit there.

**Celine Wesonga:** Our teachers and our visitors, this morning...

**Com. Raiji:** (inaudible). Start with your name please so that we can record.

**Celine Wesonga:** I am Celine Wesonga. This morning I am going to talk about the roles of women in Kenya today and we tried to come up with the following report.

- Women should be allowed to inherit land. The government should announce that publicly so that all the people in Kenya are aware of that.
- Second, women should have that right to marry men. By this we mean, instead of the men taking the women to their

home, even the women should take the men to their homes.

- Another point is that the government should make an appointment to ensure that all women in Kenya wear long dresses. It must be compulsory.
- There should be equality in job opportunities for both men and women. If a man can be a pilot, why can't a woman become a pilot? If he can make to be a caretaker same to a woman then a makanga (tout).
- The government should announce publicly that every family must give birth to a maximum of six children, more than that may lead to jailing both the woman and the man and then a minimum of three children.
- All men rapists to be castrated or jailed for life and it should be announced publicly and on a serious note.
- All thieves should not be jailed to die there, instead they should be cut the limbs, they should be cut. You cut both the legs and the hands so that they will know that, I stole and that is why I do not have these limbs. Thank you.

**Com. Salome Muigai:** We need to get some clarification. Thank you very much Celine, those were very important prepositions. I just have a few questions for you. You are talking about equality of men and women and at the same time, you are saying women should wear only long clothes. Could you explain to us what you mean by women wearing long dresses? My other question is on the limbs. There are people born without limbs so when you say that all thieves will be known that they stole and that is why they have no limbs. What happens to those who are born without limbs, those whose limbs are cut because of some diseases? Will they have to share thought because they stole or how will you tell the difference?

**Celine Wesonga:** Thank you. First, I will tackle the question about putting on of long dresses. If the government makes it to be known that all women should put on long dresses, we are not going to get cases of maybe girls being raped because of the short skirts they are putting on or mini skirts or the tights they normally put on. So, Kenyans must be identified to be putting on long dresses. If you go to Nigeria, you will get that putting on 'vitenges' identifies these women they are long and smart. If you see a Nigerian woman and you are educated, you will not fail to know that woman so the women should just put on long dresses.

For the thieves, if someone was born without limbs, that one is automatically known and if someone is a thief and you cut him or her, the family. You know most of the people do inherit the theft from the family so in this case you will get that the same family has almost three thieves and if a brother is cut, the two are going to change.

**Com. Raiji:** Thank you very much (inaudible). Tell us your names.

**Mohammed Odongo:** My names are Mohammed Odongo.

**Com. Raiji:** You have to say your school for the record.



**Mohammed Odongo:** From St. Bedas Bukaya Secondary School.

**Com. Raiji:** Endelea mbele.

**Mohammed Odongo:** The students have come up with some views. The first one was that people should elect the Mayors and the councilors because they are the ones who can specify who or which person fits a particular post. Secondly, we feel that the council officials, the Mayors and councillors should not serve for only two years; they should serve for the normal five years so that as Parliament is dissolved, all of them are retrenched to get new ones in the new government. Another thing is that the maximum serving time should be five years after which the retrenched officer should not again be allowed to be voted for so as to have equal (inaudible) of the nation of Kenya. The election dates for each five-year plan should be specified in the Constitution so that campaigning becomes fair and the citizens be well prepared on who to cast their votes for. Apart from winning the votes, the President and other elected civil servants should fulfill the following qualifications. He should be morally upright, at least a form four graduate and a Kenyan citizen.

The multi-functions of President should not exist in the new Constitution; he should only be a President and an MP. Others such as Commander-in-Chief and chancellor of universities should not be allocated to such persons so that others can get the job and avail the opportunities to many Kenyans. There should not exist nominated or very special Ministers but all of them should be elected by the citizens, not just to push them there and ask the citizens they have been taken.

All the civil servants should only concentrate on one job so as to avail other similar chances to the organs of the country. During the voting, the second person after the President should become the Vice President and in case she or he suits the required qualifications but if not, then anyone who has gone for post but failed should be made the Vice President.

A Kenyan citizen caught for breaking the law should just be arrested but should not be whipped or subjected to any form of disciplinary action. He should just be guided and counselled and if possible, be given strategic post in the process of nation development. For example, he can be taken to polytechnics or any other training institutions nearby.

Death penalty should be abolished completely. The current Constitution does not protect full employment for the citizen properly. For example, in Western Kenya, sugarcane as the only cash crop does not presently encourage farmers to plant it. When inputs should be brought to the farm and that process done there. The expense of some get lost on the way to the factory should be the responsibility of the company and the one to suffer but not the farmers.

On education, there is unfair distribution of education resources. Schools which are known for performing well and which are able are being made more able living the cheap ones like our school Bukaya behind. How can you prove education you say that by then yet there is unfair distribution. Also, unable students have just been left to drop out of school due to school fees.

Students also lose their hope because compared to the old systems in schools with the present ones you see there is a great difference. In old schools, milk was being brought to the schools. Pens and books were donated to the school by the government but are they there today? Are we really going ahead or we are backsliding?

**Com. Raiji:** You have a long memorandum, we will collect it. Just summarize the rest and you have one and a half minutes.

**Mohammed Odongo:** Another thing is that education should be made compulsory for any person below 18 years of age and any person found roaming on the streets yet is supposed to be in school should just be repatriated to the village. The teachers should be fitted with uniforms so as to identify them quite easily and anybody or any public servant found on duty with no proper uniform should be given a compulsory leave or suspended for a month. Students should not be given any form of punishment while in school. Proper guiding and counseling should be given to them and the any teacher found violent with students should be suspended for a month. Kenyans should be made aware of anything going out of the country. They should be accessed this information to the possession of the state or any other agency, organ of the State.

Finally, for day schools it should be very clear that any student who is able or willing to stay in the school should be given the chance so that he can gain like the other national schools does.

**Com. Raiji:** Asante sana. Can you get yourself registered. Mr. Rowland Ombuge I think that is the Principal. Karibu sana.

**Speaker:** Excuse me Sir, do you want to hand over your document?

**Com. Raiji:** Yes, you are free. If you have a written memorandum, you are free to get it registered and then you are released. You do not have to read it all. Thank you. Mwalimu if you could start with your name first.

**Rowland Ombuge:** Majina yangu kamili ni Mwalimu Mkuu wa St. Bendas Bukaya, Mukumu (inaudible). Nafikiri niliulizwa swali ya kata ndogo ya Bukaya. Wazee walikutana hapa na wakapendekeza maoni fulani ambayo waliniuliza nisome kwa niaba yao. Tulipitia pengine yote ambayo ilikuwa ya mijadala ya uma na tukapendekeza mambo machache, kwa hivyo ningependa kuanza kwa kusema kwamba, katika utangulizi wa katiba yetu, wakaazi wa Bukaya walipendekeza kwamba katiba yetu mpya iwe na utangulizi huku ukieleza umuhimu wa taifa, umoja, heshima ya katiba, kuheshimu kazi na tamaduni za makabila yote ya Kenya, haki ya kumiliki mali, uzozaji wa raslimali, haki za watoto, wamama, wazee na walemavu, haki za kuabudu na utaratibu wa kusajili madhehebu, idadi ya vyama vya kisiasa, haki za vyama vya ushirika na wafanyi biashara rejareja, haki ya elimu, maji masafi, uhifadhi wa misitu na mazingira. Kwa hivyo walitarajia mambo ya katiba yetu ikiwa na utangulizi wa aina hiyo itakuwa na mwelekeo.

Kuhusu kanuni za kuongoza sera za serikali, mambo muhimu ambayo waliwahi kuguzia ni kuhusu wazee. Maoni ya wazee hasa

kuhusu maisha yaweze kutiliwa maanani sana katika katiba yetu kwa sababu siku hizi wanaonelea kwamba wanaanza kupuuza. Swala la mama kambo na baba kamba walisema pia haliko kwa desturi za mwafrika kwa sababu huharibu, inaondoa umoja wa jamii na pia huharibu taifa kwa hivyo walisema mambo kama haya yakiondolewa (inaudible).

Walisema kwamba Rais ambaye anakuja, kanuni zake za siku dumu ashtakiwe apate kustaafu na mawaziri wateuliwe kulingana na ujuzi wao katika idara hizi. Iwapo ni wajumber, wawe wana degree. Baada ya uchaguzi iwapo tutategemea serikali ya mseto, wamependekeza kwamba pawe na viama vinne pekee vya kisiasa na pia viama hivyo iwapo vitaunda serikali ya mseto, kile kinachoshinda na hakina waMbunge wa kutosha kimtoe Rais na kile cha pili kimtoe Waziri Mkuu, cha tatu makamu wa Rais na cha nne Waziri Mkuu mdogo. Hivyo ndivyo kuunda serikali ya mseto ambayo itakuwa na utafa maalum. Pia walizungumzia ambayo tayari waalimu wamezungumzia kwamba Wabunge maalum wasiteuliwe kuwa mawaziri na wawachiwe kutetea wajibu walioteuliwa kwa mfano walipendekeza kwamba Wabunge maalum wateuliwe kutegemea makundi maalum kama vile walemavu, wale wenye ujuzi katika nyanja mbalimbali ili waweze kuwakilisha makundi hayo kuliko kuwateuwa watu ambao tayari wamewakilishwa kwingine.

Walisema kwamba wapewe muda wa kuongoza kwa vipindi vitatu vya miaka mitano. Wale ambao wanastaafu kutoka ambao umefanya kwa muda wa vipindi viwili walipwe marupurupu ya kustaafu. Wahuduma wengine wa serikali wanaostaafu walipwe marupurupu yao haraka na waongezwe kutoka miaka kumi na tano hadi ishirini na tano, wale wafanyikazi wa serikali. Marekebisho pia yafanyiwe malipo ya uzeeni ili yalingane na hali ya kiuchumi kwa sababu wengine bado wanalipwa ujira mdogo.

Kuhusu uwezo wa katiba, walipendekeza kwamba katiba isiruhusu Wabunge kubadilisha (inaudible) fulani fulani vya sheria bila kuwashauri wananchi walioshiriki katika kuunda katiba. pia walipendeza katiba imruhusu Rais kuteuwa kamati inayoidhinisho la Bunge ili kuongoza mkutano wa kubadili katiba iwapo kuna haja ya kufanya hivyo.

Kuhusu uraia jambo ambalo lilitokea sana ni kuhusu yale mengine wamezungumzia lakini walisema kwamba iwapo mama ameoleka kwingineko na arejee hapa Kenya na ni Mkenya, akija na wanawe, watoto hao wapewe uraia wa Kenya kwa muda wa miaka mitano huku wakiangalia iwapo patakuwa na kurudiana au mda huo unaweza kuongezwa kutegemea vile hali ilivyo ki-ndoa na iwapo mke anaolewa akiwa mja mzito, basi baba achukue jukumu la yule mtoto aliyezaliwa au mtoto anayeandamana na mtoto huyo na apewe haki yake ya kuridhi. Walisema kwamba vyeti vya kuzaliwa vitiliwe maanani kumtambua raia wa Kenya na jukumu ya raia yategemee namna uraia ulivyopatikana na katiba isiruhusu raia wa nchi mbili kwa sababu inaweza kuzusha vitendo vya ugaidi au kupeleleza kwa niaba ya nchi zingine.

Ulinzi na usalama; walipendekeza vikosi vyote vya silaha viguzwe na katiba. amri jeshi abakie Rais lakini kutangaza vita, pawe na kamati ya ulinzi na usalama ya kumshauri Rais. Polisi wanapofanya msako wa vijijini kutafuta pombe haramu au madawa wa kulevya waandamane na wazee wa mtaa. Wazee wa vijiji waajiriwe na serikali ili kutekeleza kazi yao vyema na walipwe ujira.

Katiba iruhusu uwezo wa kipekee katika hali ya hatari kama vile vita, majanga ya kitaifa, maasi na kukosekana kabisa kwa usalama na mamlaka haya watumiwe na kamati ya usalama ikiongozwa na Rais.

Ningependa kumalizia kwa sababu nimesema kwamba mambo haya yameandikwa na ndio maana huoni watu wengi hapa. Wengi walikuwa wamezungumzia na tukayaweka pamoja kwa hivyo mengi mtayapitia lakini muundo wa (inaudible) ya serikali wamependekeza tutazidi kuwa na vyama vingi. Kuhusu Bunge wamependekeza kwamba Wabunge wasihamehame kutoka chama kimoja hadi kingine wakati wanahudumu kwa miaka mitano na kuhusu mamlaka ya nchi, lazima katiba iweke takiriba ya Rais atakayeteuliwa.

Mahakama, jambo ambalo lilijitokeza muhimu sana ni kwamba pawe na mahakama ya katiba na pia mahakama ya juu halafu mahakimu wastaafu baada ya miaka sitini sio sabini na mbili. Katiba ichunguze wale mawakili ambao huwafuja raia na wale wanawakilisha jamaa zao kwenye mahakama ambao wanaipotosha mahakama. Kwa hivyo katiba itoe mamlaka kuwaachisha au kuwanyang'anya. Walisisitiza serikali za wilaya zipewe haki ya kusimamia raslimali katika sehemu zao ili waweze kuorodhesha matumizi hayo. Kuhusu mfumo wa utaratibu wa uchaguzi, walisema kwamba ma-Commissioner wawe twofive na wawe na tajiriba na waweze kustaafu baada ya miaka six0 na wakipatikana wanapendelea upande wowote, waachishwe kazi hiyo.

Haki za kimsingi afya ya wananchi, walipendekeza kwamba serikali ihudumie kupitia kwa NHIF na NSSF welfare society. Elimu ya zamani walisema irudishwe, wasichana wapewe haki ya kuridhi. Boda boda wapewe huduma za bima na mafunzo ya uchukuzi na serikali ijenge viwanda vidogo vidogo kama sehemu ya Mumias hapa kuhusu kutengeneza peremende, molasses na fruits ya mayai ili kuajiri vijana na wale vijana ambao serikali haiwezi kuhudumia pia walisema hapa haki za msingi, wapewe pesa kidogo ili kuepuka madawa ya kulevya na njia zingine za usherati. Kisha walisema serikali isimamie bei ya bidhaa muhimu kama vile chumvi, mafuta taa, mbolea na kadhalika. Mengine wataangalia katika hiyo sehemu.

Haki za makundi yanayoweza (inaudible) walipendekeza wakina mama, walemavu na wengine waweze kulindwa na katiba na haki za watoto wasichana hasa. Ardhi; kuna swali muhimu ambalo lilitokezea hapa ambalo nilitaka nitaje kwamba walisema, sole propriety itolewe kwa vyeti vya Title Deeds, ibadilishwe na trusteeship kwa thamiri na waandikishe watu watatu kwenye cheti cha kuruthi shamba ili mama, baba na mtoto wa kwanza waweze kuandikishwa ili kuepuka mambo ya kwenda kwa koti kuweze kumiliki shamba ile. Pia serikali irejeele kufanya ukaguzi wa mashamba upya ili garama za kufanyia survey zimekuwa ngumu zaidi.

Haki ya jamii tofauti tofauti za kitamaduni, nafikiri hayo yatapitiwa lakini walisema katiba ilinde tamaduni za watu kulingana na hali yao na sehemu zao. Mwisho ni sehemu muhimu na ningelisema kwamba walisema katiba isibadilishwe ovyo ovyo na iandikwe kwa lugha zote za makabila ya Kenya ili kufanikisha kuelewa na iweze kugawa kupitia ofisi ya Naibu wa Chief ili wananchi waweze kuisoma na kuielewa, kuanzisha training kuhudumia vyama vya kisiasa na sehemu zingine za katiba ili

wananchi wajue haki zao. Katiba isitumiwe na watu binafsi kuwanyanyasa wengine mbali iwe ni chombo cha utaiifa na watu wachache wasiruhusiwe kumiliki mashamba makubwa makubwa ili hali kungali na squatter nchini. Sehemu kame iweze kuhifadhiwa na katiba itenga hekari fulani za shamba zinazomruhusu mtu kumiliki moja au kampuni au jamii na katiba isiruhusu watu kuzitaja sehemu zao kuwa upande mmoja wa kisiasa ili nchi yote iwe huru watu kudai kura zao. Hayo ndio maoni ya wananchi wa kanda ndogo ya Bukaya. Asanteni

**Com. Raiji:** Commissioners (inaudible)

**Com. Salome Muigai:** Asante sana Mwalimu Mkuu kwa hayo yote yako na ya wazee kwani ulisema hii maoni ilikuwa ya wazee. Hao ni wazee wa kike ama wa kiume ndio swali langu la kwanza. Shikilia hayo maswali nitakuuliza maswali kadhaa. Umesema kuwa habari ya wazazi wa kambo iondolewe. (inaudible) hayo nitahitaji unifafanulie kuwa ni vipi kwani baba akiwa na watoto na ameo bibi mwingine, huyo ndio hard work sijui kama hapa kwa Kiluhya kuna mama mwenye watoto huolewa mahali pengine lakini mahali pengine utasikia mama anaweza kuwa na watoto na akaolewa pahali pengine na basi mzazi wa kambo akawa hapo. Sielewi hapa unataka katiba ifanye nini juu ya hili jambo. Umeeleza pia ungetaka kuona mihula miwili tu ya miaka tano. Sikuelewa kama ni kwa Rais peke yake ama ni kwa kila mtu, ama ni kwa madiwana ama kwa wanaBunge. Kwa hivyo pia ningetaka ufafanuzi hapo. Pengine memorandum yako inaeleza viema zaidi.

Umesema pia mama akija na watoto ameolewa nchi nyingine na amekuja na watoto, wapatiwe uraia wa miaka tano wakichunguzwa kama watarudiana. Je, na yule mama ambaye hawachani na bwana yake kwame lakini anataka uraia wa watoto wake wawe pia raia wa Kenya, wazee walisema nini? (inaudible) niliona wazee walikuwa (inaudible). Swali langu la mwisho ni kuhusu vyeti vya kumiliki aridhi. Umesema liandikwe kwa jina la baba na mama na mtoto wa kwanza. Na wale ambao hawapati watoto nafikiri itakuwa na majina yao wawili. Lakini (inaudible) watangoja mpaka wapate mtoto wa kwanza ndio waandikishe mashamba ama, we are looking at the practical history vile tutayafanya hayo mapendekezo kwenye katiba. Pia umesema kuwa watu wasikubalishwe kumiliki ardhi kubwa na wengine huku hawana mashamba. Je, walikuwa wanataka kusema wale wenye watakubaliwa basi kumiliki ardhi wakubalishwe acres ngapi ndio tuweze kufikiria mashamba makubwa zaidi. Hayo ni maswali mengi lakini kwa sababu wewe ni mwalimu, utayakumbuka lakini nitakukumbusha yenye utakuwa umesahau

**Rowland Ombuge:** Natumai kwamba hii karatasi ambayo tumeeleza hii lakini kwanza swali la kwanza lilikuwa kuhusu hali ya mama na baba kambo. Jambo hili wazee na wamama, hatukuwa wazee peke yetu. Waliangalia na wakasema iwapo baba ana wake wawili au pengine mama ameondoka na huyu ameo na wakati tunaanza kuiteka jamii kuanza kubagua kujua hali ya mama kambo na baba kambo, hii ndio inaleta migorogoro hata kwenye taifa, tunaanza kujiona kwa makabila tofauti au uzao wa tumbo fulani fulani. Lakini walifikiria kwamba jamii ichukuliwe kwamba baba na mama. Hata ikiwa mama mmoja alikufa na mwingine akaoleka, yule ni mama na iwe tu ni kwamba watoto wamchukulie yule kama mama yao, vitu vinalete utaiifa pia kuanza kufurugana.

Sehemu ya pili ambayo ulizungumzia, natumai ilikuwa kuhusu hali ya miongo miwili ya miaka minato. Walipendekeza hadi madiwani na hata wakaongeze Mayors wawe na miaka mitano, wajumulishe tu lakini madiwani, Wabunge na Rais, hata WaZiri mkuu iwapo tutaanzisha kifungo hicho, waweze kufunga miaka kumi iwapo watateuliwa tena ili tuweze kuwapa watu wengine nafasi ya kutawala.

Kisha kuna swali kuhusu hali ya mashamba.

**Com. Salome Muigai:** Uraia.

**Rowland Ombuge:** Katika uraia huu ulikuwa ukiuliza kwamba iwapo kuna mama ambaye hajaoleka, sivyo?

**Com. Salome Muigai:** Mama ameoleka, hataki kuachana na bwanake na bwanake ni mgeni ama sio raia wa Kenya na mama anataka watoto wake wawe Wakenya. Nyinyi mlisema nini?

**Rowland Ombuge:** Tulisema hivi katika hii sehemu, watoto wale waandikishwe kwa babu wa Kikenya yaani baba ya mama yule ambaye ni Mkenya lakini watoto wale wawaonyesha kwa ukoo wa Kikenya wa mama kama baba ni wa ugeni na mama anataka wapewe uraia. Wachukuliwe kwamba waandikishwe kwa babu yao ambaye alimzaa mama ili kutambulisha asiria yake hapa Kenya.

**Com. Salome Muigai:** Hebu mnasema mama hapeani uraia?

**Rowland Ombuge:** Tunachukulia kwamba, walijaribu kuangalia katika sehemu hii na tamaduni za sehemu hii wakisema kwamba, kuna wimbo una sema (Luhya dialect). Mama akioleka kutoka kwao anatoka kutoka katika ile boma na iwapo atarudi, ni babu atawachukua wale watoto akisema watamchinja mbuzi kwa hivyo sasa akiwagawia kitu atawagawia kitu kidogo. Kwa hivyo ndio walisema watoto hao wachukuliwe kwa babu wa Kikenya na baba Mkenya ambaye anawazaa ndio tulisema kwamba achukuliwe kama hawa ni watoto wenye uRais halisi.

Swali lingine lilikuwa kuhusu Trustship na sole Proprietorship. Wamama na wazee waliangalia na wakasema kwamba, huenda mzee afe na isalie mama na mtoto kijana au mama afe na akibakia huyu mmoja na kwa sababu sheria inasema sole proprietor, ndiye mwenye shamba. Lakini wakachukulia wakaona kwamba iwapo baba hajaoa na amenunua shamba, alikuwa akijiandaa kuoia ili anapomuoa mkewe, ichukuliwe hatua kwamba lazima Naibu wa Chief aandikishe watu hawa wameoana na iandikwe kwa land registrar ili mama aingishwe kwenye title deed na iwapo watampata mtoto wa kwanza pia kwa sababu tulisema vyeti vya kuzaliwa vitolewe kupitia ofisi ya Naibu wa Chief. Mtoto huyu aonyeshe kama kiongozi mwenye kumiliki shamba lile ili tusiwe na kung'ang'ania mashamba au watu wa ukoo kuja kung'ang'ania mali na wakati mtu mmoja anapoondoka. Hapo ndio

walikuwa wanazungumzia swali hilo. Sijui kama nimemaliza maswali yote.

**Com Raiji:** Nafikiri saa imekwisha Mwalimu sasa I think you have taken too long

**Rowland Ombuge:** Asante.

**Com Raiji:** We go to the next speaker. Ibrahim Shiundu. Asante sana if you can register (inaudible) Ibrahim Shiundu.

**Ibrahim Shiundu:** Yes.

**Com Raiji:** Mzee karibu. You have five minutes.

**Ibrahim Shiundu:** Hamjambo nyote?

**Audience:** Hatujambo.

**Ibrahim Shiundu:** Bwana Commissioner

.....*End of tape 1 side A*

**Ibrahim Shiundu:** self help group inaitwa Urunga Self Help Group. Memorandum yetu kwa Constitution Review Commission inaguzia mambo manne na mambo yenyewe nitayasoma kwa kimombo. Ya kwanza itashikilia traditional and cultural leadership. Ya pili itakuwa type of governance. Nikienda ya kwanza, I start off by saying we request our honourable government of Kenya to kindly recognize traditional and cultural leadership Constitutionally and prior to coming of the elections.

- This leadership to our constitution and which was wiped by communities concerned which was a clear understanding of the rules governing the area and the relationships for example; elders were for governance, leadership, and district settlement and ensured security for all sectors, men, women and the youth.
- Social and economic welfare of this community, there were Chiefs with power and consority lead under this leader who also acted as a custodian for the community. Like in Western Kenya, we had this kind of traditions and cultural leadership known as ‘Nabongo’ under King Mumia who was famously known or heard of in Kenya and other countries.
- When the colonialists arrived in Kenya, they found Nabongo Mumia ruling this part of this country and Uganda and then entered into a treaty and collaborated and worked together peacefully but could not include his reign or responsibilities into the Constitution thus weakened his power which also happened to our independent Constitution.

- Therefore we request that our current Nabongo is namely Victor Mumia Shitawa to be included in the presently being reviewed Constitution as other countries are having in their Constitution, for example Uganda the Kabaka and then we have first wives, etc. We are sure the traditional and cultural leadership if restored shall not under any circumstance be engaged in politics but might be involved in advisory status within the government and local authorities within the areas where such exists but mostly on matters pertaining to culture, custom and traditions.
- Lastly, when leadership is restored, it shall be used at a large extent to land, domestic and simplistic cases and disputes now congested in our courts. When I go to the second part, the type of government.

**Com. Raiji:** Sorry you need to give us more of recommendations summarized so I will give you a minute to do that because your time is more or less over. On the second point, you can just give me recommendations.

**Ibrahim Shiundu:** A recommendation on the type of government, which we choose, was majimboism and the President to serve 4 years in two terms. The regions to be represented equally and the police force to not to handle people in brutal manner and the landless people to be considered by the government for allocation of land from public lands, from individuals having several huge lands and the state landlessness causes thuggery. That is all I have. Thank you.

**Com Raiji:** There is a clarification

**Speaker:** (inaudible)

**Com. Salome Muigai:** Thank you very much for your views. I have one question about the traditional governance. Every place we have gone around Kenya, women have told us that the traditional governance left them out of governance, whether it was village governance, whether it was the Council of Elders or whether it was the traditional Chief, there was no room for governance for women. Now, when you give us this as a recommendation for the Constitution, are you suggesting we create people leaving women out or do you have some interventions that you have gone through that would bring women able leadership?

**Ibrahim Shiundu:** Thank you very much. About women being left out of the governance in our traditional times, we feel during our time, women were treated equally and thus like the inheritance of land we have heard that you were given a portion whereby in that portion of land, it is your children who will inherit. As such, we thought it was a fair deal during those days. Thank you.

**Com. Salome Muigai:** Is that leadership? I am just looking for your thought.

**Ibrahim Shiundu:** When we come to leadership, traditionally in the real sense, it used to be just entirely men alone.



**Com. Salome Muigai:** Do you want us to continue that way?

**Ibrahim Shiundu:** Well, as you see, if there is a new correction we might look at it (inaudible) but what is accepted is men.

**Com Raiji:** Thank you. Can we have Mr Joseph Mukuyu ambaye utafuatwa na Rosemary Obonyo kutoka Maendeleo. Endelea, majina yako kwanza.

**Josephat Wamukoya:** Kwa majina naitwa Josephat Wamukoya Lifutu kutoka Bukaya. Kwanza mimi ni kiwete. Nazungumza kufuatana na vile nilitumwa na viwete wenzangu. Sisi viwete tunasumbuka kwa njia nyingi sana maana ukiwa kiwete, una tumbo na inataka ujaze kitu, utatoa wapi? ukiwa kiwete, una watoto na watasoma namna gani? Ukiwa kiwete wewe unagonjeka, utapelekwa hospitali namna gani? Kwa kila shida inaingilia viwete kwa maana wanapokuwa kwa kila laini hata sura hawana kwa maana yeye ni kiwete.

**Com Raiji:** Sasa unataka tufanye nini?

**Josephat Wamukoya:** Nataka usaidizi. Hata nikiwa na shamba, nitalima namna gani, nione mimi, nina mkono mmoja, nitalima namna gani? Tumbo haikuzeeka

**Com Raiji:** Josephat, vile tunajaribu kufanya ni kusikia maoni yenu vile tunaweze kufanya ili nyinyi msaidike

**Josephat Wamukoya:** Yes. Hiyo ndio imetuma hii venue yenu mtusaidie. Tufanye nini kwa maana ugonjwa uko nyumbani, watoto wako nyumbani, tumbo iko nyumbani, shida iko nyumbani, tufanye namna gani? Mtusaidie.

**Com Raiji:** Okay. Nimesikia hayo, tafadhali jiandikishe. Rosemary A Obonyo.

**Rosemary Obonyo:** Kwa majina naitwa Rosemary A. Obonyo, Maendeleo ya Wanawake Bukaya sub location. Wamama wa maendeleo tulikaa chini tukajadiliana mambo haya. Kwanza tuliongea juu ya Bunge na tukaona kikao cha Bunge kipewe mda kidogo kama miaka nne sio tano. Wamama wapewe six0% ya viti Bungeni. Wamama tena wapewe nadhifa kuu Bungeni na hata serikalini, wasiwachwe tu kufuata waume. Wapewe kulingana na masomo yao. Tena, Wabunge wachaguliwe wale wana masomo ya juu ili wakifika huko wapewe viti kulingana na masomo yao. Kwa mfano, kama ni daktari apewe wizara ya afya, kama ni major apewe wilaya ya ulinzi. Kama amesomea mambo ya ukulima apewe nafasi ya ukulima. Tena tukaonelea Rais akikosa ama akipatikana na kosa lolote apelekwe kotini sio ati yeye ni mkubwa hawezi kupelekwa kotini.

Hapo pia tuliona Mbunge akiwacha chama chake asiingie chama kingine mpaka huo muhula upite. Watu wafanye campaign

bila pesa, wasipatie wananchi pesa, waongee tu zile vitu wataenda kuwafanyia. Viongozi wa vijiji walipwe mishahara wawache kuomba wananchi kitu kidogo. Kwa upande wa masomo, masomo irudishwe kama zamani. Watoto wakisoma mpaka class ya nne, wafanye mtihani wapate cheti, class ya nane wafanye mtihani na wapate cheti. Kidato cha nne wafanye mtihani na wapate cheti. Serikali iangalia skuli za watu binafsi zinaharibu pesa ya wananchi na haisaidii watoto hasa vyo vya watu binafsi. Katiba yetu iangalie sana maana inaharibu pesa ya wananchi na haisaidii.

Harusi ifanywe kanisani na sio kwa ofisi ya DO ili izuie wamama wengi kuwa na vyeti vya harusi kwa mume mmoja. Bibi wengi wafungwe maana inaendesha maovu, hayana maneno ya Mungu. Mila na desturi zote ziachwe kabisa kwa mfano kurithi wanawake mume akifa, wanamletea mwanamume mtoto mdogo na yeye ashazeeka, hii inaharibu maisha ya mtoto. Kutairisha wanawake na vijana kwa kisu iwachwe kabisa. Kurudi kwa matanga mara kwa mara iwachwe na kupeleka watoto vichakani kutairiwa. Hizi zipigwe marufuku na sheria ya tume. Watoto vilema wapewe nafasi katika jamii, wapewe elimu bora na wasibaguliwe. Kutoa mahari isikuweko kabisa maana inafanya waume wanawatesa wanawake ati wamewanunua.

Wanaume wanaopiga wanawake wachukuliwe adhabu kali. Wanaume wanao wanajisi wanawake na watoto wasichana wafinywe. Mwizi akipatikana wazi wazi akatwe mkono mmoja. Kesi ya mashamba irudishwe kwa wazee maana wazee ndio wanajua mpaka ya mashamba. Watoto wote, wasichana na waume wagawanyiwe urithi bila kubagua. Mtu akistaafu, apewe haki yake yote, yaani hata miaka tano bado anangojea hajapata pesa zake. Apewe zote hata akila na kumaliza akufe. Mtu akifa, mkewe aendelee kupata pesa ya pension kwa miaka two1 ili aweze kufundisha watoto ambao amebaki nao. Nikimalizia kama wamama wa South Wanga, tunaomba tume itupatie sehemu yetu ya Bunge kwa hapa ni sehemu kubwa ambayo hatuwezi kupigia Mbunge yule yuko, tunataka Mbunge wetu South Wanga. Mungu awalinde.

**Com Raiji:** Asante mama. Mwingine ni Jackson A Lubare. Jiandikishe huko. Atafuatwa na Martin Oloo. Jackson A Lubare.

**Jackson Lubare:** Wageni wetu ambao wamesimamia tume ya leo, mimi nina mambo sehemu mbili kuhusu kitabu ambacho nimepata hivi, nina maoni ambayo nimetoa lakini kesho nitaleta ripoti kamili kuhusu hii maneno ya kitabu. Jambo la kwanza ni, jina ni Jackson A. Lubare, Box six, Butere. Kuhusu uridhi wa upokeshaji wa uwezo, ni nani anayepasa kuwa na mamlaka ya nchi wakati wa uRais. Nimeonelea ni mkuu wa sheria. La pili, matokeo ya uchaguzi wa Rais itakwazwe vipi? Iwekwe wazi kwa radio, TV na magazeti. Rais aliyekubaliwa aanze kazi yake baada ya uchaguzi mara moja. Rais aliyechaguliwa aapishwe na nani na utaratibu gani ufuatwe? Aapishwe na jaji mkuu na baadaye aletwe katika stadium kuongelesha watu.

Ni katika hatua gani ambayo vifaa vya uwezo vitapokezwa kutoka kwa Rais anayetoka kwa Rais anayeingia? Ni baada ya kuapishwa, Rais anayeondoka akabithi vifaa kwa Rais anayeingia ana kwa ana. Upokezaji wa vifaa vya uwezo uchukue utaratibu gani? Ichukue utaratibu wa kutoka kwa kiongozi hadi mwingine. Je, katiba iweke masharti kwa manufaa ya Rais anayeondoka kuhusu usalama, masilahi, kinga thidi ya mashtaka na mengine? Ndio, lazima apewe usalama, maslahi na kinga

pia. Naingia kwa tume ya katiba ya tahasisi na ofisi. Tunahitaji tume za katiba ya tahasisi na ofisi ikiwa ndio au la. La, katiba ya Kenya ifanywe na mkuu wa sheria. Halafu tuanzishe ofisi ya mkopeshaji mlalamiko, ombudsman ikiwa ndio ofisi hii iwe na uhusiano kali na matawi mengine ya serikali.

Tuunde tume zipi za katiba? Tume ya haki za binadamu lazima iundwe, Tume ya sinsia lazima tuwe nayo, tume ya thidi ya ufisadi lazima tuwe nayo na tume ya ardhi na zingine, tafadhali fafana. Tume ya watoto, ya wananchi, ya wakulima, ya walemavu lazima tuwe nazo. Tume hizo zinaweza kuwa na majukumu gani, inaweza kusaidiwa aje na upande wa Mbunge.

Nikienda upande wa uhusiano wa kimataifa, je utenda kazi wa maswala ya uhusiano wa kimataifa uwe na jukumu la mamlaka ya nchi peke, ikiwa sio ni nani, mwingine anaweza kutekeleza wajibu huo? Iwe ni Bunge. Bunge inaweza kutekeleza jukumu gani ikiwa iko katika utenda kazi wa maswala ya kimataifa? Ni kujali maswala ambayo ni ya anaye husika. Jukumu la Bunge katika kutenda kazi wa maswala ya mitaa itofautishwe vipi ile ya mamlaka ya nchi? Bunge la kazi litilie mkazo kuhusisha wanao husika. Namaliza na je, mafikiano ya mapatano ya kimataifa na maneno yawe ya ardhi na ya moja kwa moja kwa sherehe za nchi ikiwa sio, zinaweza kutengenezwa? Ndio, zitengwe.

Nikienda kwa utawala wa ushirikisha. Je, mashirika yanayokuwa na serikali na makundi mengine yenye utaratibu yana jukumu lolote katika utawala? Ikiwa ndio, jukumu hilo liwe lipi? Ndio afya nchini, mali na elimu. Ni maswala yapi yanayohusu mashirika ya kiraia yanayopasa kushughulikiwa na katiba? Utamaduni na mila. Je, donor ielekezwe uendeshaji wa mashirika ya uraia pamoja na vyombo vya habari? Ndio kwa kuinua uchumu. Je, katiba ithibitishwe jukumu la ushirika wa kiraia ikiwa ndio ni katika umbo fupi kwa ulinzi na kisiasa.

**Com Raiji:** Sema la mwisho, saa inakwisha.

**Jackson ALubare:** La mwisho langu ni maoni kuhusu bendera yetu ya Kenya nataka ibaki hata kama mtu mwingine wa opposition atakuja atumie kwa sababu inatukumbusha sisi wanakenya vile tulipata uhuru. Ya pili, Rais ambaye anataka kuchukua term kuanzia sasa nataka amalize miaka kumi na pesa ambayo itatoka iwe tu muhuri wa Kenya, kichwa cha kiongozi kisiwe katika pesa. La tatu ni, sisi wananchi wa kawaida tuko na shida, mtu akipeleka vitu sokoni hata kama ni mboga ya shilingi hamsini lazima atoe ushuru kwa watu wa county council. Nne ni kuhusu uhuru wa kuabudu. Ni lazima uheshimike na serikali ichunguze. Asante sana, hayo ndio niko nayo mengine nitamaliza kesho.

**Com Raiji:** Okay Jackson, jilandikishe huko. Martin Oloo? Martin Oloo utafuatwa na Rachel Omondi.

**Martin Oloo:** Asante sana Mwenye Kiti. Kwa jina naitwa Martin Oloo ni mkaaji wa Mumias constituency. Kuna mambo machache ambayo ningependa kuguzia, kuna mengine yamesemwa lakini ningependa kuisitiza tu na mniruhusu nitasema kwa lugha ya kimombo. We need a Preamble in our Constitution and basically, it should be able to harmonize the process between

this Constitution review process and the Lancaster House negotiations and recognising the need for a Constitutional review after the various crisis that we have so far gone through. In particular, that Preamble should also address issues of building of the nation, issues of laying foundations of a democratic and open society, issues of improvement of quality of life of all citizens and a release of their potential and also founding the Kenyan nation within an International community of nations so that Preamble should be that clear.

We also need a founding provision for our Constitution, which is currently lacking especially defining a number of things. One, what is the republic of Kenya? Declaring and understanding the supremacy of the Constitution, issues of citizenship, National Anthem, National Flag and national languages. When defining Kenya, what do we have to consider? One, human dignity, equality of opportunities, human rights and freedoms. The supremacy of the Constitution and the rule of law and issues of universal adult suffrage, a national common voters role, regular elections and a multi party system of democracy to ensure accountability, responsiveness and openness. That is what we would like to see as a Kenyan nation. Other issues of citizenship I think I would like to see issues of every Kenyan equally entitled to the rights and privileges and benefits of citizenship. In addition, if that is an equally enshrined value, then each and every individual, whether women, disabled or abled people should find that they have a Constitution that takes care of them.

The national anthem and flag, I find our Constitution not clear and not even defining what our national flag colours are. I think those are critical thing. I also think that our court of arms is an area of concern to me that needs to be addressed and particularly the court of arms has that slogan of harambee because I find that 'hare' and 'mbee' as purely contentious issues because if we are a godless society or if we are not going to find ourselves on certain religion then the term 'harambee' is controversial as far as am concerned. The other thing that I would like to mention is the issue of chapter five of the current Constitution and particularly the issues of the bill of rights because as is currently enshrined in chapter five is narrowly defined, it especially emphasizes only the issues around the universal declaration of human rights. It is time that we expanded that area to include issues of economic, cultural and social rights so that we begin to enshrine issues of political rights in our Constitution and using those as tenets of democracy in Kenya, the rights of all people in our country and affirm the democratic values of human dignity, equality and freedom. Bill of Rights should apply to both the natural and Judicial persons.

The other thing that has been mentioned by the head of the school, particularly on issues of rights which our Constitution does not show and I think it belongs to the area of rights is the issue of the environment, issues of housing as a basic right and that our Constitution ought to recognize that as well as healthcare, food, water and social security. I think this are intergral elements that our Constitution needs to accept and therefore encourage each and every Kenyan to feel that they have a government and a Constitution that takes care of them.

The other issue is children. As you have realized, honourable Commissioners, our children act as today is more progressive than what our Constitution is. We also need to make, if our Constitution is going to be supreme, we need to ensure that it is as

progressive as some of the laws that we have in the childrens' act and also in the environmental management act because those are more progressive legislations and are not provided for in our current Constitution.

**Com Raiji:** Can you wind up then?

**Martin Oloo:** The last thing that I want to mention is area of governance. Basically, what I am saying is that we need a corporate government, a government that recognizes the need for Provincial and local representation because what we are saying is, my view is separate from being a majimbo government. We are talking about one country and we should recognize the eligibility of the republic and so when we talk about the local government, talk about the devolution of power, is not the same thing as emasculating other peoples rights. It is only a question of devolving that power and allowing more people to be interested in government structures and not a question of introducing separation or discrimination or otherwise.

Lastly I would like us to see our Constitution very clear on how to domesticate Internationa agreements and treaties as it is right now, it is not very clear what the role of Parliament and the role of the President is, but what I would like to see is a clear statement on that, that actually gives Parliament the role of ratification of Internationa treaties as well as the President's role in ratification of that. That is all for now, I am a little long and would like to say thank you.

**Com Raiji:** I would like to have your memorandum please and thank you very much. I think you have (inaudible) Racheal Omondi?

**Racheal Omondi:** Good morning?

**Audience:** Good morning.

**Racheal Omondi:** I am Racheal Omondi

**Com Raiji:** Is the mic on?

**Racheal Omondi:** I am Racheal Omondi representing Jaribu Women Group.

- Our first point, women who have lost their husbands and have been married for 1five years are capable of inheriting their husband's property including the Title Deeds, whether they are more than one woman.
- All Kenyan citizens should hold one job, which means they should have only one post in their jobs.
- Any Kenyan man found guilty of abusing a child under 18, that is rape should be made infertile or hanged.
- Free education in all primary schools. The government should allow free medical attention to the poor. The government should offer bursaries to all orphans in Kenya from primary to secondary and college level.

- Women should be taken to court for offence done instead of beating. If they have an affair without divorcing the wife or when she commits adultery, he should be allowed to marry another woman. All women and ladies should not put on very short skirts and dresses (inaudible) as this will stop rape cases. Polygamy families should share the properties while the husband is still alive among the wives.
- Political parties in Kenya should be reduced to three parties instead of being many which are not helping anyway.
- Women should have powers in our system of government.
- Mayors should be elected by people like members of Parliament and should serve a term of five years.
- Men should marry so long as they can maintain their wives.
- Women should be in agreement with the husband so as to control the economy of money earned from the sugar plantation because they do more work in the plantation than the men. Women from all political parties should be nominated.
- Young girls should not leave school because of pregnancy; they should go back to school after delivery.
- Men should write their will on how their property should be shared amongst the family and the will should be kept by the court of law or if the family has a lawyer, they should keep the will. Women who have decided not to get married or the family which didnt give birth to a baby boy, they should be allowed to share the land or hold the title deed but a woman who is married and stays with her husband should not get the land or property unless the family gives birth to a boy. All schools, whether in rural areas or urban centres should have access to computers. Examination fees should be reduced in an able way that all the parents can afford so that the poor sshould not have problems for sitting the examination and paying the money, the last minute for examinations.
- Mother in-laws and brother in-laws should not force their brother's wives to be inherited. The wife should decide by herself whether to have another man or to take care of her children.
- The government should give visas to all the family when the woman or the man is going for studies abroad for ten years or more than that so that we can stop adultery and as it is amongst our families and separations. That is all I had, thank you.

**Com Raiji:** There is a question.

**Com. Salome Muigai:** Thank you very much Racheal for your suggestions. You said that a woman who is not married, if she gets a baby boy she will be given land. Supposing she gets a baby girl, the baby, incase she doesnt get a baby at all?

**Racheal Omondi:** This days we have, people say that a woman should have a share of the land. If the woman who is married and stays with the husband, I feel that she should not claim land where she was born, she should just have land where she is now married to the husband and in any case the mother did not give birth to a boy, she is allowed to go and claim the land because they dont have anybody who can inherit that land. That is what I mean.

**Com Raiji:** Okay. Asante sana. Rita Katamu.

**Rita Katamu:** Thank you. I am Rita Katamu presenting for Women Managers in Western Province. We shall start with the Preamble; the women of Western Province propose the Preamble of the new Constitution. That the new Constitution, which has, reference, the issues and values. Of the issues to expect gender equality, patriotism and a sense of nationality, equality of all citizens regardless of race and ethnicity, gender, class or race. Values, we talked about respect for human rights and dignity, respect for the rule of law, Affirmative Action, and participatory governance.

We talk about the principles of state policy where the women are saying, threefive% women participation in Parliament, local authority and all leadership and other positions. We talked about citizenship. The women of Western Province recommend automatic citizenship to be granted to any child whose mother or father is Kenyan, the right to dual citizenship for those who professionally qualify, automatic citizenship for all Kenyan spouses, female or male. All Kenyan citizens irrespective of age shall be entitled to a passport.

Political parties; the women of Western Province that Kenya shall be a multi party state. The number of registered active political parties shall be limited to not less than two and not more than five. That every political party shall have a national outlook, shall also allow for threefive% elective positions reserved for women. We looked at the legislature. Nominations to local authorities shall observe the Affirmative Action and shall benefit women by five0% margin. We also looked at the judiciary just to mention one point there, that the creation of a Constitutional court to handle Constitutional matters arising in the process of representing the new Kenya Constitution.

Local government; the affirmative government shall be applied to allow 35% for women on local authority. That the chairperson of a county council and Mayors shall be elected by the people to hold office for a minimum period of five years, renewal only once. The chairperson of county council and Mayors need to be elected councillors and not nominated. The childrens' rights; the women of Western Province recommend respect and domestication of all International conventions on the rights of the child and implement them. That all children shall have access to free and compulsory primary education.

On the girl child education, the women of Western Province are saying, the girl child should be fully protected and continuation of education should be given, especially the girl-child. To develop programs for what women normally do and continuing formal education programs to be provided for mothers, primary schools and secondary levels to promote the empowerment and dissemination of information on issues regarding girl and women education. To improve the school environment to cater for the need of the girl child.

On land and property, the women of Western Province are saying that property; proper land tenure system and politics shall be put to accommodate the needs and recommendations of women and persons with disabilities. Equal rights to land ownership for

both female and male members of the family. The other remaining part you will find in our memorandum. Thank you.

**Com Raiji:** Thank you very much Rita for sticking to your time and for obviously very well thought out memorandum. Please hand it over to us. Jack Nyaroiso? Jack Nyaroiso is a teacher. Kama hayuko Filgona Wanalo, Umoja Women Group. Filgona

**Filgona:** Niko.

**Com Raiji:** Karibu. After Filgona, we will have Beatrice Amukoya.

.....*End of tape 1*

**Filgona Wamalwa:** Hamjambo?

**Audience:** Hatujambo.

**Filgona Wamalwa:** Kwa jina ni Filgona Wamalwa kutoka Umoja Women Group na haya ndio maoni ya wamama. Kwanza, urithi wa wanawake ukomeshwe mume anapofariki. Hii ni kwa sababu zifuatazo; wanawake wanaweza kulinda na kutunza mali ya mume na watoto. Pia kuna shida ya magonjwa ambayo yamezidi kuongezeka. La pili, juu ya watoto, mali ya baba yao igawiwe watoto wote hata wasichana. La tatu, mume ambaye anazaidi ya mke mmoja anapokufa, mali yake lazima igawe kwa watoto wake wote.

Title Deeds ya shamba ni vizuri iandikwe kwa jina la mume na mke wake. Ikiwa ana zaidi ya mke mmoja, waandikwe wote. Hii inaleta shida wakati wa kifo. Lingine, daktari ni lazima awatibu wagonjwa hata ingawa hawana pesa halafu baada deni hio ilipwe. Hapo kuna shida, mtu anaweza kuwa mgonjwa na anapata shida kwa sababu hana pesa. Magari ya abiria ni lazima ziwe na kiwango cha watu ili ikijaa, iende na ingine ipange.

Wanaume wanaonajisi watoto wadogo ni lazima wafinywe uzazi wao kwa sababu hiyo inaleta shida sana. Kazi ya serikali, watu wapunzuziwe miaka ya kufanya kazi ili vijana wanaomaliza shule wapate nafasi. Ikiwa mtoto amezaliwa na wazazi kutoka nchi mbili kwa mfano Kenya na Uganda, lazima wapewe kitambulisho kufuatana na mahali alipo wale sio pale upande baba peke yake. Mtu mzee anapooa mtoto chini ya umri wa miaka 1two na yeye ni mtu wa miaka 40 ni lazima afungwe miaka 1two kwa sababu mtoto huyo ni mdogo sana.

Lingine la mwisho ni majambazi. Majambazi wanaingilia watu usiku na kuwakata na kubeba mali ya huyo mtu. Wakishikwa na hizo vitu wanapelekwa kwa serikali na baadaye serikali inawaachilia wanaendelea kuwaumiza watu na kubeba vitu vya. Kwa



hivyo ni vizuri watu hao wafungwe au wauawe. Kwa hiyo, tumependekeza, mwizi akisha shikwa na vitu ambavyo ameiba, afungwe maisha au auawe. Ni hayo tu machache ambayo tulikuwa nayo. Asanteni.

**Com Raiji:** Asante. Beatrice Amukowa. Karibu Beatrice.

**Beatrice Amukowa:** Hamjambo?

**Audience:** Hatujambo.

**Beatrice Amukowa:** Ningependa kuzungumzia utamaduni. Langu la kwanza ni kua...

**Com Raiji:** Sema jina hapo.

**Beatrice Amukowa:** Kwa majina ni Beatrice Otanga Amukuwa.

**Com Raiji:** Continue.

**Beatrice Amukowa:** La kwanza ni kuhusu utamaduni. Inafaa Kenya iruhusiwe kila ukoo ufanye utamaduni wao. La pili ni kuhusu elimu. Inafaa elimu iwe ya bure kuanzia darasa la kwanza hadi la nane. Mafunzo au elimu iwe kama ya zamani. Mtihani ikuwepo darasa la nne na la nane na tena tuwe na mtihani wa kidato cha pili kuanzia kidato cha tatu hadi cha nne. Elimu iwe mpaka form six, yaani amalize form four halafu aendelee hadi form six ili mwanafunzi akimaliza form six ndipo aende university.

Kuhusu walemavu, inafaa serikali iwasaidie walemavu katika Kenya. Yafaa Assistant Chiefs na Chiefs wawe wakipewa transfer kama wafanyi kazi wa serikali naye mfanyikazi wa utawala wa serikali kama Assistant Chiefs and DOs, serikali inafaa iajiri mtu ambaye ana miaka threefive, sio tu twofive. Watawala wa kijiji wafaa kupata mshahara kulingana na amri ya serikali. Diwani anafaa awe kuanzia form four na mjumbe awe na degree na apewe ukubwa kulingana na degree yake, sio apewe ministry yeyote ambayo hakusomea. Mbunge afanye kazi kwa miaka kumi na President pia.

Inafaa watoto wote wakubaliwe kurithi mali ya baba yao. Kuna ukoo mwingine ambao haukubali wasichana kurithi mali ya baba yao lakini inafaa wakubaliwe. Jaji wafanye kazi mpaka miaka six0 halafu wa-retire. Serikali isipatie mahakama mamlaka ya kukalisha kesi kwa miaka mbili au tatu.

Kuhusu ndoa, inafaa watoto wasichana wapewe elimu sawa na vijana, sio kulazimishwa ndoa ya lazima. Wazee wakubalie wasichana warithi mashamba kwa watu watatu, yaani mzee, bibi na watoto. Title deed ya shamba iwe kwa jina la mzee, bibi na

mtoto wa kwanza. Hata mzee akiwa na bibi watatu au zaidi, yafaa kila bibi na watoto wawe na sehemu yao ya shamba. Kodi ya shamba irudi kwa survey mara ingine. Ni hayo tu.

**Com Raiji:** Asante sana. John W. Oriech (inaudible). Excuse me, tafadhali jiandikishe huko. John W. Oriech.

**John Oriech:** Nakuja

**Com Raiji:** To be followed by Fredrick E. Ongoma.

**Speaker:** John Oriech?

**John Oriech:** Ndio.

**Speaker:** Sema jina lako na kuendelea.

**John Oriech:** My name is John Wanangwe Oriech and I am representing the Catholic Justice and Peace Committee, Mtende and Bungasi area.

**Com Raiji:** Zungumzia hicho chombo ili tuweze kupata sauti yako. Just put it next to you.

**John Oriech:** Namna hii?

**Com Raiji:** Ndio.

**John Oriech:** I have very few issues to put before you Commissioners. Education; we have proposed that we should introduce the tax education in Kenya and we should introduce the health tax because these days are not finishing standard one to eight because of financial problems. We feel a certain percentage should be introduced in the same way as income tax so that children should have education from standard one to eight without being forced out because of finance.

On health, these days majority of our people have returned to herbal treatment because of finance problems. We pray that taxation for health should be made and this taxation should be like that of education and it should be for the working class and business people.

On executive powers, we feel that the powers of the President or should be it a Prime Minister if that post will be there in the next Constitution should be less because for example, a President or an executive appointing the Chief Justice, if he appoints the

Chief justice, that means he has the power of hiring and firing this person and that will make the Chief justice to work according to his boss. Because if he does not follow what his boss says, he will be fired. We suggest that the judiciary Commission should be appointed. The Public Service Commission should also be appointed though it is there; it is a very weak type of Public Service Commission. We should at the same time have a police Commission whereby all the qualified candidates should apply and be interviewed.

On busaa, when I read the letter of St. Paul to Timothy verse 5:two3, it says that we need at least a small drink before I go to bed. Busaa should be allowed to be operated in all village levels. The present system has benefited the police very much. This has encouraged kangaroo courts, the police comes and arrests me because I have brewed busaa illegally and I will be taken. On reaching the police station, they tell me ‘mzee, wewe unajua umekosa sana. Haujapata licence ya kutengeneza pombe, toa kitu kidogo’. Na itatoka. This kitu kidogo does not go to government revenue and we suggest the stopping of the busaa brewing and encourage corruption among the civil servants. (inaudible)

**Com. Raiji:** Your time is up mzee, wind up with the last sentence. Neno la mwisho?

**John Oriech:** Nimemaliza.

**Com. Raiji:** Asante. Jiandikishe hapo. Fredrick E. Ogomba. Fredrick kama hayuko tutaenda kwa Haggai Onyango halafu atafuatwa na Justus Akwale. Haggai Onyango yuko?

**Speaker:** (inaudible)

**Com. Raiji:** Okay Justus Akwale yuko?

**Speaker:** (inaudible)

**Com. Raiji:** Karibu.

**Haggai Onyango:** Commissioners, my name is Haggai Onyango from Bungasi sub location Mumias district. I am making a presentation to this Constitution of Kenya Review Commission regarding our Constitution review process. Defence and national security. The discipline process, the military and paramilitary, the police and the prisons should be established by the Constitution and the President should be the Commander-in-Chief of the Armed Forces but not have the exclusive powers to declare war. Parliament should have that exclusive power. However, in the event of emergency situations, the Cabinet should invoke emergency powers and report to Parliament within a period not exceeding 48 hours.

Political parties; the Constitution should regulate the proper management and conduct of political parties in Kenya, e.g. the number of political parties, the number of political rallies in a constituency, topics, benefits of the rallies, etc. It must be noted that too many rallies organized by too many political parties in a constituency in a given period of time makes the constituents spend too much of their time politicking, campaigning, scheming, planning and plotting thus end up spending that time in economic schemes. It is therefore economical for us to have not more than eight political parties in Kenya. Those parties should be in Parliament.

Structures and systems of government. It is my recommendation that Kenya should adopt a Parliamentary system of government so as to have the position of a Prime Minister established to help the government while the President remains to head as head of state. The President should become partyless once elected and should be elected directly by the electorate while the Prime Minister should be appointed from the party with majority members in the Parliament.

Appointment of Ministers; the President should appoint Ministers from among the elected MPs only. Nominated MPs must not be appointed to Ministerial positions as the experience in the past. We have seen some rejected leaders nominated to Parliament and in some cases appointed to very powerful ministries, thus giving them too much room to retaliate and causing harm to the electorate.

Appointments of Ambassadors and High Commissioners; election losers must not be appointed to represent Kenya in any country. The prime minister shall submit to Parliament the names and the CV's of the persons the government intends to appoint as envoys for Parliament for scrutiny and approval. Parliament should have the right to reject undesirable persons proposed by the government.

Appointments of Permanent Secretaries and Parastatal Chiefs. The economy of this country has been run down by some political leaders in collaboration with the Parastatal Chiefs and Permanent Secretaries who owe their positions to their political appointees or what we call god-father. In order to create corporate responsibility and accountability, I propose the appointments should be made through a Parliamentary Board.

The legislature; the appointment of PCs, envoys, government corporation heads, police Commissioners, Judges of Appeal, Chief justice, Chief of the General Staff, Chancellors of Public Universities, Auditor General, Solicitor General, etc should all be vetted by Parliament. Parliament should have its roles and control the calendar through the standing order so as to convene itself or prolong itself and so on. Being a member of Parliament should be seen as a full time occupation and each member of Parliament should have the office space where its constituency should be able to access its availability instead of making unnecessary home visits to the 'mheshimiwa'. There is an urgent need to limit the age of a Presidential candidate in this country.

Judges retire at the age of 74; I believe that at that age one becomes senile and so even a President who is over 70 years old

must not even be cleared to contest the Presidency. The same President or a candidate to be a President must be a degree holder from a recognized university, not fake universities from those countries. To be an MP, one should have gone through form four level of education with good passes in English or Kiswahili and mathematics etc. In addition, we should introduce the moral and ethical qualifications for Parliamentary candidates however, for an MP to be appointed to Ministerial position, one should have a degree from a recognized university.

Nominated MPs. This should be retained and the Constitution should step by the category of persons to be nominated, e.g. the disabled must be represented. Retired judges should be considered to be nominated. Women representatives, youth representatives and other highly respected professionals in our country.

**Com. Raiji:** Bwana Onyango you have run out of time but I will give you one minute to summarize. I wish you had summarized in order not to elaborate in the memorandum.

**Haggai Onyango:** Thank you. The President of the republic of Kenya should be a degree holder; his tenure has to be fixed to a maximum of two terms of five years each. The President should be impeachable by Parliament for ills committed while in office. I propose the Mayors also to be elected directly by the electorate, deputy Mayors be elected by councillors and both must be of form four level of education with good passes while councillors should be of class eight and above.

Population; because in some villages you might fail to get those form fours. The Constitution of Kenya should create provision for population control. I propose that couples be guided to bear not more than four children per couple. Education system to allow introduction of Kenya Junior Certificate of Education at form two level as this will enable students from poor families also to sit an examination at secondary level instead of reaching there and going home without a certificate.

Retirement, retrenchment; all retrenchees and retirees to be paid their NSSF regardless of the age limit of five0 because alot of money from NSSF is circulating in people's businesses and retrenchees are suffering out there. Finally, on dressing. I propose that there must be no mini skirts for females, no shorts for females, no transparent dresses, no transparent trousers for males, no tumbo cuts for our ladies and no mgongo wazis. With those few remarks, I beg to remain.

**Com. Raiji:** Just a minute. The Commissioner wanted a clarification.

**Com. Salome Muigai:** Thank you very much Mr. Onyango. I have two questions for you. one, you have brought on the issue of Prime Minister that we should introduce the Prime Minister then you have also talked about the President doing this and that, with absolutely no role for the Prime Minister. You have even said the President should appoint Ministers with vetting of the Parliament. What is the use of this Prime Minister?

**Haggai Onyango:** The Prime Minister upon be elected as need be shall then be, the President shall appoint the Prime Minister.

The Prime Minister shall have the whole responsibility of working as the supervisor to his Ministers. However, he shall report all his responsibilities to the President who is above him. All the Ministers will be answerable to the Prime Minister effectively and I think that is how I understand it.

**Com. Raiji:** Thank you very much Bwana Onyango. Please sign the register of the memorandum. The next one was Justus Akwale.

**Justus Akwale:** Present.

**Com. Raiji:** Karibu. After you, we shall have Leonard Opetu.

**Justus Akwale:** I am Akwale Justus and I have three issues to present. First is Provincial Administration. I do believe that it should be abolished because it performs the roles of police and the judiciary. This system was introduced in Kenya by the colonialists as an indirect rule. Since we have indirect independent rule in Kenya, there is no need of Provincial Administration. Instead, we should have councils of elders to settle disputes among the community members. This very Provincial Administration, apart from earning government money, they again go asking for money from the members they serve, particularly when they are dealing with lands and boundary disputes, they call for money from both parties and I feel they should be done away with. This is because if for example he commits a crime, it is the duty of the police to maintain law and order, they will arrest, prepare a charge sheet and present to the magistrate who will listen to both parties and make a rule.

Traditional and local beer. Traditional or local beer particularly in this area, busaa should be legalized and distributed. Proper regulations involving issuance of licence, type and orderliness should be spelt out so that the locals have time and something to use during such time. This is because the traditional local licences will generate revenue to the government instead of the askaris getting money through kangaroo courts.

Elections; the government should set clear dates for general elections after every five years. the general election dates should not be somebody's personal secret weapon. The speaker being the head of Parliament should be empowered to dissolve Parliament at a well figured specific national dates for general elections but not the President, because he (President) is also a member of Parliament so when he is in Parliament, he is subject to the speaker. The Vice President should be elected directly by the voters so that he or she can have independent decisions. A Vice President appointed only serves and follows the President whether wrong or right. The President should have powers as the head of government and lastly, I see no need of nominated councillors and MPs. This is because they only serve the interest of those parties for persons who nominate them. Instead, we should increase the numbers of wards and constituencies so that we get representation closer to the people. Thank you.

**Com. Raiji:** Asante sana Justus. Leonard Opetu? Leonard? Hayuko. Yuko wapi?

**Speaker:** Anakuja

**Com. Raiji:** Anakuja. Okay, atafuatwa na Nicholas Odula na Benjamin Mizigo.

**Speaker:** (inaudible)

**Leonard Opetu:** Thank you Constitution officers. I am Leonard Opetu Odhiambo. I would like to talk on leadership. Sub Chiefs should be form four leavers so as they can interpret the information and easy communication. Councillors should be government retirees so that the government develops the strong base in its management and so is the Sugarcane director.

African beer should be legalized to reduce corruption with police force. Land cases should be done by elders e.g. “liguru”s and Sub Chiefs who know the originality of the land to reduce pillage of cases in court. Advocates should be abolished in Kenya for they talk of what they did not see and so they cause delay of cases and corruption in Kenya. MPs should not be raising their own salaries at will when the economy is in the low waters from time to time. The salary should be Raised after a period of ten years.

**Com. Raiji:** Thank you very much Leonard Opetu. Please register your memorandum there. You have been straight to the point, thank you. I had called Nicolas Odula, yuko? Yes then Benjamin Mizigo jitayarishe. Karibu Nicholas.

**Nicholas Odula:** My name is Nicholas Odula (inaudible) Mark Akwenda.

**Speaker:** Mark who?

**Nicholas Odula:** Mark Akwenda. Mr. Chairman, because I have handed out my memorandum, I will only summarize a point or two so that I dont have to go away. I also dont want to have the element of education because what I have handed out, many a person have spoken over it here. I will add on the retirees in this country. I strongly feel for old and young will retire, you at one time were employed but when you retire, your tumbo does not retire, your home affairs do not retire. I then honestly ask our honourable review Commission to put this in the comission that while we are retiring, our retirement benefits apart from that lumpsome that one acquires, regardless of assistance of some other retirees who have some burdens to carry.

The unfortunate persons in our country who are lame (viwete), Honourable Chairman, I humbly ask that the government, through you review Commission should have a system of helping the disabled individuals in this country. We have struggled

very hard, you find sometimes you have a lame boy and you struggle with him upto form four, Mr. Chairman, after finishing form four, this lame individual stays home. The slogan is no jobs, jua kali and you find that this kind of individual is unable to run any jua kali on her/his own. This should be put in the Constitution so that a lame individual like this one and with all that struggle of having acquired education of form four or above should get a job. With this few words Mr. Chairman, I say thank you very much for allowing me because whatever I had has been handed over and you will go through it during your office hours. Thank you.

**Com. Raiji:** Thank you Nicholas. Benjamin Mizigo? After Benjamin we shall have Ernest K. Kasika. You are Bwana Mizigo?

**Speaker:** (inaudible)

**Com. Raiji:** Karibu.

**Benjamin Mizigo:** Kwa majina naitwa Benjamin Mizigo. Mimi ni ex- Chief (inaudible). Sasa niko nyumbani hapa, ninakaa kwa shamba yangu. Sina mengi ya kusema lakini ningesema kwamba ni ya kuchagua President. Tungekuwa na President bila Prime Minister. Nchi ambazo zimekuwa na Prime Minister na President wanahitilafu kila mara. Wanagombana kila mara kwa sababu hawajui kila mmoja anafanya kazi mpaka wapi. kila mara wanagombania uongozi, Prime Minister na President. Ningependa nchi yetu iwe tu na President bila Prime Minister.

Kwa upande wa chama cha wafanyi kazi, tuko na COTU. COTU peke yake haifanyi kazi sawa sawa, tulikuwa tuwe na chama kingine ili Central Trade Union ambayo wafanyi kazi wote wanaungana nayo, isiwe COTU peke yake, waanze chama kingine ambacho kitabishana na COTU ili COTU ifanye kazi sawa sawa.

Kwa government, ninarudi kwa (inaudible) hapa nyumbani. Mukuru anafanya kazi kushinda Assistant Chief, Chief, DO na DC na hana mshahara. Mukuru apewe mshahara kwa sababu anafanya kazi zaidi na tena ndio macho ya serikali kwa grassroot. Uongozi, nimesikia pia kwa gazeti, viongozi chipukizi hawa vijana ambao wanataka kuwa viongozi. Nchi ambayo imeongozwa na vijana imeharibika, wanaongoza nchi na bunduki

**Speaker:** Yes.

**Benjamin Mizigo:** Wanaongoza nchi na bunduki. Angalia Congo, Kinshasa ambayo inaongozwa na kijana. Anaongoza nchi na bunduki. Angalia Rwanda na Burundi, zinaongozwa na bunduki, Sierra Leone.....

**Speaker:** (inaudible)



**Benjamin Mizigo:** Kijana anaongoza na bunduki. Angalia Chad inaongozwa na bunduki. Wacheni wazee wachague viongozi kama President. (inaudible) unaona juzi alikuja hapa mzee wa Senegal. Senegal ni nchi ambayo hakuna matata, iko kila mara (inaudible) kama Kenya. Wachieni wazee, watoto hawafanyi kazi. Niliona parties tulisema (inaudible). Kenya, kuna watu wengine ambao wanataka kutawala wenzao. Tuna kabila katibu arobaini na ngapi, sita?

**Speaker:** Mbili.

**Benjamin Mizigo:** Na mbili. Na kuna kabila zingine wanataka kutawala wenzao kila mwaka. Sisi pia tumesomesha vijana na wako na ma-degree, hata saa hii ukitaka mtoto ambaye yuko na bachelor of commerce,

**Com. Raiji:** Unaweza kumpata hata hapa?

**Benjamin Mizigo:** Hapa ndani kwa nyumba hii. Kazi ya President ifanyiwe rotation. Mtu akifanya miaka tano kutoka Central Province, awache na mtu mwingine kutoka Western Province pia achukue kazi ya u-President. Akifanya miaka tano awache na mtu kutoka Nyanza achukue kazi miaka tano awache na iwe namna hiyo.

*Audience: Clapping and ululations.*

**Com. Raiji:** Tafadhali tukimwe ili tusikize mawaidha kutoka kwa mzee.

**Benjamin Mizigo:** Hayo ndiyo mambo ambayo nilikuwa nayo.

**Com. Raiji:** Asante mzee. Jiandikishe hapo. Agnes N. Kachisa? Hayuko? Evans Amuoma? Evans? Utafuatwa na Silvanus E. Orengo.

**Evans Amuoma:** I am Evans Amuoma from Shaka sublocation. I am here to represent the youth.

**Speaker:** Is it official?

**Evans Amuoma:** Yes. I begin with basic rights. Education; the government should have free and compulsory education for primary schools, that is from standard one to eight as it was previously practised. There should be free medical Services in Kenya. This is because we have the old people who cannot afford the present way of medical Services. Poverty eradication groups should be led by those people who are poor, not retired PCs and the like. To solve unemployment, one man should have one job and not for example in Kenya, we have a President who has over two0 jobs and has not qualified for the jobs.

For example, he is the Vice chancellor of universities and has not attained 'O' level of education.

Bursary funds should be directed to the poor and not to those people who are rich. The retirement age should be fivefive years, it doesn't matter if he/she has specialized in that job. People should retire at the age of fivefive so that it enables some of the school leavers to acquire that job.

Land and property rights. The succession act in Kenya right now is very much expensive. You find you have been going to such and such a place, the land is yours, it is known that this land belongs to so and so parents but you have to pay so much levy for you to acquire the Title Deed. Right now, it is even over 1five,000 shillings, which is too much money, the poor people are not owning Title Deeds upto now. Land disputes should be dealt with by the wazee and the tribunal courts and not by the advocate who does not know the boundaries of the land.

On cultural and ethnic; regional diversity and communal rights. The local beer that is busaa should be legalized. For example, our neighbours here in Uganda have legalized busaa and there is no corruption there. Constitutional Commission; the government should set up the following Commissions, human rights Commission, Kenya anti-corruption Commission, land Commission and poverty eradication Commission.

Citizenship; I think one should automatically become a Kenya citizen when born of a parent who is a Kenyan citizen and incase somebody comes from out of the country and they want to set up an investmend in Kenya like this people from Asia, they should not carry their families.

**Com. Raiji:** You have one minute to wind up.

**Evans Mizigo:** The President should not be above the law, should also not be given time to choose the senior officers in the government. Nominated MPS and Councillors should be scrapped and instead the government should create more constituencies. The Provincial Administration, the Chiefs have no job in Kenya and so the Assistant Chief should report directly to the DO. The Chiefs, deputy PCs

.....*End of tape two side A*

**Evans Mizigo:** There should be no amnesty for those people who come (inaudible) in Kenya and incase somebody is found like the case of Kipngeny arap Ngeny, he should be forced to resign immediately. That is all I had.

**Com. Raiji:** Asante sana Evans. Silvanus Orengo? Silvanus hayuko? Kama hayuko, Harrison Were. Harrison Were then utafuatwa na Bwana Ibrahim Okumu.

**Harrison Were:** Asante sana. Kwa majina naitwa Jackson Were. Natoka Sigalame Sub location na nimekuja kuwakilisha location. Mwanzo, ningependa kushukuru serikali yetu tukufu kwa kukubali kila mwananchi kutoa maoni yake huru bila uwoga.

Tunahitaji katiba ambayo tunaielewa vizuri na pia katiba ambayo ilitungwa na sisi wenyewe. Ninavyoelewa, katiba yetu imeandikwa na mzungu na akaacha kutuongoza na hivyo ikawa vigumu kuigeuza kwa sababu viongozi walioshikilia mamlaka wakati wa kuondoka kwa mzungu, walifurahia kuwa na uwezo wote katika taifa letu. Kwa vile mwananchi wa kawaida hakuwa na uwezo wa kupata na nakili za sheria ama katiba hiyo. Ilikuwa vigumu kuelewa kinachoendelea ila kufuata nyayo.

Kwa uchache, mengi yameongewa, nitaguzia machache. Kwa upande wa usalama (inaudible) sio mbaya lakini serikali yenyewe ndio inayofanya usalama kuwa mbaya kwa sababu ya kujihusisha na ufisadi. Kumaliza ufisadi, ofisa anaye register afutwe kazi. Maofisa wa ufisadi wasikubaliwe kuhangaisha wananchi.

Development money kutoka kwa national level ije moja kwa moja kwa sublocation level na ofisa anayehusika katika (inaudible) kama BSVO, viongozi wa sublocation wahusishwe. Pesa zote za development zifike kwa district na ziletwe kwa location. Pombe ya kienyeji ihalalishwe. Hii inasababisha maofisa wengi kukosa kutafuta muelekeo hasili, kuenda kuandikwa msituni ili wakimbizane na wananchi, wakipata pesa askari anachukua miaka miwili hajaenda kuchukua mshahara wake kwa sababu alipelekwa zile sehemu anaweza kujilinda.

Elimu ipandishwe kwa sababu una garama nyingi kwa country. Watoto wa shule za msingi wapewe elimu ya bure na walimu wapelekwe kwa shule zote. Pesa zilizokuwa zimetengwa za maziwa, zibadilishwe kwa vitabu. Bursary money itolewe kwa councils na district na ipelekwe kwa locational committee. Bursary money ya shule itolewe kwa waalimu na board ya shule iwe na mamlaka. Tunataka matibabu ya bure, zahanati ziongezwe na ziwe karibu na watu. Serikali isaidie kujenga hospitals kuzuia maradhi. Idara ya kilimo ifufue mtambo wa mmomonyoko wa udongo kupitia kwa maofisa wa environment. Mimea yetu ilindwe katika soko, kwa mfano watu waagize mimea kutoka nje na inaharibu biashara. Sisi kama watu wa South Wanga tuna kuza kawaha na pamba na hatuna soko. Matibabu ya ng'ombe ina garama ya juu sana.

Serikali yetu ilindwe kwa kupunguzia bei ya madawa, mbolea na kadhalika. Uraia, mzaliwa wa Kenya sharti aandikishwe kama raia bila masharti. Raia wa Kenya awe na passport na ID card. Anapotaka kusafiri kutoka nje, iwe rahisi kwake kwenda mbila masharti. Vyama vya kisiasa; chama kinachotawala kiwe kinawasiliana na serikali na kiwe ndicho kina mamlaka makuu.

Mkono wa serikali ni aina tatu. Tuwe na muhula wa Rais, Waziri Mkuu awe chini ya Rais.

**Com. Raiji:** Saa zako zimekwisha, sema point ya mwisho.

**Harrison Were:** Kwa kumaliza, ningesisitiza ya kwamba, Kenya kusitengwe maeneo ya kuwa eneo hili litakuwa na wanawake

kupigania uBunge ila, wanawake pia kwa vile wanataka (inaudible) wapigania haki kama wanaume na ili tuwe sawa. Kwa sababu wakiendelea kuwa tuwatengee itakuwa bado hatujakua sawa nao. Asanteni.

**Com. Raiji:** Asante sana. Nilisema inafuatwa na Ibrahim Okumu.

**Ibrahim Okumu:** Niko

**Com. Raiji:** Ibrahim utafuatwa na Fabianos Warinda.

**Ibrahim Okumu:** Kwa jina naitwa Ibrahim Okumu. Nataka kutetea makuru. Wakuru wanafanya kazi usiku na mchana na hawana mshahara.

**Com. Raiji:** Hiyo mnaita muku na wakuru ni wazee?

**Audience:** Ndio. Wazee wa kijiji.

**Com. Raiji:** Okay, tumeelewa sasa.

**Ibrahim Okumu:** Ya pili, kama DO anakufaa anafanyiwa mchango na kama muku anakufa, hawezi kufanyiwa mchango, kwa nini? Serikali ni tofauti? Nafikiri serikali ni moja. Kama muku anakufa afanyiwe mchango kama mtu wa serikali.

**Com. Raiji:** Endelea.

**Ibrahim Okumu:** Watoto wa shule kutoka class one,

**Speaker:** (inaudible)

**Ibrahim Okumu:** Kutoka class one mpaka eight wanatakikana wasome bure kwa maana watoto wanasoma na saa zingine fees ama pesa ya mtihani au nini. Kama inashindwa iwe kama ya zamani, iwekwe fees ni pesa ngapi ili tujue fees ni pesa ngapi. Ni hayo tu yangu. Asanteni.

**Com. Raiji:** Asante sana Ibrahim. Jiandikishe huko. Fabianos Warinda. Fabianos utafuatwa na Wycliffe Owino.

**Fabianos Warinda:** Asante sana ma-Commissioners wetu wa Constitutional review. Kwa majina ni Fabianos Warinda kutoka Sigalame location. Nafikiri wananchi wamenene mengi na nitapitia tu kwa uchache. Kuhusu busaa, ingekuwa vizuri kila

kijiji kiwe na kilabu na hicho kilabu kiwe kinalipa kodi kwa serikali.

- Kuhusu Administrations. Sub Chief achaguliwe na wananchi kwa miaka tano vile uchaguzi unafanyika.
- Succession of land, wakati huu, watu wamegawanya mashamba na imekuwa ndogo sana na hata hawana Title Deeds kwani ziko tu kwa mababu zao kwa hiyo ni vizuri survey ifanyiwe sisi wote.
- Lingine, wapiga kura wanapo ambiwa na wale wanaomba kura, wasipotimiza promises, wapigiwe kura ya kutokuwa na imani na hawa.
- Police harrasment; ikiwa polisi hana barua ya kushika mtu, asiruhusiwe kushika mtu.
- NGOs ambazo zinakuja nchini zinaanza huko juu na kuwekwa watu wakubwa wakubwa na huku wananyanyasa wananchi ati siku hizi ni (inaudible). Ni vizuri ianzishwe kwa kijiji na ijulikane vizuri wale wanao saidia hizo NGOs angalau hata waajiriwe kazi kwa sababu hakuna kazi nchini.
- Tungependa tuwe na serikali ya chini juu na sio juu chini.
- Kuhusu elimu, ni vizuri tuwe na elimu ya bure kutoka nursery hadi university na kwa kiwango cha watoto fulani na angalau hata wananchi wakilipa ushuru, iwe kwa kiwango fulani ili kila mwananchi apate elimu na pia matibabu iwe hivyo. Kwa sababu madawa yamepanda bei na wananchi hawawezi kujimudu kutubiwa.
- Ni vizuri watu wafanye kazi kwa contract. Kama ni miaka fulani ukitimiza, uwache nafasi kwa wengine nao wafanye kazi kwa sababu watu wamesoma wengi katika nchi yetu.
- Kuhusu Commissions' ambazo zinaundwa nchini, ni vizuri Commission ikiundwa, ripoti itoke kwa wananchi na ieleweke vizuri, ijulikane policies kamili.
- Kuhusu wizi, mwizi akiiba ni vizuri akatwe mkono ndio ieleweke vizuri huyu ni mwizi ama anyongwe.
- Ni vizuri kuwa na kiwango cha Sub Chief kuongoza watu na ikiwa ni wengi waongeze tugawanye hizo area. Wakati huu, idadi ya watu wa South Wanga ni 4two,000 na inatosha wawe na mjumbe wao.
- Lingine ni kuhusu rape cases. Mtu akinajisi mtoto au mama, ni vizuri afungwe maisha ama anyongwe. Kuhusu wafungwa gerezani, ni vizuri watembelewe na bibi zao wawe na nafasi kuzungumzia mambo ya jamii ili kupunguza mambo ya ukimwi nyumbani.
- Kwa upande wa vipande, ni maoni yangu kwamba watu wapate vipande wakiwa na miaka two0. hii kodi tunayotoya ya masomo, ni vizuri iwekwe kwa kiwango cha chini kwa shilingi tano.
- (inaudible) ndio wanafanya kazi ya mashinani na ni vizuri waajiriwe kama watumishi wa serikali. Ikiwa mtu anafanya kazi mahali popote, inatakikana asiajiriwe tena kwa sababu hakuna kazi, ni vizuri hiyo nafasi ipatiwe mtu mwingine.
- Kuhusu vikao vya wajumbe Bungeni, ikiwa Mbunge atakosa kuhuthuria vikao sita, ni vizzuri afukuzwe Bunge na kura zipigwe tena.

**Com. Raiji:** La mwisho, saa imekwisha.

**Fabianos Warinda:** Asante. La mwisho, mambo ya mini skirts na open dresses, inatakikana wawekewe kifungo. Birth

notification inatakikana iwe free, vile ulijiandikisha kwa sub Chief, urudi ku-collect birth certificate. La mwisho kabisha, ni vizuri tuwe na sub-locational farm committee ambayo itaelimisha wakulima mambo ya kulima kupitia kwa wizara ya kilimo. Asanteni.

**Com. Raiji:** Asante sana. Wycliffe Owino. Wycliff utafuatwa na Morris Njona.

**Wycliffe Owino:** Commissioners, ladies and gentlemen, (inaudible) for you is my (inaudible)

**Com. Raiji:** Weka karibu na mdomo ili usikike.

**Wycliffe Owino:** My name is Wycliffe Owino. Ladies and gentlemen, Commissioners, I take this opportunity to contributor in the on going Constitution Review of Kenya and to inform you my views are contained in an article, it is written and I am informed that the Constitution Review Committe is urgent. On the Constitution as I have indicated on my article, I will have to highlight on a few of the factors, the issues or whatever others you get in the article. First, the Constitution should be reviewed after every 40 years. New things come and go...

**Com. Raiji:** Unaweza kuzungumza kwa sauti tafadhali, tunataka kunasa hiyo sauti yako?

**Wycliffe Owino:** The Constitution should be reviewed after 40 years, this thing comes and goes.

**Com. Raiji:** Ngoja. Order!

**Wycliffe Owino:** New things come and go and this.....

**Speaker:** (inaudible)

**Wycliffe Owino:** This Constitution should be reviewed after 40 years. New things come and go, this is what was in my mind and the Constitution is no exception. In 19sixthree when we got our independence, we had a new Constitution and since then, it has been many years today, we shall only thank God (inaudible) and became (inaudible) the present kind of life. Therefore, we think that everyday to see another Constitution. In the circumstances, I am convinced that in 40 years to come, there will be a new review Commission. This should be made open to Kenya and if not, under doubt.

Another issue is political parties. This should be limited to four parties as this will save our country overflowing with such parties, inflation which can make up (inaudible) while in office and misdirection. Another issue is reserved seats for certain groups in Parliament and I will suggest as follows; two seats should be reserved for the disabled, one for men and one for women. The disabled should have one seat, employers should have one seat, Ambassadors and High Commissioners should

have one seat. These Ambassadors and foreigners, they also do contribute to our economy development. They give us loans and as well invest in this country so their presentation in Parliament is important.

The fourth is not written in the article but I want you to take note of this, selling of government institutions and Parastatals in the private sectors. The government should not be allowed to sell this institutions and parastatals in the private sector but should all agree and have (inaudible) of duties. The institutions and Parastatals in the republic. This provision will make the government not to act as a referee or a spectator in a football match. The situation that will cause (inaudible) the state to be left with nothing, support the (inaudible). I end there and thank you in anticipation that you will give us a good Constitution.

**Com. Raiji:** Asante Wycliffe. Moris Anyuma? Moris Anyuma? Kama Morris hayuko tuko na Dickson Ariaro. Okay, Dickson utafuatwa na Fredrick Shiloya.

**Dickson Ariaro:** Kwa majina naitwa Dickson Ariaro na ninatoka (inaudible). La kwanza ni, kuna hii act ya appraisal for cement factories na kadhalika. Na suggest kwamba, law ingepitishwa kwa after these apprentices have graduated, they should actually set jobs for a way of curbing unemployment.

**Com. Raiji:** Endelea.

**Dickson Ariaro:** Retirement age iwe reduced.

**Com. Raiji:** To what?

**Dickson Ariaro:** To around 45 or say 48 so that the retirees and want to open business for jua kali so you find young men or young people who are told to open sheds, but they dont have capital. They should give a chance to this men or young people to also work and get capital so as to be able to open businesses. The number of soldiers should be increased for a reason. The government should be giving this soldiers work to construct bridges or even roads instead of giving to constructors. There is increase in thuggery because of drugs and drunkenness. You find that these things are brought about by idleness (inaudible). This is because the young people dont have other options but drinking beer so I suggest for things like libraries to be introduced in every village.

**Speaker:** (inaudible)

**Dickson Ariaro:** I suggest things like libraries to be located within the village. They should also introduce them in every village whereby village elders or Sub-Chiefs be able to hold a meeting there and there are other activities which could be done in villages to keep this young people busy, things like boxing, body building, etc. I also suggest the Heads of Parastatals or

Ministries who have corrupted and stolen money from their ministries or Parastatals, if they are judged and the corrupt should be hanged.

**Speaker:** (inaudible)

**Com. Swazuri:** (inaudible) ulikuwa umeandika? Leonard Mukolwe? Leonard Mukolwe? Atafuatwa na Emmanuel Mungoni

**Leonard Mukolwe:** Asante sana ofisa wetu. Kwa majina naitwa Leonard Mukolwe. Nilikuwa na mambo kadhaa ya kupeana lakini mengi wameongea na kwa hivyo kuna machache tu ambayo nitatoa. La kwanza ni kuhusu land and judiciary, we have land matters and I suggest that they be solved by the elders and the court should only confirm whether it was by the just proceedings. In case of any disputes, we normally take our defender or the convener may not be financially able and the counterpart is able. Being able, he will go for the advocate who has no single idea about the portion of land. This advocate will help the counterpart.

**Com. Raiji:** You have made your point that we live the elders now....

**Leonard Mukolwe:** To (inaudible)

**Com. Raiji:** Next one

**Leonard Mukolwe:** Therefore, I suggest that the advocate be removed from land matters. Secondly, head of institutions to remain inforce.

- We have the Title Deeds giving us problems and I therefore suggest that this Title Deeds be provided freely to make we people be able to apply for loans.
  - We have the local busaa which we have already discussed, just to add something there, I say that side effects for the users so that probably they may have time to relax after heavy working in nation building.
  - Medical and education to pay when during done the (inaudible) so I suggest that medical and education to get a higher portion in the budget.
  - We have the group of the disabled who needs very much, assistance from us and I also that during budget day a portion should be set aside to include them in the budget so that they can also be given some salary to make them have a living.
- Thank you.

**Com. Salome Muigai:** Thank you very much Mr. Chairman. I have two questions for you. you have talked and (inaudible) that we should have seats which go to the elders. We have also been told that the elders are men. The women have told us through out this country that when this land cases go to the men, the men do not do them fair justice. Do you want to keep the



elders council the way they are normally with men or are we looking for the Constitution to bring a new way of having this elder council and the present one that we have? That is one of my questions. The other one is a question of legalizing local brews. We have had very bad cases in this county where local brews have caused peoples deaths, they have caused people to go blind, therefore it breaches the thinking of people with disabilities the ones you are saying that there should be a welfare allocation for them from the budget. What do we do with these local brews and we legalize them to be able to protect the public?

**Leonard Mukolwe:** Thank you. As per the first question that is pertaining to land cases, the way I put it we have cases whereby probably you have a problem with a partner or someone, there is fracas. I was trying to put it in a way that you get that there is a person who is a complainant and one is financially able and therefore it reaches a case whereby he is going to use the law to hire an advocate. You (inaudible) although you are pertaking the elders suggestion. When it comes to the end of the findings.

When you come to the local brew, in many cases the way you put it, we have so many deaths coming because of this local brews. It is as a result of the government trying to restrict it and therefore you get that the way it is made is not very hygienic. If you go to those areas where the pombe is made, it is quite unhygienic. If it is legalized, the people concerned will go in for the government licence and we shall have the ofisa wa afya moving round to see how good our brew is, and whatever is being given to the public is. Asante.

**Com. Swazuri:** Thank you very much. Can you register your names there? Emanuel Mungoni? Utafuatiwa na Godfrey Mukatia.

**Emmanuel Mungoni:** Asante sana wageni wetu kwa kutuletea kitu kama hizi. Kwa jina ni Emmanuel Mungoni kutoka Mkisi sub location. Makaratasi yangu, nilikuja late kidogo, ilikuwa ishapeanwa lakini nitatoa kitu kidogo.

**Com. Raiji:** Endelea.

**Emmanuel Mungoni:** Inahusu upande wa education. Education ya primary inaleta matatizo sana kwa upande wa school fees na ningependa serikali iweke free education. Walimu wasiwe wanapiga watoto kwa sababu ya vitu vidogo vidogo. La pili, upande wa kinywaji chetu, kimeongelewa sana kama chang'aa na busaa, mimi napendekeza serikali itoe licence, pombe kama hiyo isiwe kwa serikali ya Kenya. Watu wamekuwa blind, wengine vilema hawafanyi kazi na watu wengi sana watakosa kazi ya kufanya kwa sababu ya kunywa changaa na busaa. Hiyo pombe itolewe kwa serikali ya Kenya.

La tatu ni kuhusu harambee inayoendeshwa na maofisa wa serikali kama Assistant Chief, DO na DC

**Com. Salome Muigai:** Tumeisikia mbeleni

**Emmanuel Mungoni:** Huyu DC na DO wanapeana amri kwa Assistant Chief na kwa Chief kuandaa harambee kwa area kutembeza “maguru” wale elders kuchukua pesa kwa wazee ati za harambee. Lakini sisi wazee tukiangalia are hizo zetu, hakuna kitu tunafanyia harambee. Na ikishatolewa harambee, DO atakuwa na harambee Kakamega, Kisumu na anandaa Assistant Chief kutoa harambee kwa area hii kama Bukaya kupeleka pesa huku. Hiyo kitu itolewe kabisa.

Lingine ni kuhusu upande wa ufisadi. Kuna ufisadi mwingi sana upande wa ofisi ya serikali kama polisi. Unapata mtu akishikwa anaambia utatoa kitu kidogo ndio utoke. Huyu mtu hapelekwi kotini, anashikwa bure ndio wapate pesa. Serikali iongeze mshahara wa polisi ili wawache kuchukua hongo. La tano ni kuhusu shamba. Serikali isiweke Assistant Chief kusimamia mashamba kwa sababu hawajui boundary ilikuwa ya nani. Huyu mtu ndio analeta corruption, ana (inaudible). Huyu mtu atolewe na hiyo land ipatiwe “maguru” waendeshe kazi yao.

Kuhusu kuandikwa kazi; kuandikwa kazi kwa serikali ya Kenya saa hii ni mbaya zaidi. Lazima mtu ahonge ndio apate kazi. Hiyo kitu itolewe kabisa, mtu apate kazi kulingana na utalaamu yake. Lingine, napendekeza kuwa kwa serikali ijao, Assistant Chiefs wawe transfered kutoka kwa division ingine au location ingine (inaudible). Anakaa mahali pamoja na anakuwa akihongwa na wazee wengine kwa hivyo awe transfered.

**Com. Swazuri:** La mwisho.

**Emmanuel Mungoni:** La mwisho, napendekeza kwa upande wa health. Hatuna vifaa vizuri kama maji ya kunywa. Nataka municipality ingie kwa sababu tuna mpango wa maji, wasaidie kila estate ipate maji safi ya kunywa. Nikimalizia naguzia upande wa advocates. Advocates wote Kenya watolewe kwa serikali kwa sababu wanasema uongo mbele ya koti na mbele ya Mungu.

**Com. Swazuri:** Mwingine ni Geoffrey Angatia akifuatiwa na mzee wangu.

**Geoffrey Angati:** Asante sana maofisa wa katiba. Langu kwanza nasema juu ya urithi.

**Speaker:** Jina tafadhali

**Geoffrey Angati:** Jina langu ni Geoffrey Young Angatia. Nitazungumza juu ya urithi. Urithi upewe wakina mama na uwe pamoja na mtoto aliyezaliwa nje ya ndoa. Huyu mtoto aliyezaliwa nje ya ndoa na kuachwa nje, hupata shida sana. pili, bibi akiwa bado hajafikisha miaka 40, urithi uhusishwe na wazazi wa kijana. Bibi akiwa alizaliwa foreign country, pia urithi wake uhusishwe na wazazi wa kijana (inaudible) hao watu ambao hawajafikisha miaka 40 na hao watu wa foreign country,

alipoolewa na kijana Kenya, akifa, yeye huchukua ile mali yote na kuuza na kuondoka kwenda kwao na kuwacha wazazi mikono mitupu.

President achaguliwe na wananchi na si President achague yule atakaye rithi. Presidency uenda zamu kwa zamu kwa kila kabila sio yaroyal family ati akiondoka mtoto wake anarithi. Wale wanaovuja pesa za uma wapewe adhabu kali sana. Hawa ndio wanafanya Kenya inarudi nyuma. Wale wanaonajisi watoto wadogo wanastahili kufa kwa sababu ni mnyama. Mimi nikiona mnyama akiiba (inaudible) kama ni nani? Kwani huyo mtu anayebaka mtoto mdogo ni mnyama, anastahili kifo.

Shamba isimamiwe na wazee. Busaa ikubaliwe (inaudible). Nyinyi wenye pesa mnakunywa bia sasa mzee anataabika tu ni baada ya kunywa changaa maana hapati pesa ovyo ovyo au ni kutembea kwa starehe? Makuru wapewe mshahara. Asante sana waheshimiwa.

**Com. Raiji:** Asante sana. Mwingine ni Abdala Mumia. Atafuatwa na Samuel Owino.

**Abdala Mumia:** Kwa majina naitwa Abdala Mumia, natoka Buhuru. Kwanza ningependa Chief na DO na askari wa AP waondolewe na hizo nafasi zao zishikiliwe na Assistant Chief na mzee wa mtaa na DC kwa sababu hao watu hawana kazi muhimu. Hao askari wa AP wapewe kazi zingine na vituo vyao vichukuliwe na polisi. Kuhusu traffic, askari wawe barabarani kama kumetokea kitu kibaya lakini wasikae tu barabarani na kuchukua pesa kutoka kwa watu bila sababu yoyote. Kama kumetokea kitu kibaya waweke road block na wafanye hiyo kazi na iishe.

Kuhusu mashamba, inafaa mashamba iangaliwe na wazee na Assistant Chief. Kuhusu liseni za sherehe zozote, liseni zote ziwe zikichukuliwa katika ofisi ya DC na polisi wafuatilie kuangalia hizo lesini zimetolewa sehemu hiyo zimeenda kwa haki ama hapana. Polisi. DC na PC wasikae mahali pamoja kwa muda mrefu, wawe wakikaa kwa muda mfupi kama miaka miwili, mwaka moja na wapelekwe sehemu zingine. Ni hayo tu, sina mengi. Asante.

**Com. Raiji:** Asante sana. Samuel Owino

.....*End of tape two*

**Samuel Owino:** Asante tume ya katiba. Majina ni Samuel Owino Omwal. Maoni yangu mimi napendekeza tume iangalie hii mambo ya Pthree na iondolewe kwani inasababisha uongo. Tunajua P1 na Ptwo na Ptwo ishatolewa. Ukigombana na mtu kidogo na mgwaruzane kidogo, anakuchukulia Pthree na unahangaika sana na ndio Pthree inafaa iondolewe.

La pili ni jambo la usawa kwa wanawake na wanaume. Kwangu nimeona ni sawa sana kwani wanawake wakipata nafasi ya vyeo vya juu serikalini au kazini hawawezi kukaa na mabwana zao kwani wakipata pesa wanazitumia kwa kuondeleza anasa

kwa bar. Hiyo inachangia kuleta magonjwa ya zinaa. Lingine kuhusu mavazi ya wasichana, inatakikana tume iangalie sheria ambayo inaweza kufanya wasichana wavae rinda, sio longi na skin tight, hizo zote zinachangia usherati kwani wengine hupendwa kwa sababu ya mavazi lakini sio matendo yao. Hayo tu ndio maoni yangu. Asanteni.

**Com. Raiji:** Iko swali.

**Com. Salome Muigai:** Asante sana bwana Mwenye Kiti. Nina maswali matatu kwako Samuel Owino. La kwanza ni hili la Pthree, sielewi kama hii Pthree ni kwa kiwango cha ualimu kwani umesema Ptwo umeondolewa. Ni Pthree hii ambayo mtu anapata kutoka kwa polisi?

**Samuel Owino:** Ndio.

**Com. Salome Muigai:** Ndio ungetaka iondolewe?

**Samuel Owino:** Hiyo iondolewe.

**Com. Salome Muigai:** Lakini ulizungumzia habari ya Ptwo imeondolewa. Hiyo pia ni...? Wacha nikuulize swali halafu nitakupa mic.

**Samuel Owino:** Okay.

**Com. Salome Muigai:** Kwa hiyo Pthree utueleze wazi unamaanisha nini. Jambo la pili umesema wanawake wasipatiwe kazi ili wakae na bwana zao. Kuna uhusiano gani kukaa na bwana ama kutokaa na bwana? Nasikia kuna wanaume wenye tunapatia kazi kubwa ama madaraka hatuangali kama wamekaa na bibi zao ama wameoa wengine sita. Ungependa kulinganisha vipi kwenye katiba juu ya hayo mambo mawili? Jambo la mwisho ni kuhusu mavazi ya Mkenya yeyote. Unasema usherati unaendelea kwa ajili ya mavazi ya wanawake. Unaona jukumu gani kwa wanaume kwa kuendesha usherati?

**Samuel Owino:** Asante sana. Kwanza kwa Pthree, ningeongea kwa vitu kwa sababu hizo zinajulikana kama P1 na Ptwo na ni za walimu lakini saa hizi (inaudible) sana. sasa hii Pthree ya polisi inatuletea mathara sana.

**Com. Salome Muigai:** Nimeelewa sasa hii Pthree ni ya polisi.

**Samuel Owino:** Yes. Upande wa wanawake kuwa na vyeo kazini. Hiyo nakataa kwa sababu unaweza kupata mwanaume ambaye ana cheo kama cha huyo mwanamke na anaweza kuoia mwanamke ambaye yuko chini ya (inaudible) au mwenye hajasoma sana na mwanamke akiwa kwa ngazi ya juu, hawezi kukaa na mwanamume ambaye hafanyi kazi. Hiyo ni ya kwanza.

Ya pili, akiwa na bwana, hawatakuwa na uhusiano mwema kwa sababu pesa zake, anataka anunulie tu manukato, kutengeneza nywele na hazingatii vitu vya nyumba, mwanamume ndio anazingatia na wanafanya kazi pamoja. Sasa garama yote inaenda mwanamume na wanafanya kazi wote.

**Com. Raiji:** Okay. Hiyo ingine?

**Audience:** (inaudible)

**Com. Raiji:** Tafadhali wananchi tulisema kwamba kila mtu ako na haki ya kutoa maoni yake hata kama hukubaliani nayo. Ukipata nafasi utaleta yako. Kwa hivyo huyu kijana ako na nafasi yake na tafadhali tumheshimu haki yake ya kutoa maoni.

**Samuel Owino:** Mwisho ni hii ya usherati. Umesema wanaume wenye wanachangia usherati. Wanaume hawachangii usherati, wasichana na wanawake ndio wanachangia usherati kwa sababu ukishaona msichana amevaa vingine, nguo transparent na unaona kila kitu mwilini na wewe ni mwanaume, ni lazima utamtamani. Sasa ukimuongelesha na akubali, si hiyo ni yeye amechangia?

**Com. Raiji:** Tumesikia hiyo. Ya mwisho?

**Audience:** *Clapping.*

**Com. Raiji:** Asante. Hayo ni maoni ya huyu bwana. Tafadhali tusikie maoni ya huyu mwingine Lukas Buye. Lukas atafuatwa na Asma O Were halafu afuatwe na Wycliffe N. Anzai. Lukas halafu Asman ajitayarishe.

**Lucas Buye:** Kwa majina mimi ni Lucas Buye, natoka hapa Bukaya. Kwanza nitaongea juu ya hawa wanaume wanaoa mabibi wengi. Yafaa mwanaume aoe bibi mmoja kwa sababu hawa wanawake ambao wameolewa wengi hawa ndio wanaeneza ugonjwa wa ukimwi kwa sababu wewe mwanaume umeoa bibi wengi na pengi base yako haina moto wa kutosha. Tayari bibi yako ataeneza ukimwi nje.

Linalo fuata ni advocates. Advocates ni heri hata ukijua mtoto wako anaweza kusomea advocate, awache tu kusoma kwa sababu hawana kazi hapa Kenya, kazi yao ni ya uongo. Kwa mfano wewe umegombana na ndugu yako na advocate atakuja kukuingilia kwa mambo ambayo haelewi huko nyumbani. Anasema ati pengine wewe uliangukia bibi ya ndugu yako na hakuweko hata siku moja na hakukuona. Ni nani alimpelekea huo uongo? La tatu ni kuhusu watoto wasichana.

Watoto wasichana wanafaa waangaliwe sana kwa sababu hao pia ni binadamu kama sisi. Mtoto msichana yafaa aridhi shamba ya baba yake. Pia yafaa agawiwe mali ya baba yake hata kama babake alikua anafanya kazi nje na ame-retire na kwa bahati

mbaya akufe, mtoto msichana achangiwe kwa hao watoto wanaume ambao huyu mzee anao hapo kwa boma.

La nne, hao watu wanaofanya kazi, kwa maoni yangu naona mtu afanye kazi moja wala si kazi nyingi kwa mtu mmoja. Unaweza enda na kwa mfano umesoma na hauna kazi na unaona mtu amesoma labda ni standard 4 na wewe ni form four na hauna kazi lakini standard four ameshikilia kazi nyingi kwa sababu ya hongo. Hao watu waangaliwe sana kwa sababu hatutaki hongo hapa Kenya. Ukiwa huna masomo, tafadhali rudi nyumbani wenye wamesoma wafanye kazi na uwachane na maneno ya kuhonga kwa serikali eti wakupitisha kuendeleza kazi yako.

Ya tano ni makumbusho. Kuna makumbusho inaitwa ‘makumba’. Hii makumbusho inafaa iondolewe kabisa kwa sababu ukiangalia, kazi yake haina msimamo. Makumbusho ni wakati wanachinja tu ng’ombe na watu wanakula na hiyo haifai kuwa hapa Kenya kwa hivyo itolewe kwa sababu inazidi kuongeza sana sana wanawake kuwaacha mabwana zao.

Kuhusu makanisa, mimi ningechangia kwamba inafaa ibaki makanisa matatu kwa sababu makanisa mengi yameleta mchafuko hapa Kenya na tena imeleta maneno kama devil worship. Hayo yote sasa ni nini na tunajua Mungu ni mmoja, kwa hivyo ibaki makanisa matatu hata (inaudible) ukienda ndani kabisa, utaona makanisa mengi ndio kwa sababu Muislamu ndio hapendelei kula kitu ambacho Mkristu amechinja kwa sababu hajui ni nani amechinja. Kwa hivyo ibaki makanisa matatu ili tuelewane na tufanye kazi pamoja.

Naongea juu ya mashule. Watoto wafaa wasome na walipiwe karo kwa sababu ukiangalia vile Kenya iliweka watoto wasome bure, watoto hawasomi vizuri. Kila siku unaona mtoto nyumbani na tayari imewekwa watoto wanasoma bure. Sasa sijui watoto wanarudi kufanya nini nyumbani, ama serikali yetu ndio inasema uongo ama nini. Lingine ni kwamba wanawake waliofiwa na mabwana zao. Mimi sioni haja ya wanaume kwenda kusumbuana na yule mama, amewachwa na watoto wake. Yafaa huyo mama akae peke yake (inaudible) alikufa na watoto wake. Maneno ya mwanaume kuwacha boma yake anaenda kwa boma ya mwingine, hio Kenya inafaa iangalia kitu kama hiyo na iweke sheria kwamba mwanaume atapatikana kwa boma la mwingine ashtakiwe.

**Com. Raiji:** Saa inakwisha, la mwisho.

**Lucas Buye:** La mwisho ni kuhusu maji. Serikali inafaa iangalie ama “maguru” wetu waende watutetee hata kwa vijiji, maji yatembazwe huko ndani. Asanteni.

**Com. Raiji:** Asante sana bwana Lucas. Mwingine ni Asman O Were ambaye atafuatwa na Wycliffe N Anzai.

**Gideon Maende:** Honourable Commissioners, I am Gideon Maende stepping in for Asman Were.

**Com. Raiji:** Why are you stepping in?

**Gideon Maende:** He has a voice complication; he cannot talk well

**Com. Raiji:** He is disabled or he is sick? Is he here?

**Gideon Maende:** Yes.

**Com. Raiji:** Asman, wewe umemuambia atoe maoni yako?

**Gideon Maende:** Yes sir.

**Com. Raiji:** Okay, asante. Sorry, repeat your name.

**Gideon Maende:** Gideon Maende.

**Com. Raiji:** Gideon Maende

**Gideon Maende:** Yes.

**Com. Raiji:** Endelea.

**Gideon Maende:** Chiefs and Assistant Chiefs act. I would like to bring to the attention of the government of Kenya about the Provincial Administration from Chiefs and Assistant Chiefs (inaudible) here in Kenya. the Chiefs act chapter 1two8 has been reduced and thus (inaudible) from the colonial phase, I would like to recommend the following points. One, the Chief and the Assistant Chiefs should be made to transfer as other government officers. This officer's dont stay (inaudible) the development of area and others involve into very many evil deeds. They have aspired as developing in to small kingdoms that anyone hated by the king will be (inaudible).

The common man has been (inaudible) the last job of the (inaudible) and has no say so long as the officer still occupies the office. People have been tortured without any crimes from (inaudible). The young men have been called thieves, law breakers, (inaudible), if arrested opium is there ready as an exhibit in court since the connection of the government revenue has been (inaudible) grass and the african ritual fading away. I find it ideal for the Chiefs and the Assistants to be moved from their home areas for work.

Secondly, issues of science have bailed victims of the politician as a result of having known much (inaudible). Locations have lost popular Chiefs and men of the (inaudible) that (inaudible) sacking has occurred for three Chiefs without three being called to find out the truth, therefore businessmen should be (inaudible) for. Chiefs should be transferred.

I will also suggest that the appointment done these days is only favouring the MP for any big money in the big office. I would rather suggest that before the Chief is appointed, the following should be observed; education, age, experience, integrity, government or personal record, development ethics. After considering those things, then the next should be of that type of mlolongo and there, referees.

Kenya is an agricultural state and therefore the officers appointed to work as Chiefs must be a man of the people, a man ready to motivate his people to help the agricultural officers to make use of land, encourage people to take children to school, initiate small projects. He should appoint the locational elders and have a baraza weekly so that government policies are delivered to people rather than in chambers. The officer should be able to relate the policy to people through three barazas, "liguru", Assistant Chief and Chiefs. Monthly reports and (inaudible) report must be written according to how the location is and locational development committee must be there after two months. Monthly data (inaudible) to make the area get developed.

For any location to develop, we must have the resident officer committed to their work so as to run the government smoothly. As an officer appointed to run to lead others, he should be able to lead and others follow. In addition, the constitution of Kenya should be reviewed after every two years.

**Com. Raiji:** I see you also wanted to speak.

**Gideon Maende:** Yes.

**Com. Raiji:** You have your separate views.

**Gideon Maende:** Yes

**Com. Raiji:** Okay, I will give you three minutes.

**Gideon Maende:** My points are as follows, to begin with, the term Constitution should be defined simply and presently for the benefit of all Kenyans irrespective of age, education level, social status, religious inclination, gender and race. Secondly, unlike the current Constitution which begins as 'the Constitution of Kenya...' I would rather have it begin, as 'This is the Constitution of the people of Kenya...'. This will add on to it the fact that it has been printed by the Kenyans themselves and written for them. This is because Kenya exists as a sovereign country only in relation to the people who occupy the geographical area



called Kenya, without them then Kenya is done. Kenya as an entity would not exist.

**Com. Raiji:** Bwana Maenda, because this is your memorandum, I would ask you to try and summarize that and not read the whole page. I would also ask you, wale wanaleta memorandum tafadhali wawe wana summary kwa sababu ukisoma saa itaisha na wengine hawatapata nafasi.

**Gideon Maende:** Thirdly, the Constitution should come out clearly to ensure that the law in the land is enforceable at all, irrespective of all the positions one is having, age, race, gender, and education level. No one even the President in the office or out of office should be above the law so therefore anyone

**Com. Raiji:** Brought before court?

**Gideon Maende:** Of law or any crime committed either in office or out of office, what I want is the rule of law not to get any law that cannot be enforced. Apart from that, all senior civil servants, government appointments, head of Commissions, diplomatic fraternities, parastatal basis, chairman of companies must be approved by Parliament for them to assume responsibility and their areas of jurisdiction. Competence and performance should be the.....

**Speaker:** (inaudible)

**Com. Raiji:** Tafadhali mjue hii ni meeting ya Commission, the Commission is in charge kwa hivyo utatupatia nafasi tuongoze meeting so please dont interfere with those who are presenting. You can go to the next point.

**Gideon Maende:** The Constitution should provide a fair play ground for those civic and Parliamentary aspirants irrespective of age, social status and political parties. However, competence and performance should be the guiding principle upon which only the best candidate sails through. That is all.

**Com. Raiji:** Asante sana Bwana Maende. Register yourself and your friend there. Joseph A Warimu, Bwana Warimu come on please na utafuatwa na Emily A. Anda.

**Wycliffe Anzai:** Excuse me. I was to follow him. I am Wycliffe.

**Com. Raiji:** Sorry.

**Wycliffe Anzai:** I was to follow that gentleman.

**Com. Raiji:** I had mentioned your name?

**Wycliffe Anzai:** Wycliffe N Anzai.

**Com. Raiji:** Yeah, you are the one. Sorry. Then you will be next.

**Wycliffe Nandamunagne:** Asante sana Mwenye Kiti wa hii Commission. Kwa jina naitwa Nandamunange Wycliffe kutoka Bukaya. Mimi nimesomea utamaduni, culture. Nastaajabu sana Bwana Chairman. Sisi Wabluhya wa Western tuliwacha mila zetu na tunafuata mila za wengine, e.g. sisi Waluhya mtoto akifika miaka minane anatairiwa asiende hospitalini, iwe sheria, kupelekwa kwa hospitali hiyo si mila. Pombe yetu ya kienyeji, busaa ilikuwa tangu zamani kwa wazee wakati wamemaliza kazi ndio ilikuwa mafunzo. Watoto wanakuja kufundishwa, sio ati pombe ndio inaleta usherati. Tuliwacha mila yetu tunafuata ya watu wengine.

Tunataka President achague Minister ambaye anajua culture and Social Services. Unapata President anachagua Minister ambaye hajui ministry ya culture and social Services maana yake. Tunataka Agricultural Society of Kenya show kuanzia divisional hadi Provincial kwa maana watu wengine ambao hawafiki kwa Province kuona ASK show.

Tunataka wakati wa matanga kwa vijiji ulindwe na village elder leaders, hatutaki vita polisi kushuhudia matanga, wanatusumbua hata mabibi zetu. Anatongoza bibi yako na ukikataa anapelekwa ndani. Tunataka busaa iwe ya mirija tusije tukauziwa. Babu zetu walikuwa wanatumia mirija, na mirija iendeleo kwani ndio mila za Waluhya na Wajaluo kufuatana na culture and social Services.

Tunataka seminars zifanywe kwa sub locations, ndio ikuwe mafunzo kwa wengine kwa maana zamani, wazee wakikutana walikuwa wanaitana kutoka sehemu tofauti, wanakutana. Mtoto anamaliza shule na hajui mila za kabila yake.

Hizo ndio (inaudible), Mwenye Kiti wa Constitutional review, kwa wanawake, itolewe. Ndio inaleta, ukiangalia bibi akiwa transparent hata akiwa kiwete unaona lazima nikiwa na pesa nitatongoza huyu msichana. Lakini akiwa na rinda ndefu, we cannot admire her. Tunastajabu Bwana Chairman, tunaona seminar hii (inaudible) you know, I have forgotten.

**Speaker:** (inaudible)

**Wycliffe Nandamunagne:** You know (luhya dialect)

**Audience:** Cinema

**Wycliffe Nandamunagne:** Cinema. Sisi watu wa Bukaya sub location tuko na division. (inaudible) inaonyesha Mumias, Butere, Kakamega na Bungoma lakini sisi hatuwezi kuletewa. Tafadhali Chairman, nataka cinema kama hizo tuletewe karibu ili wananchi waone. Wakati wa michezo, tunataka kujua nini inatendeka kokote. Ni hayo tu machache Bwana Chairman. Asante sana.

**Com. Raiji:** Okay, jilandikishe. Asante sana kwa hayo maoni. Nilikuwa nimemuita yule mzee mwingine, Wairimu na nikasema utafuatwa na Emily A. Anda. Karibu Bwana Joseph.

**Joseph Ng'ang'a:** Mimi ni Joseph Ng'ang'a Wairimu kutoka Mpanga sublocation, (inaudible) location South Lwanga Division. Nina mambo machache ya kuweka mbele yako na ninaanza na ulinzi wa taifa.

- Ulinzi wa taifa unafaa uwe vile ulivyo sasa, uwe chini ya ulinzi wa Rais yaani kikosi cha majesi, polisi, magereza na police Administration na mamlaka yote ya usalama iwe chini ya ulinzi wake. Rais pia awe na ulinzi wa kutosha juu ya bunduki na risasi na mtu yeyote ambaye anapatikana na bunduki bila kibali athibiwe vikali sana na afungwe.
- Vyama vya kisiasa; napendekeza viwe vitatu peke yake katika jamhuri yetu kwa sababu vyama vingi havina maana.
- La tatu, serikali. Napendekeza Rais wa nchi yetu awe akiunda serikali ambapo Ministers na Assistant Ministers na MPs na wafanyi kazi wa serikali wote wawe chini yake kama ilivyo sasa. la nne, napendekeza mamlaka ya nchi iwe chini ya Rais.
- Napendekeza Chief na Naibu wa Chief, serikali inafaa iwape mshahara wa kutosha kwa sababu kazi ambayo wanatekeleza kwa serikali ni ya muhimu sana na ndio nguzo za serikali kuanzia kwa kanda ndogo hadi form four. Pia Chiefs na Naibu wao wasipewe transfer, wawe tu kwa sehemu zao ambapo wanapozaliwa kwa sababu ukitoa Naibu wa Chief ama Chief kutoka kwa sehemu ingine kama kwa mfano ukitoa Chief ama Assistant Chief Murang'a na aletwe hapa, hatajua culture ya hapa na kwa hivyo kazi ambaye atafanya hapa haitakua nzuri, wasipewe uhamisho.
- Serikali inafaa ijenge maofisi za Chief na Assistant Chief, wapewe mamlaka ya kumshtaki mtu ambaye amepatikana na makosa bila kupitia kwa ofisi kwa sababu hii imefanya Chief na Assistant Chiefs wanalaumiwa kwamba hawafanyi kazi yao vizuri wakati wanapochukua makesi na kupelekea polisi na hao polisi hawafanyi vile imetoka kwa Chief ama Assistant Chief. Kwa sababu Chief na Assistant Chief wanaishi kwa reserve ambapo kuna uadui mwingi, napendekeza wapewe bunduki ya kujikinga nayo wakati wa shida. Seminars za ma-Naibu wa Chiefs mapoja na Chiefs ziwe pamoja badala ya kufanywa kando kando hasa zile ambazo zinafanyika mpaka ya ma-Chief. Assistant Chiefs kule katika seminar wawe wakifunzwa kupiga bunduki ili wakipewa bunduki, aweze kujua namna ya kutumia. Urithi wa mali ya marehemu.

**Com. Raiji:** Summarise, hiyo ndio ya mwisho. Saa imekwisha.

**Joseph Ng'ang'a:** La mwisho, napendekeza upande wa urithi kwa mali ya marehemu. Ikiwa mtu amekufa, mzee amekufa nyumbani, napendekeza mali yake igawanywe na wazee, wazee wa kijiji na Assistant Chief na Chief (inaudible) kwa DO bila kuenda kotini kwa sababu ikifika kotini hii ni garama kubwa sana. mambo ishie kwa DO na jamii ya marehemu ipate mali yake bila (inaudible).

**Com. Raiji:** Asante sana Bwana Wairimu. Nilikuwa nimemtaja Emily A Anda. Enda ujiandikishe huko

**Joseph Ng'ang'a:** Emily hayuko lakini alikuwa amenituma na mambo yake yako hapa kwa hivyo kama utakubali, (inaudible)

**Com. Raiji:** Eeh. Dakika tatu.

**Joseph Ng'ang'a:** Ya Emily ni kama ifuatavyo.

- Mke na mume (inaudible) ya shamba yake title deed. Watoto wote wapete uridhi wa shamba, wasichana na wanaume.
- Shule za msingi ziwe bila malipo na serikali ilete vitabu kwa shule bila malipo. Serikali itafute nafasi za kazi kwa watoto wenye wamefuzu. Masomo ya zamani irudishwe, yaani 8-4-4.

**Audience:** (inaudible)

**Joseph Ng'ang'a:** Masomo ya zamani irudishwe

**Speaker:** Not 8-4-4

**Joseph Ng'ang'a:** La tatu, mume akiaga dunia, mjane awe na mamlaka ya kurithi mali yake hata kama alizaa watoto wa kike tu.

- Ufisadi ukomeshwe ofisini kwa watumishi wa serikali.
- Hospitali za serikali ipeane matibabu ya bure na wananchi wapate huduma za tharura punde tu wanapofika hospitalini. Huduma za tiba ziwe karibu na mwananchi.
- Wafanyikazi wakistaafu walipwe mshahara hadi miaka kumi. (inaudible) .
- Wasimamizi kazini wasiwe na ukabila.
- Rais akiwa mwanamme, Naibu wake awe ni mwanamke.
- Tuwe na usawa kazini.
- Tusiwe na usajili wa ndoa bila cheti kutoka kanisani. Kabla ya kufanya ndoa, ni lazima mahari yalipwe. Ukioa wake wengi na ushindwe kusomesha watoto ufungwe.

*Audience: Laughter*

**Joseph Ng'ang'a:** Mume mwenye vita nyumbani afungwe.

**Audience:** Eeh.

**Joseph Ng'ang'a:** Serikali itilie maanani kujali masilahi ya walemavu.

- Waalimu kupachika watoto mimba shuleni, wachukuliwe hatua kali.
- Waalimu walevi wachukuliwe hatua kali. Waalimu wapeane nidhamu kali, wapewe nidhamu tofauti kwa kutandika watoto ovyo ovyo.
- Maofisa wa idara ya kilimo wa locasheni wapewe mamlaka ili wawe na uamuzi kwa kila mashamba yenye wanawakilisha katika nafasi ili tupigane na njaa.
- Serikali ijali masilahi ya wakulima kwa kupiga marufuku uharibikahi bidhaa shambani na uzalishaji wa mama (inaudible).
- Serikali ijali wakulima kwa upande wa garama za ukulima kwani zimekuwa kali sana.

**Com. Raiji:** Asante kwa hiyo memorandum yake na (inaudible) hata hiyo ya Emily. Andikisha zote mbili pande hiyo tafadhali. Kennedy Lubale? Kennedy Lubale? Kama hayuko tutaenda kwa Richard M Ndekwe. Richard M. Ndekwe atafuatwa na Ann Onano. Sema jina tafadhali.

**Richard Ndekwe:** Commissioner wetu, jina ni Richard Ndekwe. Nitaongea kwa maneno ya maendeleo katika idara yetu.

**Com. Raiji:** Tafadhali, mnajua tuna record hii lakini kelele ambazo mnapiga zinaingia kwa hiyo tape. Tafadhali tumheshimu huyu anaye zungumza.

**Richard Ndekwe:** Tulipata uhuru katika Kenya ambao ni wa kujenga nchi yetu. Kitu ambacho kinanishangaza ni kuona makampuni mengi ilianguka na nimeshindwa kujua ni kwa sababu gani kampuni mingi katika Kenya baada ya freedom zinaanguka. Kama hii mtasema ni mfano, hata kama Mbunge iko, wataje hiyo maneno ili kama railways ilianguka na ilikuwa inasaidia sana katika nchi ya Kenya. Hii ingine, Cereal Board ilianguka na ilikuwa inasaidia katika nchi. County Council, Nairobi yenyewe nilitembea huko juzi na ilianguka, hata gari ya kubeba takataka hakuna. KCC pia ilikuwa inatusaidia katika mambo yake na ilianguka. Kenya Meat kule Athi River pia ilianguka, hata ile nyama ilikuwa ya nguruwe hapa Uplands, hiyo ilikuwa inasaidia pia katika nchi. Hii ndio inaleta madhara.

Mtoto anamaliza form four na yuko ndani ya nyumba yako umtafutie kazi na kampuni hizi zilizoanguka ndizo zilikuwa zikiandika watu kazi. Tukiendelea kidogo, unapata hata post office inaelekea kuanguka.

**Com. Raiji:** Ndio.

**Richard Ndekwe:** Post Office inaelekea kuanguka. Kenya Power pia inaelekea kuanguka. Juzi tulichanga pesa hapa ambazo (inaudible), hata bado hatujaambiwe hizo pesa zilienda wapi. hiyo ndio kitu kimoja katika nchi hii yetu kinaleta madhara.

**Com. Raiji:** Ungetaka kupendekeza tufanye nini ili hizi zingine zisije zikaanguka?

**Richard Ndekwe:** Mimi naweza kuchangia ingie kwa sheria ambazo munatengeneza za Kenya. zikipatikana namna hii haziwezi kuanguka, lazima wafanye bidii waone hizo pesa zilianguka, zilienda wapi.

**Com. Raiji:** Endelea.

**Richard Ndekwe:** Nitaingia kwa biashara na waalimu wakiwa hapa. Mimi naona walimu wakiwa wanafundisha, waache kazi moja, hapana kazi ya biashara, kazi ya nini. Wawe wanafundisha watoto wetu, ajue anafundisha watoto ambao hawapati nini. Wasiingie kwa biashara, iwe kazi moja. Katika nchi yetu, tunataka tufanye kazi na mtu hawezi kufanya kazi ishirini.

**Com. Raiji:** Lngine?

**Richard Ndekwe:** Councillors wetu ambao wanachaguliwa, mtu anajua ni Councillor na akitaka fanya kazi afanye na wananchi wala si peke yake. Wizi mwingi, kuchukua pesa hata awe anafanya biashara hata Uganda ama wapi, hiyo pia inaleta madhara katika nchi yetu.

**Com. Raiji:** La mwisho, saa imeisha.

**Richard Ndekwe:** Nilikuwa na mengi ya kusema. Nitasema neno moja kwa ma-Commissioners wetu, muangalie sana hii dunie. Kitu moja nitasema cha mwisho, President hawezi kuchagua President ambaye analinda President, wananchi ndio wanachagua President na kura zao. Asante sana

**Com. Raiji:** Asante sana Bwana Ndekwe. Nilikuwa nimesema Ann.

.....*End of tape three side A*

**Anne:** Nitaongea upande wa vitambulisho. Mtoto akifikisha umri...

**Com. Raiji:** Ngoja. Tafadhali huko nyuma tujaribu kusikiza.

**Anne:** Mtoto akifikisha umri wa 18 years awe na kibali cha kupata kitambulisho, apate tu barua from area and not the DO, Chief, awe tu huru wa kupata kitambulisho. Lngine, mtoto asibaguliwe. Nikioleka na mzee na niende na mtoto, huyo mtoto atafikisha 18 years na wataanza kubagua huyo mtoto nimpeleke kwa baba yake na vile aliniowa, alikuwa na mtoto wake, mimi sikumbagua. Wanasema ni lazima I have to take care of that child na wangu anabaguliwa nimrudishe kwa baba yake. Sasa mtoto umekaa naye 18 years kwa boma yako, nani atamkubali?

Lngine, bwana yangu akipata kazi kwa bar anaitwa bar manager. Mtoto wangu wa kike akienda kutafuta kazi kwa bar, anaitwa malaya. Tunataka serikali ihakikishe kila mtu, kazi ni kazi na tuna uhaba wa kazi. Wasiweke vikwazo kwa kazi. Mtu yeyote akimpa mtoto wa shule mimba, awe manager, awe mwalimu awe nani. Akipewa na mwanafunzi mwenzake, wafukuzwe wote shuleni na the boy asikubaliwe kuendelea na masomo, angoje huyu msichana.

Political parties; tungependelea political parties ziwe three sio kila jamii na yake. Political parties should be financed by the Central Government – the three parties. Nominated MPs; tungependa tuko na mikoa nane na tungependa kila mkoa upatiwe nafasi na hizo nafasi zigawanywe, four women and four men. Voters wasipewe nafasi ya kumuita Mbunge wao nyumbani as it will bring alot of chaos.

Mishahara ya Wabunge should be controlled by the head of civil Service. Local government, Mayors and Chairman wachaguliwe na councillors wenzao kwa sababu it will be too expensive after elections for a Mayor to run all the way in the whole district na yeye hana mshahara ila ni marupurupu tu. the voters should not be given a right to vote back their Councillor as this will bring alot of chaos. Nomination ya Councillors, tungependa hiyo nomination ibaki, wa nominate councillors to serve their parties.

The President should not appoint President mwenzake, hiyo iwachiwe the public. Thank you very much

**Com. Raiji:** Asante sana mama. Nilikuwa nimesema baada ya mama tutakuwa na Wilstela Chimoi.

**Wilstela Chimoi:** Kwa majina

**Speaker:** Tumia microphone.

**Wilstela Chimoi:** Asante sana Mwenye Kiti. Kwa majina naitwa Wilstela Nafula Chimoi kutoka Bukara sublocation. Mbele yenu nina machache nilitaka kuwazungumzia kuhusu katiba yetu. Ya kwanza, upande wa elimu, tunataka elimu ya msingi kwa watoto iwe ya bure. kitu cha kwanza tunataka watoto wa msingi wapewe vitabu, kalamu na vifaa vya kuwasaidia kuendelea na

masomo ya msingi kwa sababu watoto wa maskini wanaanza masomo yao kwa shida na (inaudible). wanafika mahali wanashindwa kuendelea katika kidato cha pili kwa sababu masomo ya msingi yamekuwa ya juu sana.

La pili, upande wa waalimu, waalimu wamekuja kuharibu watoto wa wasichana wa shule na baadaye wana wawacha hapo bila usaidizi wowote. Tunataka mwalimu kama huyu akipatikana, awachishwe kazi mara moja. Mwalimu mlevi akipatikana shuleni wakati wa kazi awachishwe kazi mara moja. Upande wa uridhi, wamama wakiwachwa na wazee wao, mara mingi husumbuliwa sana. Sasa nataka wakati wamama wamewachwa na wazee wao, wapate nafasi ya kupewa mali yao bila kusumbuliwa. Hata mama akiwa na watoto wasichana na amefiwa na mzee wake, hao watoto wagawiwe hiyo mali ya baba yao, wasikuwe tu wanatangatanga.

Watoto mayatima pia wafikiriwe, wapewe masomo ya bure na baadaye wapewe kazi. Upande wa afya, watu wengi wakienda hospitalini, wanatakikana kutoa pesa kila mara. Huu si wakati wa pesa, mtoto, mama ama mzee anafariki kwa sababu ya pesa.

Nataka serikali iangalie upande wa afya ili iwe ya bure. Kuna ubaguzi hospitalini, unaweza kutoka huko na una mtoto ama mama mgonjwa. Utakaa kwa laini bila kutoa hongo au chochote, utakaa mpaka mtu wako atafariki pale kwa laini.

Upande wa polisi, tumeletewa mapolisi wa kutungojea katika nyumba zetu, kwa boma na kila mahali lakini unafika wakati unaigiliwa na watu, unapatwa na shida na hao wanataka hongo ndio wakusaidie. Tunataka serikali iangalie upande huo wa polisi ili hongo ikwishe na waangalie mshahara wao. Watoto yatima ni watu wamezaliwa binadamu kama sisi kwa hivyo wasomeshwe na wapewe kazi. Ni hayo tu, asanteni.

**Com. Raiji:** Asante sana mama, jilandikishe huko. Hilda Olama or Olada?

**Audience:** (inaudible)

**Com. Raiji:** Hilda? Yuko?

**Speaker:** (inaudible)

**Com. Raiji:** Okay. Akija muniambie. Mwingine ni Prisca Muka. Prisca Muka? Prisca hayuko?

**Speaker:** (inaudible)

**Com. Raiji:** Ni wewe? Ungetaka kuzungumza? Okay, umepeana. Asante. Hilda amekuja? Bado? Nafikiri ni Protus Were? Protus utafuatwa na Paul Muganda. Wewe ni Protus au ni Paul?



**Protus Were:** Protus.

**Com. Raiji:** Karibu bwana.

**Protus Were:** Your Honour, Commissioners (inaudible), I will talk on four points on election candidates, President, corruption, ufisadi. Election of a candidate as an MP, they should atleast be a degree holder to understand the economy of the area. The President should be an elected MP and not a nominated MP. Atleast he should have served the nation with three (inaudible) to be aware of the country and how the government works. The President should be limited not to campaign for any Presidential candidate. We have a problem here in the country; the only chance remaining is on agricultural industry. Extension officers should train school leavers on farm management. The government should give soft loans to school leavers without conditions (inaudible) by the coordinator of agriculture in the division.

Ufisadi or corruption. We have the Kenyan style called harambee. This should be abolished as it has brought alot of corruption in the country but instead the government should address the issues raised every year to every constituency to do development in the area. Central government; this should introduce what we call majimbo whereby atleast every Province should have atleast two or three ministries for distribution and fair contribution of all Kenyans. Asante.

**Com. Raiji:** Asante Protus. Hilda amekuja?

**Speaker:** Bado

**Com. Raiji:** Kama hajakuja, Paul Muganda? Paul Muganda? Hayuko. Salome Munyendo. Karibu Salome.

**Salome Munyendo:** Asante. My names are Salome Munyendo. I will talk on the Preamble

**Speaker:** (inaudible)

**Salome Munyendo:** The Preamble. The people of the democratic republic of Kenya being a sovereign state wish to pursue economic, political and social development. Democracy, gender equity and respect for human rights shall prevail as we continue to fight against poverty, disease, ignorance and corruption. The Constitution of Kenya shall be the supreme law of the land and incase of conflicts with other laws like (inaudible), local or Internationa laws, the Kenya Constitution law shall reign. Nobody shall be above the Kenyan law.

Employment; there shall be a time lapse between salaries provided to Kenyans in whatever sector or departments they serve. The reasonable minimum wage be reached to be adhered to by all employers. Rights for all Kenyans to engage in economic

activities without harassment such as hawking, local group businesses. We should establish a remuneration and salary Commission, as this is all employment and great issues of all persons including MPs. This wage should be paid to one production and delivering of Services, for instance, the difference between head teachers and deputy head teachers is different but the jobs are almost similar. The same applies to Assistant Chiefs and Chiefs, MPs and Councillors. You find that Councillors are more closer to people, they render their Services even more but their salary differences are very great.

No person (inaudible) in his or her ages, only the Commissions that will be responsible for paying this. Expatriates should only be employed if the Kenyan citizens cannot do the same but shall work alongside the Kenyans to take over later. There should be free and compulsory education from nursery to 'O' level for all Kenyans and free university education for women and people from marginalized communities. Mobile schools to be established for pastoralists. Informal education for all so that citizens can be educated on the various government structures and their functions. This is going to inform Kenyans on what this government department's does.

There should be an independent education Commission that has comprised of only education professionals who shall discuss matters pertaining to education. They shall give us proper guidelines on how free the education shall be, on who shall pay building fund, (inaudible) and uniform. The Teachers Service Commission should continue to employ teachers and not the board of governors who may be biased.

Land and property ownership (inaudible). Title Deeds to bear names both husband and wife or wives. There should be a land Commission to look into issues of land other than elders who may not like land buyers or women. Wife inheritance and remarriage of widows and widowers should be left to the affected person's choice. However, anybody found forcing any party to act in a certain way should be charged. This should apply to all initiation rites like circumcision and the like. There shall be equal inheritance rights for both male and female children in the family. All women shall be beneficiaries to family property whether they had children or are in the polygamous set up.

The Constitution shall protect barren widows not to be sent away from the death of their husbands. Customary marriages shall be issued with a certificate of marriage by the Chief. All marriages shall be recognized. Any couple staying together for one year or above shall be declared married by law and this is going to help some people who stay with others for sometime and then it reaches a point they say our relationship is over. Finally, the Affirmative Action. There shall be an Affirmative Action to increase the representation of marginalized groups especially the disabled and women and the others in local authorities, Parliament, foreign missions and other official structures. Affirmative Action shall be free from tribalism, nepotism or any form of discrimination. Thank you.

**Com. Raiji:** Asante sana Salome. Michael Osobolo. Michael will be followed by Millicent A. Ogola and Emmanuel O. Oyier.

**Com. Raiji:** Asante sana Honourable Commissioner (inaudible). Maoni yangu kwa ufupi. Kwanza kabisa ningependa kuanza na mambo ya shamba

**Speaker:** (inaudible)

**Michael Osobolo:** Majina ni Michale Osobolo. Ningependa kutoa maoni yangu juu ya mambo ya shamba ili kwamba unapata katika area yetu hii, kuna Wanakenya wengi. Unakuta mtu ako na acre mia moja ilhali wengine hawana hana inchi moja. Ningependa sheria iweke kwamba kila Mwanakenya, hii population yenye ilifanywa majuzi, ione Kenya tuko wangapi na kila mmoja apate angalau shamba ndogo tusiwe na mambo ya kukosa. Hivyo basi iwe automatic, mtu akiwa na shamba, iwe tu kama mtihani. Unapofanya mtihani unapata certificate na hii title deed ikuje mara moja sio mambo ya kuenda left and right kwa sababu inachosha wananchi. Inaonekana sasa tuko katika nchi yetu. Tungependa wale ambao wanashugulikwa mambo ya (inaudible) katika (inaudible) lands division, hawa watu wako conversant na wanajua kila eneo, serikali inasikia.

Nikienda upande mwingine, ningependa kuingiza hili neno la unemployment. Unakuta kwamba wananchi wengi hawana kazi ilhali unakuta Mkenya mmoja anavyeo kadhaa. Yeye ni Chairman (inaudible), yeye ni director wa Kenya Sugar Company, yeye sijui ni nani. Tungependa tugawe hii hali ya kazi sawa sawa. Kama mimi ni mwalimu, basi Chairman ama Director upewe mwingine mwenye hana namna yoyote. Kila mtu apate mkate wake wa kila siku hivyo. Ningependa kazi kama za Assistant Chief, Chief na DO ziwe kazi za kupigiwa election. Wawe wanachaguliwa na kama Chief hafanyi kazi vizuri, baada ya miaka tano aondolewe na waweke mwingine naye ajaribu kufanya maendeleo. Hivyo pia kwa DO, DC na kuenda mbele na wawe wakipewa mshahara wa kutosha ili wasikuje hapa manyumbani kuanza kusema ati harambee hujatoa na ingine umetoa.

Ningependa pia serikali iweke sheria kwa mambo ya court. Tuwe na court moja ambayo imedalishwa na serikali kama Mumias, sio koti zingine. Kuna court zingine hapa kwa police station, kwa Chief na mahali kwingine. Kwenye unaenda, mambo yako kama mwingine amekupiga watasema sasa chai ya wazee na kadhalika inatolewa hapo na unadthulumiwa. Sasa mambo ya court iwe clear tufuate hiyo sheria. Ningependa pia (inaudible) kwamba tuwe na serikali ya majimbo ili kwamba katika mkoa wa Western, tuwe na Rais wetu wa hapa. Katika mikoa nane ya Kenya, tuwe na maRais wanane halafu wawe na kiongozi mmoja kama Prime Minister au (inaudible). nchi inapofanya budget, sisi watu wa Western tupewe budget yetu na tuseme ile budget imefika million five0 na Western inapata milioni 10 ambapo katika hii Western, huyo Rais atembe na aone hapa barabara imelimwa, hapa hospitali imejengwa na hivyo hivyo kwa maana Rais wa huko mbali hapati nafasi kufika hapa ili aone kama kuna barabara Bukaya, Bukaya kuna hospitali? Hakuna vitu (inaudible) haijafika huku sasa unakuta wananchi wa huku ndani wanaumia.

Ningepende kuwaambia kwamba taasisi kama ya Bunge ipewe mamlaka zaidi kwa kuchagua viongozi kama PCs, Councillors, wakuu wa majeshi na kadhalika ili kwamba tupate, yule mtu afanye kazi kama ako na uwezo (inaudible) na sio kwamba ni so and so wa Vice President alisema sasa atafanya kazi yake. Lakini kama ameniweka macho, itakua rahisi sana yeye kufanya

kazi vizuri. Ningependa pia kuongeza, Kenya ni nchi ya demokrasia mzuri. Tungefaa kufuata mfano wa America ambapo unakuta kuna vyama kama viwili, Republican na Democratic. Pale unakuta kama hutaki democrat unaingia huku lakini hii ya Kenya ni ya uchochezi. Unakuta viongozi wameona viwemingi mpaka kila mtu awe confused, unafuata yako peke yako ambayo haitakusaidia. That is all. Asante sana sitaendelea. Iko swali?

**Com. Raiji:** Nipatie mic tafadhali.

**Com. Salome Muigai:** Asante sana Bwana Mwenye Kiti na asante Michael kwa maoni yako. Nina swali moja kwako. Umesema tuwe na majimbo ndio Western inafanya kuja kwa makabilio ya pesa, Western inapata yake. Lakini tuanzie kwa kupata ya hiyo mali ndio tupate hiyo budget. Watu wengine kama North Eastern hawana mabadilisho mengi hata kidogo ya hiyo mali yenye tungetaka kugawana. Sasa tutaanzia wapi ndio bado tubaki kuwa Kenya moja na kila mtu amepata haki yake tukiweka majimbo? Umetueleze kwamba kuwa na majimbo ndio kama ni mkoa huu wa magharibi unapata makabilio yake ya pesa. Mimi nataka tu kabla hatujakabiliiana haya kuhusu pesa, kwenye usalishaji wa mali kwanza. Ningelipenda kugawana. Ukiangalia kama mikoa zingine kama North Eastern, ina raslimali chache kabisa kwa uzalishaji wa mali. Tutafanya nini na mkoa kama huo tukiweka majimbo?

**Michael Osobolo:** Asante sana. Ningependa kueleza hivi; nilisema au nilipendekeza hivi, budget ifanywe kwa Central government ambapo wanaangalia mikoa bila kuangalia inchi zote lakini mkule mgao huu wa budget, mgawe North Eastern, Western halafu wanataka kujiendeleza. Nafkiri hiyo ni tu.

**Com. Raiji:** Asante sana. Millicent A Ogola. Jiandikishe huko. Millicent? Karibu mama, utafuatwa na Immanuel O Oyier.

**Millicent Ogola:** Mkuu wa katiba (inaudible) utaratibu wa (inaudible)

**Com. Salome Muigai:** Mama zungumzia karibu na mic, ilete karibu na mdomo.

**Millicent Ogola:** Tuendeleo kuwa na utaratibu wa (inaudible). Uwezo wa Bunge ulitoa katiba isiwe na kiwango, Bunge ipewe mamlaka ya kubadilisha (inaudible) yoyote kwa wananchi (inaudible) Mkutano wa maoni katika kubadilisha katiba sehemu zote, mkutano huo uongozwe na Commission. Yoyote alizaliwa hapa au wazazi wake ni raia wa Kenya. Mtoto huyo ni raia wa Kenya.

Katiba iruhusu uwezo wa kushika katika hali za hatari. Mamlaka ya kutumia uwezo huu iwe mikononi ya Rais ambaye ni kiongozi wa nchi. Vyama vya kisiasa viwe kumi ama chini ya idadi hiyo (inaudible) wenyewe sio serikali. (inaudible) ya Bunge iwe ya kila siku, Bunge iwe na elimu ya kutosha na iwe na mtu huyo awe na degree na miaka 30-40. Tuwache kupewa (inaudible). Uwezo wa kurusha Mbunge iwe mkononi mwa Bunge sio wa Rais. Bunge iwe na uwezo wa kutupilia mbali

(inaudible) ya Raisi.

Mamlaka ya nchi; wagombea kiti cha Rais wawe na degree. Elimu ya shule, awe na miaka 40 hadi six0. Vipindi vya kuongoza vya Rais viwe viwili, five years each. Ya mwisho, Rais asiwe Mbunge.

**Com. Raiji:** Asante mama, jiandikishe huko. Baada ya huyo mama, Emmanuel O Oyier. Yuko? Hayuko. Eunice Oeya Owenka. Eunice kutoka Mulolo Samaria Womens group. Okay. Margaret Mukotha?

**Margaret Mukotha:** Niko.

**Com. Raiji:** Karibu.

**Margaret Mukotha:** Asante sana Mwenye Kiti wa leo. Mimi sina mengi (inaudible). Langu la kwanza litakuwa upande wa ukabila kazini. Unaweza kuenda kwa ofisi na unakuta manager pale ni wa kabila fulani na ukichunguza (inaudible) utapata wengi wao ni wa kabila lake na ningependelea kwamba mtu kama huyo manager akipatikana, afutwe kazi. La pili ni upande wa masomo. Watoto wanafaa kusoma bure katika primary school na hata kama nikulipa karo, kwa mfano mwaka huu. Mwanzo tuliambiwa kwambwa activity fee hakuna na baada ya muda mfupi, inapatikana kwamba watoto wana (inaudible) na hapo tunapata wanafukuza hata watoto wa darasa la kwanza, pili na wa tatu. Je, watoto kama hao pia wanajenga? Mtoto wa darasa la kwanza, la pili na la tatu wote huwa wanacheza.

**Com. Raiji:** Weka hiyo karibu na mdomo ili tusikie sauti yako.

**Margaret Mukotha:** Pendekezo langu la pili, watoto kama hao kama ni activity fee hawaruhusiwi kulipa kwa sababu hawachezi. La tatu ni upande wa kazi. Siku hizi tunateseka katika nchi yetu kwa ukosefu wa kazi. Watoto wetu wamesoma na wana degree za kutosha lakini hawana kazi. Unapata mtoto amemaliza form four, ameenda university na huku hana kazi. Unapata mzee wa miaka sabini bado ana (inaudible) na huyo mtoto kwa kazi na amefanya kazi, amekula na amesomesha watoto wake. Je, hawa wetu ambao wanatoka nyuma watakuaje?

La tatu na mwisho, ningependekeza ya kwamba Kenya tungefanya votting baada ya miaka tano. Niliona ya kwamba kama amekuwa mwanaume mwaka huu na miaka mitano ijayo, mwanamke achukue usukani na tu-compare tuone ya kwamba uongozi wa mama na ya wazee imekuwaje. Ni hayo tu kwa sababu sikupata kitabu na hata sikujua kwamba kuna nini na vile nimepata kwamba ni katiba, ndio sababu nimesema niongezee kidogo. Asanteni.

**Com. Raiji:** Asante sana kwa kuchangia. Mwingine ni Amina Omurunga. Bi Amina Omurunga? Atafuatwa na Phillip Momanyi na baadaye Boniface O Awori.

**Amina Omurunga:** Asante Wenye Kiti wote na wananchi wote ambao walifika hapa.

**Com. Raiji:** Sema jina (inaudible)

**Amina Omurunga:** Kwa majina ni Amina Omurunga. Kwanza mimi nazungumzia hivi kwa upande wa watoto wasichana. Watoto wasichana, sisi wazazi tulikuwa tunaelimisha watoto wote, wasichana na wavulana (inaudible), mtoto msichana hana mahali na hana mamlaka yoyote. Sasa tunataka tubadilishe wazazi waanze kuwaelimisha hawa watoto wote kuwezesha wote sawa (inaudible). Tuanze ulezi huo saa hii halafu mtoto mvulana bila yule mtoto msichana.

Kuongezea hapo upande wa sub Chiefs. Sub Chief ameandikwa kutulinda kwa area na kututulia matatizo ambayo (inaudible) lakini sio kodi. Wanachukua kodi tena wanaweka kwa mikono yao. Watoe sheria ya kodi kwa subChief iondolewe. Kama mtu amekosa, watu wakigombana kwa area, head man wale wa area (inaudible). Ikiwashinda, waende kwa sub Chief kuchukua barua ya kuonyesha wana barua ya serikali waende kwa koti lakini sio sub Chief kuchukua sheria na (inaudible).

Lingine ni mama na baba yule ambaye hafanyi kazi. Kuna mama na baba ambao hawafanyi kazi na wanaishi na hawa watu wanasumbuka kabisa. Sasa wanategemea kilimo na hawalindwi kwa vyoyote upande wa kilimo. Kwa mfano nitazungumzia upande wa kilimo cha siku hizi. Baba analima miwa na anategemea hiyo miwa halafu unaona hicho kilimo chake, kama ni sukari inakuwa nyingi halafu huyu mama mwenye ataingilia hapo baba ataendelea kulima sukari na ikishakuwa nyingi, hii yako inakosa mahali pa kuenda. Pia hakuna sheria ya kulinda hii mambo. Sasa sheria iwekwe ya kulinda huyu mkulima akisha lima hii miwa yake. Kiasi kile kimelimwa kibaki hivyo na ipate kuuzwa kwa haraka, wasilete mrundiko halafu huyu mkulima apate (inaudible).

Huyu mkulima mama na baba, mama ndio (inaudible). Unanunua kwa mkulima yule analima sukari, analima majani na hata kahawa. Mama na baba wanalima na baba pengine amejiandikisha kwa mkulima huu, jina lake liko huko. Sasa, kwa bahati mbaya huyu baba anakufa na mama anabaki. Sasa inakuwa mama atalithi. Sasa njia ile mama atachukulia kupata hiyo inakuwa ni njia mrefu kabisa, njia ya unyanyasaji wa ufisadi. Kwa mfano nitazungumzia maneno ya miwa. Kama baba amekufa, (inaudible). Alikufa kwa gafla na ile contract imekatwa wanataka mama achukue. Utachukua njia mrefu, unapitia kwa Assistant Chief, Chief, DO mpaka kwa DC. Huko utapata wafisadi wengine, kama ni serikali, mwishowe utatembea njia mpaka utafikiria hiyo serikali imeisha hata ukipata hiyo pesa utawachiwa madeni hata hakuna vile watakuwa wamekusaidia. Tunataka hiyo irekebishwe. Mama kama anataka kurithi mali yake, asitumie tena mali ingine ili apate hiyo mali. Pengine utatumia pesa zaidi kushinda ile unatafuta. Ni hayo tu, asanteni.

**Com. Raiji:** Asante sana mama Amina Omurunga. Phillip Momanyi. Baada ya Phillip tutakuwa na Boniface O. Awori na Boniface mwingine anaitwa Maero.

**Phillip Momanyi.** Officials from the Constitution Review Commission and all the people of (inaudible).

**Com. Raiji:** Your name please.

**Phillip Momanyi.** We need Preamble in our Constitution. We need to rename the segment in our Constitution capturing the Constitution and guiding principles. The Kenyans have the following values that should be reflected in the Constitution such that the 4two communities in Kenya must hold the Presidential or the Prime Minister once after 4two years. a Kenyan must have a maximum of 100 acres to avoid the landless Kenyans who are not able.

Busaa must be allowed in Kenya as it has in Uganda to reduce poverty in our country. The current Constitution allows Parliament to amend any part of the Constitution by 65% majority votes. We need to retain the above procedure but increase to 75% votes. The Parliament powers to amend the Constitution should not be limited (inaudible) ammendment, which was (inaudible), but it was ammended. The rights and obligations of the citizen is to own land, free health Services, free education and free to own wealth. The Armed Forces should be changed for 10 years as a mechanism of this (inaudible) he goes back to the post. The President should not be the Commander-in-Chief of the Amred Forces.

The Parliament should not have the role in effecting the emergency powers. The number of political parties must be limited to three parties only. The political parties must be financed by the state tax collections. We should not retain the Presidential government, we should adopt Parliamentary system of government in which the majority party in Parliament appoints the Prime Minister and the President remains a ceremonial President. The President powers remain national functions and signing statutes and legislatures. In addition, the Prime Minister monitors the smooth running of the country and security. We should not retain the unitary system of government in which all the affairs of State are controlled by the central government. The above system is bad because most of the resources are connected at one place, leaving the other side of the country poor.

**Com. Raiji:** I think you have one minute to summarize

**Phillip Momanyi.** We should not retain the concept of nominated MPs because it encourages corruption and cpirit fa;;acoes. We need changes to the system (inaudible), emerge multi party representation at all levels of the government. The judiciary office should be appointed by the Parliament, Mayors and Councillors and Council Chairmen should be elected by the electors. The minimum education qualification for a Councillor must be a form four certificate. There should be a sealing on land owned by individuals, a member of this country should only have a maximum of 100 acres. Parliament should appoint members of the Public Service Commission. Thank you.

**Com. Raiji:** Asante sana. The next one will be Boniface O. Awori. Boniface O Awori then I had said Boniface Maero.

Hawa Boniface wawili hawako. Edwina Othieno, ulikuja mapema lakini ulisema hutaki kuzungumza ndio nilikuruka. Lakini kama ungetaka kuzungumza, karibu. Nafasi iko, karibia sasa.

**Speaker:** Sema jina hapo.

**Edwina Othieno:** Asante Commissioners who have come to visit us here (inaudible) thank you very much. I know you are tired and thank you for persevering. I am a District Maendeleo Mumia Representative, Maendeleo ya Wanawake. I have gone from Province, to district to the locational level and South Lwanga division in Maendeleo ya Wanawake organization. When I look at the rights of women in Western Province, I have come to realise that they are very much oppressed and they cannot have the chance to be elected as members of Parliament automatically like men do.

I am appealing for the country to help the women go to Parliament so that corruption in Parliament will be reduced. This is because mothers are always very constructive people and they cannot distract a person (inaudible). Big firms which have fallen down, if the women were there, they could have stopped the corrupted men, the corrupted bodies who have made our economy to be down.

The other thing is about the widows. It happened that I became a widow three years ago and I am experiencing the life of a widow, I am also representing the widows. I can say something about widows; the widows are very lonely people, they are already depressed and they don't need any embarrassment from the family members. They should be left alone. I can also say that the widow's children should be given preference of employment because they are already depressed by their mothers, some of them are very poor they don't earn a living and these children, some are educated to 'O' level or university and they are jobless. If the widow's children are given chance or preference of employment, that can be very good.

I can also talk on succession. Succession of widows should be automatic and the only person who should witness is the subChief. Instead of taking everything up to the DC. If that is done, the widows will enjoy their widowship. The widows can be inherited if they like because they are also human beings who started marriage life and were used to partnership and them being human they are not beasts, they have to get company, and even beasts follow each other. How can you bar this people from talking to people and they just need somebody to love and make life go ahead and accept you and so I think young women should remarry so long as their husbands were not HIV positive. If they died natural deaths, let other people marry them. Let them use condoms and let the government make good condoms, plastic condoms, which can never burst and affect other people. The market will be high.

The other thing is about the rights of women like I have come to realize that they are not clearly recognized, I don't know why yet we are the ones who bore girls and boys. However, when it comes to the elections part in Kenya as a whole. We need somebody to look at that keenly. We have very learned women and we want these women to practise equality with men. We



dont see why when a board is being choosen, you will find only two women on the board and majority will be men, that is unfair. We should look at the gender issue.

The handicapped who have learnt upto 'O' level, can the government look into it in the next Constitution so that they can be given chances automatically without hesitating because they already have shortage in life and they have also to enjoy life before they die. I think it will be good if that is done. The other thing is, here in Western Province we grow sugar cane. This sugar can is mainly taken care of by women but when the money comes, the man will pocket the money and will not give the woman so I suggest that the women should be included in the agreement of sugarcane farming.

Another thing is about our highly learned women. They are now leading single life and this is very serious. The population of girls have gone too high and we dont know what to do as mothers with our daughters. I would suggest that the government should let men marry about five wives so that our girls are not called prostitutes. The condition of life forces them to be called prostitutes and if a man can have five wives, atleast AIDS will not affect our young women. I could have told you more, but I know you are now very tired. Thank you for remembering me. I have three women groups with me here which had registered, I have Wajane Masinga Womens group and they also wrote their.....

**Com. Raiji:** You will present them but before then, there is a question from the Commissioner. Can we have that mic?

**Com. Salome Muigai:** Thank you very much Mr. Chairman. Thank you Edwina for your submissions. I have one question for you. You said that men should be allowed to marry five women to stop HIV/AIDS. What if this one man gets HIV/AIDS it means that he kills five other women?

**Edwina Othieno:** Thank you lady Commissioner. By nature, man is polygamous, even if you try to possess a man, you waste time. So maybe by having more, he will fear that now if I go out, I will kill my five wives but if he has only one he will still go and try out. Let us try them with five and lets see how each will calm himdown. Another question you would like to ask.

**Com. Raiji:** None

**Edwina Othieno:** Thank you very much.

**Com. Salome Muigai:** You made us so happy (inaudible)

**Edwina Othieno:** I am told they are very happy and they want me to add them more. Because the Chairman likes me and likes me to talk more on men,

**Com. Raiji:** No, no.

**Edwina Othieno:** The women should also be counselled because I hear you cannot be given high positions because you run away from your home, you divorce. I think we shall create guiding and counselling to these highly learned women with money. They don't marry money, they marry love and they should live peacefully with their husbands.

**Com. Raiji:** Asante mama. Hiyo imetosha.

**Speaker:** Tumesikia

**Com. Raiji:** Wamesikia. Weka hapo tu.

**Speaker:** Kuja mama (inaudible)

**Com. Raiji:** Utaandika hapo. Sasa tuko na Charles Mungoma. Charles Mungoma to be followed by James R. Mukavi and Wycliffe Amukoya. I will give you 4 minutes now.

**Charles Mungoma:** Thank you very much. Commissioners, my names are Charles Mungoma and I talk a little bit on Administration. (inaudible) maybe a problem of Commission members. I wish we could go back to the Nabongo king kind of leadership which was really having the Council of Elders. Then we should do away with Assistant Chiefs and have a Council of Elders who will cater for all problems affecting the sublocations (inaudible) with the Assistant Chiefs. Thereafter, we shall look to the Provincial Administration, which houses the DO.

The DOs office should be also be done away with and we have the Assistant Chief who will be answerable to the Chief straight away. I look at it that way Commissioner because earlier on there was the issue of leadership from that type of kingdomship, which really managed their affairs well until when we got independence. It is only because maybe the colonialists saw it more appropriate to have the DOs around them so that they could run this country, the way they looked at it and that was very (inaudible) the community members (inaudible).

Secondly, I go to politics where I was looking at the local leadership around where you have a Councillor. I saw there is no point of having a Councillor who is not maybe learned but should be with "O" level and not really elected on polytechnic level. On culture, I want to support my fellow members who came here and say that these cultural groups of elders be used to enforce laws, which met the wishes of the people. So those clans of elders should also have a say on this culture.

On education, I have this observation and I wish that a law enforced by the Commission would follow this. Where parents

should go and teachers should also start a (inaudible) by this Constitution because earlier presenters had put it primary schools there is no way because it is as if you are following policies or directives but a law should be put in force, where if it is school fees, let them pay school fees or if it is not school fees, it should not be school fees, it should be free education. Now I am saying that it should be free education because we are now independent and it looks like we should have a compulsory educated community.

Finally Commissioners, I think we are a little bit hurried with this Commission here because most of these communities may not have been informed well (inaudible) where you were told. However, because of this hurry in the Constitutional review Commission, we may not come up with laws that will have significance to our lives. Thank you very much.

**Com. Raiji:** Okay. Just a minute, there is a question.

**Com Salome Muigai:** Thank you Mr. Chairman, thank you Mr. Mungoma. My question is something I had asked before. As we talk about going back to our traditional ways of governance, where is the role of women because we are all part of the International democratic structure that talk about representation and participation kind of governance. Where do you see the role of women in the Nabongo kind of system?

**Charles Mungoma:** Thank you Madam Commissioner. I see the role of women in the set up of those councils of men or councils of leaders who will be in charge of locations instead of the Chiefs. As for now let me just say as I would wish also that women be considered in those councils.

**Com. Raiji:** Asante. James Amukani? James? Hayuko? Wycliffe Amukoya. Karibu Wycliffe. Getruda Angulu will follow you.

**Wycliffe Amukoya:** Thank you Commissioners. My names are Wycliffe Amukoya and I have some points. The system of government, carrying the dead body when a person dies abruptly, the government comes and carries the body for postmortem and they forget to bring it back home for burial to the bereaved family spares time to go and bring the body back for burial.

**Com. Raiji:** What do you propose?

**Wycliffe Amukoya:** I propose the government should bring back the corpse for burial. Another point is that the youth take alcohol during working hours so I propose that the government arrest the youth found staggering along the roads during working hours and jail them.

The women should not be allowed to wear sex provoking clothes as this attract the attention of men and from this rape. The

government should introduce the policy of one-man one job and any person working in government office should not be allowed to run any business, e.g. doctors running a chemist. The government should set aside a land and build homesteads for chokoras. This will limit street boys in town and limit the level of immorality. The chokoras should be given homes instead of crowding in towns.

Robbers, thugs, muggers, looters, etc should be imprisoned for not less than 10 years and no fine given to them. The law should be made to force matatu touts to wear uniforms to stop scrambling of passengers since every passenger knows where he/she is going. The government should also stop this public preaching especially along the roads, in the markets and the registration of all denominations or churches. I think those are my constibutions.

**Com. Raiji:** Wycliffe asante. Get yourself registered. Getruda Angulu na utafuatwa na Christino Angulu.

**Getruda Angulu:** Asante sana members na wenzangu wote ambao wako hapa. Majina ni Getruda Angulu. Maoni yangu ya kwanza ni kwa upande ya watoto wa shule, watoto wa shule wanasumbuka sana kwa sababu wanafukuzwa shuleni. Ningetaka serikali isaidie watu maskini ambao hawawezi kupata mshahara kubwa ambao unaweza kusomesha watoto kwa sababu watoto wanafukuzwa kwa sababu ya kutolipa school fees. Watoto wanakosa shule sana na wanakuwa wajinga.

La pili ni kwa watoto wasichana. Mtoto msichana anaoleka leo na kesho unaona amefukuzwa. Mtoto anadanganywa wafanye harusi na wanafunga ndoa ambayo haijulikani na wazazi na unakuta, baada ya ndoa, mtoto amefukuzwa kabla ya kitu chochote. Naona watoto wengi wanapata taabu sana hasa wasichana na wanaletwa nyumbani kila mara ati mtoto amekufa. Msichana alikuwa ameolewa mahali fulani na amerudi nyumbani na sasa anaanza kutembea ovyo na anapata ukimwi.

**Com. Raiji:** Ungependekeza tufanye nini?

**Getruda Angulu:** Ningependekeza serikali isaidie wasichana kuwa ndani ya ndoa ili wavulana waache kuwafukuza wanawake wao ndani ya nyumba bila makosa.

**Com. Raiji:** Una lingine?

**Getruda Angulu:** La tatu, (inaudible) sisi wakulima tunaumia sana. Wanawake kulimia miwa na kufika upande wa shamba ati leo mnaenda kutafuta msaada, unakuta unaletewa shamba yako haikupata kitu chochote. Umechoka bure na umesumbuka, hakuna chochote unaweza kupata (inaudible) na umekopa madeni kwa watu. La nne ni urithi. Raisi hana mamlaka ya kuchagua Rais mwingine, wangewacha watu wachague Rais. La tano, naomba sisi wamama ambao hatujasoma, tuletewe ngumbaru tena ili tujue angalau kuandika majina pekee. Ni hayo tu, asanteni.

**Com. Raiji:** Asante sana mama. Jiandikishe huko. Nilikuwa nimemuita Ciprino Angulu na utafuatwa na John Odhiambo na Shaban Were.

**Mavuno Ciprino Angulu:** Mavuno Ciprino Angulu. Maoni yangu kwa Chairman wa kamati ya katiba ni hivi, mimi naomba serikali ichunguze kujua kila mkoa upate haki kwa sababu mikoa ingine iko chini sana na tungeomba namna hii; iko sehemu tunapewa, ichunguzwe kama area ya fulani imepewa, iko na mawe ama kokoto, hao watu wanaweza saidika na watu wanaweza kuja (inaudible) na wasaidike. Ningeomba serikali kuchunguza kujua kwa sababu tulipata uhuru.

Hii hali ya kuweka kiwanja cha ndege upande kama huu, tuwe na uwanja wa ndege pia (inaudible). Naomba serikali pia ichunguze rotuba ya nchi vile iko kwa sababu tuna kiwanda moja tu na tuna suffer. Miwa peke yake haiwezi kufanya kitu, iwe kama kiwanda hii inaweza toboka na serikali ituongezee viwanda. Kuna rotuba ya mchanga ambayo serikali inaweza kuangalia na ilinde na itupe viwanda ambavyo vitasaidia watoto wetu.

Vitu kama miwa, vitu kama ceiling board zinaweza kutoka kwa maganda ya miwa, molases na vitu kama hizo, serikali ingesaidia ili zijengwe area hii ili zisaidie wananchi.

**Com. Raiji:** Iko ingine?

**Mavuno Ciprino Angulu:** Lingine, nasikia kwa radio ati kuna pesa ambazo zinaweza kusaidia watu. Kama hiyo pesa zinaweza kusaidia wananchi, ingekuwa vizuri watu kupewa kwa mkono ili tujue vile inaweza kutusaidia. Yaani misaada ambayo inatoka nje.

**Com. Raiji:** La mwisho?

**Mavuno Ciprino Angulu:** Watoto wafikiriwe, watoto maskini. Tunashindwa kusomesha watoto kwa sababu ya pesa na tuwe na njia zingine za kupata mikopo ya kutusaidia.

**Com. Raiji:** Asante. Jiandikishe huko. Nilisema John Odhiambo na atafuatwa na Shaban Were.

**John Odhiambo:** Asante sana Mwenye Kiti wa Commissioners. Kwa jina ni John Odhiambo na maoni yangu ni haya. Katika serikali, napendekeza tuwe na serikali ambapo tuko na (inaudible) pia. Napendekeza tuwe na viama vitatu ili kupungunza ukabila. Communication; ningependekeza (inaudible) vile tunapata habari viwe ni free, kituo chochote ambacho kiko tayari kutangazia watu kifanye kazi yake. Vituo kama radio, TV, newspaper

**Com. Raiji:** Tumia mic

**John Odhiambo:** Vituo kama vile TV, radio na newspaper. Ningependekeza kwamba tuwe na utawala wa serikali ya majimbo. Ningependekeza pia Rais asiwe na uwezo mwingi, uwezo mwingine kama kuteuwa Chief, justice, attorney general na tume ya uchaguzi uwekwe mkononi mwa Bunge.

Napendekeza hapa Kenya, kila mwananchi awe na uwezo wa kumiliki shamba na uwe uwezo wa kumiliki shamba zaidi ya acre 100 kwa vile kuna wengine mtu ako na acre five000 na mwingine hana hata mahali pa kujenga nyumba. je, hii nchi ni ya mtu mmoja? Upande wa masomo napendekeza yatolewe bure na ya lazima kwa watoto kutoka nursery mpaka standard eight.

Ningependekeza mtu yeyote ambaye anataka kuwa Rais, ni lazima achunguzwe vile alipata mali yake na pia mwenendo wake. President awe ofisini kwa vipindi viwili vya miaka tano each. Ni hayo tu, asanteni.

**Com. Raiji:** Asante bwana Odhiambo, jandikishe. Shaban Were. After Shaban tutakuwa na Mersa Anyonje na Susan Oduor.

**Shaban Were:** Asante sana Mwenye Kiti wa leo wa Tume ya Kurekebisha Katiba. kitu cha kwanza, ninafuraha sana. Tangu niwe mtoto, hata nafufahia nacheka. Sijawahi kuona watu wanauliza maoni kwa reserve, mpaka (inaudible) lakini leo, ndio sasa najua kumbe ni serikali ya mwananchi na ninashukuru sana. Nashukuru tume ya marekebisho ya katiba kwa kufikia kila mwananchi na kumpa muda wake.

Jambo la pili, nagusia kitu ambacho mimi mwenyewe naona ni cha maana. Kila mmoja wetu anafurahia kula, kulala na kuwa mzima. mimi ni kama daktari wa kienyeji na nimeshangaa sana. Serikali wakati mwingine ina uwezo wa kutafuta madawa nchini na mpaka saa hizi inaanza kujipatia madawa ya magonjwa tofauti tofauti.

Sisi hapa kwetu Kenya (inaudible), nashangaa kwa sababu watu wa miti shamba wanaitwa wachawi na hadi wanatengeneza haki ya mwananchi kwa sababu wanahusika na wananchi walio karibu nao. Mnapotembea, kuna mahali ambapo hakuna mahospitali na hadi nchi yetu ina forests nyingi sana hata nyinyi mnaelewa hivyo. Kwa hivyo, wazungu walikuwa na kuleta sheria yao kwa katiba ya zamani na wanatuwekea vikwazo sisi (inaudible) watu wa kutafuta madawa na tukiwapelekea wana (inaudible) wanatulipisha dawa bei kali. Kwa hivyo ningependelea katiba ya sasa iwezeshe wananchi wa miti shamba waletwe pamoja nchini wote na waanze kufanya utafiti na wawe karibu na madaktari wa kizungu kwa sababu ndio wana mafaafaa. Wasikizane na wawe wakisaidiana kutoa dawa ambazo zitakuja kuangalia vizazi vijavyo. Watu wanakufa kwa ukimwi na magonjwa mbali mbali na haya magonjwa tukitegemea serikali peke yake bila wananchi kushirikishwa, itakuwa ni kazi bure.

Jambo la tatu, ningependelea wale watu ambao wamechangia magonjwa hapa ni madaktari wenzangu, wale ministry of health waliwacha kazi zao, mama mmoja anauza ndizi, nyanya na anasuka nywele. Sasa hapa kunajaa (inaudible), asthma na kwa

sababu wananchi wa kawaida mwenye amesoma kama yule tuko naye hapa, anaelewa nywele ikienda kwa (inaudible) inaanza kua, (inaudible). Naonelea hiyo na sitasema mengi kwa sababu si mkutano. Asante sana

**Com. Raiji:** Asante sana mzee Were, jiandikishe hapo. Nilikuwa nimemuita Mersa Anyonje. Mersa. Yuko? Susan Oduor tafadhali hata wewe ukaribie. Susan Oduor yuko? kwa sababu atazungumza baada ya yule mama?

**Speaker:** (inaudible)

**Mersa Anyonje:** Kwa majina naitwa Mersa Anyonje. Nina mambo mawili au matatu. Kwa upande wangu, natoa maoni serikali iangalie wakina mama. Sisi tunapata shida sana kwa upande wa mashamba. Unaweze kumwomba bwana yako akupe shamba halafu na namba na anakataa. Naomba serikali iangalie maneno ya shamba.

Kwa upande wa watoto, pengine umezaa watoto wasichana na ukisema mtoto mmoja apate shamba, bwana anakataa na ni matusi ndani ya nyumba. Naonelea pia serikali iangalie hapo. Sina mengi ni hayo tu.

**Com. Raiji:** Asante mama, hayo ni mambo mazito sana na tumesikia. Asante. Susan Oduor? Hayuko? Hellensonsia Muhula.

**Hellensonsia Muhula:** Niko sir lakini nimeshapeleka karatasi huko.

**Com. Raiji:** Okay

**Hellensonsia Muhula:** Asante. Wendo Omungasa. Ni wewe? Karibu. Utafuatwa na Juma Bakari halafu Raphael Wafula.

**Omungasa Isaiah:** Asante sana. Kwa majina naitwa Omungasa Isaiah Wendo. Ningependekeza yafuatayo; hapa nchini Kenya kuna matukio mengi sana ambayo yametokea. Kwa mfano unaweza kupata ya kwamba watu wa kabila fulani wanapigana na watu wa kabila fulani. Hapo utapata Rais ama wale ambao wako kule wamejitoa na kusema kwamba tunataka kuangalia kwa nini watu wanapigana na huku wanajua wanapigana kwa sababu ya shamba.

Hawa ambao wameteuliwa na wanajiita Commissioners, wanalipwa pesa nyingi sana na hii pesa ingetumika kwa vitu vingine. Mambo ya kutengeneza Commissions ambazo hazina faida ikomeshwe. Kwa mfano juzi, kulitokea ile Commission ya hali ya masomo kwa shule ya msingi. Ilijulikana popote Kenya kwamba masomo ni mengi mno kwa wanafunzi lakini serikali ikitoka na kutengeneza Commission ya kuangalia nini kilikuwa kinaharibika huku wakijua masomo ni mengi, kuharibu pesa bila kujali wananchi.

Kustaafu; mwananchi anapostaafu kutoka kwa kazi fulani asipatiwe kazi zingine. Nina mifano ingine ambayo siwezi kutaja ya

kwamba kuna wale ambao wamestaafu, pengine kama PC, yeye pengine amekuwa pengine kwa Provincial hospital lakini anapelekwa pande zingine kuendelea na kazi. Unapoendelea na kazi hiyo, na wale ambao wamehitimu kwa kazi hiyo watafanya nini? Kazi mtu mmoja.....

.....*End of tape 4 side A*

**Omungasa Isaiah:** Unapoteza wakati kwa ile kazi ya Mwenye Kiti huku wagonjwa nao wanasumbuka. Kwa hivyo kazi mtu mmoja. Kuteuliwa mara nyingi nchini Kenya kunaenda na wale ambao wanajulikana kwa sababu nilisoma nawewe na huna uwezo, nitakuteuwa uje ufanye kazi fulani upate angalau pesa na pengine hata nimekuambia ya kwamba utakapopata pesa hii tutagawana na huku kuna watu ambao wanajiweza kufanya kazi hiyo na hawapatiwi nafasi hiyo. Tofauti ya mishahara nayo pia ni kubwa sana. Utapata ya kwamba kuna mtu ambaye anapata milioni moja kama mishahara wake kila mwezi na huku mwingine anapata shilingi mia mbili kwa sababu yeye apatia asisis na huyu naye. Je, asisi isipopatiliwa utakaa kule. Kwa hivyo lazima watu wapate mishahara ambayo itawasaidia maishani sio kudhulumiwa.

Ukiingia kwa koti, nchini Kenya koti haina maana, imepoteza maana. Koti imepoteza maana kwa sababu wale ambao wamekosewa ndio hufungwa na wale ambao wamekosa hawafungwi kwa sababu wana pesa. Kwa hivyo ningependelea kwamba ikiwa mtu yeyote ataenda kule kotini, aweze kupatiwa nafasi ya kujitetea. Kuna sheria ya ukoloni ambayo ingali kotini leo, ukienda kule unaulizwa kama wewe ni mshtakiwa, ya kwamba je, ulitenda kosa hili mahali fulani? Wewe kazi yako ni kusema la ama ndio na huku hukutenda, pengine ulikuwa unapita hapo watu walikuwa wanakunywa chang'aa, wewe ulikuwa unapita tu na halafu pengine wakakuchukua wakakupeleka kule. Wewe hukunywi lakini kule lazima ukubali ulikunywa, haupatiwi nafasi ya kusema hapana mimi nilikuwa nimepeleka maziwa pale halafu nikashikwa pale si kuwa nimekwenda kunywa. Na kwa kweli ulikuwa ulikuwa umepeleka pale maziwa. Hiyo ndio sheria ya 'la' ama 'ndio' iondolewe kabisa kwenye koti ili kama mimi nilikua mpita njia huwezi kuambia koti kwamba mimi nilikuwa napita tu, si kuwa karibu na yale lakini basi yalitendeka na polisi nao wakaona mimi nilikuwa karibu na nikachukuliwa.

**Com. Raiji:** La mwisho?

**Omungasa Isaiah:** La mwisho kabisa ni kule kuajiriwa kwa local government. Watu ambao wanatembea kwenye masoko na kutosa pesa ya local government hawajasoma. Wanakuja hawa watoto wa wale ma-Councillor ndio wanachukuliwa kuwa hawajasoma halafu wao wanaokota pesa na kuweka kwa mifuko yao, hawaandiki kwa receipt na wanasema ya kwamba local government ina fail kwa sababu hao Mawaziri, MP, local government councillors are only taking their children who are illiterate to collect funds from the markets and they are using for their uses, not taking to the authority and therefore, I would like those people to be employed in all cadres in Kenya to make sure that they are form four leavers and above.

**Com. Raiji:** Asante sana. I hope hiyo ilikuwa ya mwisho.



**Omungasa Isaiah:** Ndio nimemaliza.

**Com. Raiji:** Asante.

**Omungasa Isaiah:** Asante

**Com. Raiji:** Jiandikishe. Juma Bakari na (inaudible) Wafula atamfuata.

**Juma Bakari:** Asante Mwenye Kiti. Jina langu ni Juma Bakari. Maoni yangu ya kwanza ni kwamba kuna dini nyingi sana ambazo watu wanaanzisha na serikali haichukui hatua yoyote. Kwa hivyo pendekezo langu ni kuwa tuwe na dini ambazo zimekubaliwa katika Kenya hii, kama ni Muislamu na Wakristo, basi inakua ni dini mbili hizo lakini zile ambazo hazijakubaliwa na serikali na zikomeshwe.

Maoni ya pili ni kuhusu masomo hasa katika shule za msingi na za secondary. Shule za msingi, wale ambao wanaenda kusomea ualimu, wasomee shule (inaudible) masomo ambayo watafundisha. Utapata waalimu wanasoma masomo yote kisha wakija kufundisha hawawezi kuwa effective kwa hivyo waalimu wasomeshwe (inaudible) fulani fulani. Pia upande wa kuajiriwa, TSC iajiri waalimu kama wanavyotoka colleges sio kufanyiwa interviews. Waalimu hawana haja kufanyiwa interviews, washaafuzu kiasi (inaudible) kuajiriwa tu. Wapatiwe bure na (inaudible) ndio wametoka, kama wametoka 19 kwa mfano mwaka two00two, waajiriwe kwanza kabla wale watatoka baadaye.

Kuna hili janga la ugonjwa wa ukimwi, wale ambao wanaathiriwa sana ni wale ambao hawana pesa. Kwa hivyo pendekezo langu lilikuwa ni wale ambao wana ungojwa huu wasaidiwe na serikali kwa kulipa yale madawa wapewe bila kuitishwa pesa. Mwisho kabisa Bwana Mwenye Kiti, ni juu ya siasa. Ningependelea viana vile ambavyo ni vya kisiasa watoe wale ambao watagombania uRais kisha sisi wale ambao ni wananchi tutachagua wale ambao tunataka. Asante.

**Com. Raiji:** Asante. Raphael Wafula, karibu. Utafuatwa na Julius M. Makhoka na Gilbert Muoni. Sema majina.

**Raphael Wafula:** Naitwa Raphael Wafula. Asante kwa kunipa nafasi niseme machache wananchi wakisikia. Jambo linalo huzunisha moyo wangu ni moja tu, zamani tulikuwa na sheria ingine ya kufuata kuhusu mila zetu tangu zamani. Hii mila ikishafanywa na pombe yetu ya kienyeji chang'aa, sasa walipotoa hiyo pombe yetu ya kienyenji, base inakua mingi na inaharibu (inaudible) za watu wanafanya mambo isiofaa hata kidogo. Kwa hivyo mila yetu wakati tulikuwa tunaendelea nayo na pombe yetu ya kienyeji, hakukuwa na makosa kama wakati huu sasa. Ndio mimi nasema ni afadhali pombe yetu ya zamani iendelee na hata kama ni vilabu vitajengwa, vijengwe ili watu wasiendeleze mambo ya chang'aa ambayo haribu watu.

**Com. Raiji:** Hiyo tumesikia. Lngine?

**Raphael Wafula:** Lngine, maana ya kutuonyesha kwamba tulipata uhuru ni mtu afae kutoa maoni yetu anateseka kwa serikali yake. Hapana maoni kutolewa na mtu mmoja kwa kuwa ndiye mkubwa, ati yeye ndiye President, hapana. Sheria iwe kila Province itoe mtu wake wa kuweza kusimamia (inaudible) halafu watu wapige kura na kumchagua yule mtu ambaye anaweza kuwa President, hapana President aseme mtu mmoja ndio atamtegua. Hiyo inaonyesha ya kwamba, wananchi wa Kenya, hatukupata uhuru. Kama tumepata uhuru lazima pia mtu ajaribu kutoa maoni yake vile anavyotaka. Kwa hivyo President lazima achaguliwe na wananchi wote wa Kenya. Ni hayo tu niliyokuwa nayo. Asante sana.

**Com. Raiji:** Asante Mzee, jiandikishe huko. Julius M. Makokha halafu Bwana Gilbert Muoni awe akijitayarisha pia na Ramadhani Shabaan. Mzee, jiandikishe huko.

**Raphael Wafula:** All right.

**Julius M Makhokha:** Asante sana. Kufuata ile mkutano ya leo.

**Com. Raiji:** Jina kwanza.

**Julius M Makhokha:** Jina ni Julius M Makhokha. Yule mtu ambaye ana shida, leo azungumze ili hiyo maneno iingie kwa serikali na tukae (inaudible) hapa Kenya kuna mambo. Sisi tuna watoto na tunalipa masomo, wenye we wako shuleni na wanasoma. Mambo ya fees ndio ina (inaudible). unaweza kuwa na roho ya kusomesha mtoto lakini pesa inaweze kutuma mtu akose kumsomesha. Nataka serikali itusaidie hapo kwa masomo ili watoto wetu wasome.

**Com. Raiji:** Tafadhali Bwana Wafula, ongea kwa sauti kidogo kwa sababu tunasikia huyu mzee.

**Julius M Makhokha:** Maneno nyingine, unaweze fanya bidii na mtoto asome, utengeneze busaa na upate pesa ili mtoto asome. Itafika time utaona maofisa wamefika kwako, tulindwe. Wanafika kwako wanakushika ati kwa nini unafanya hivi. Unawaambia hapana, mimi nataka mtoto wangu asome na hii kitu ilikatazwa.

**Com. Raiji:** Kwa hivyo unapendekeza tufanye nini kwa hili jambo?

**Julius M Makhokha:** Sisi tunataka Commission, polisi isitembee kwa maboma na kushika mtu ambaye anatengeneza busaa. Huyu mtu anataka apate pesa ya kusomesha mtoto, unashikwa na unapelekwa na kufika huko utapigwa fine shilingi elfu tatu. Sasa mtoto hatasoma

**Speaker:** (inaudible)

**Julius M Makhokha:** Eh. Kuna watoto wengine wanasoma sana na wako Nairobi, wanatembea Nairobi na wanakosa kazi, wanarudi nyumbani wanasema 'baba, (inaudible) kimeshindwa'. Wewe utafanya nini, unachukua ng'ombe unauza, unampatia kuenda kufanyia biashara. Wiki moja tu na serikali inafika kwake inasema wewe nani amekukubalia kufanya biashara, nani amekupatia right? (inaudible). Unamuambia (inaudible), hapana mzee, ndio ninanaanza saa hii. Ngoja kwanza niendelee nitapata license, wanasema funga hiyo nyumba (inaudible) unatupwa kwa gari kuenda Kakamega. Kule Kakamega utapigwa faini, nyumba yako inafungwa na hivyo si vizuri kwetu.

**Com. Raiji:** Kwa hivyo unasema tuwache mambo ya license ama tufanye nini? Unatakata tufanya nini kuhusu hilo jambo unazungumzia, ungependekeza tufanye nini?

**Julius M Makhokha:** Tuache mambo ya license.

**Com. Raiji:** Hiyo license sasa mtoto anaitishwa, unasema tufanye nini? Tuweke sheria kusema hakuna license.

**Julius M Makhokha:** Hata hiyo itakuwa sawa

*Laughter*

**Julius M Makhokha:** Sisi tuendelee na biashara yetu halafu baada ya kupata license, (inaudible) zilete pesa kwa mezi mmoja unalipa mara mbili na mwezi mwingine mara mbili na badala ya license iwe namna hiyo.

**Com. Raiji:** Okay, la mwisho.

**Julius M Makhokha:** La mwisho, upande wa Sub Chief. Sub Chief ndio macho ya court, DC, halafu kama mtu anasema (inaudible) kwa sub Chief ati aende kwa koti. (inaudible) kama haitapitia kwa sub Chief? Kwa subChief ndio unapata amri ya kufika kwa koti. Tulikuwa tunataka hivyo. Asante.

**Com. Raiji:** Asante sana Bwana Makokha. Gilbert halafu Ramadhan Shaban atamfuata.

**Gilbert Muoni:** I am very grateful for the Commission of Constitutional review for coming to this area because we have many problems.

**Speaker:** Jina?

**Gilbert Muoni:** Gilbert Muoni. I will first talk on health. Health is very important to every human being and we find that in this area we have health problems. Medical facilities in our hospitals, especially the dispensaries, we don't have enough facilities to reach to the people around. You can find somebody getting seriously ill at night but where to go is a problem. (inaudible) on medical, you will find that the bills in hospitals have raised so much that the local person can not afford to pay this medical bill and so you find there are so many people of dying because of fear of even reaching the hospital because they cannot afford. This is (inaudible). We need the government to give free medical attention to the majority in the (inaudible) where they can ask for certain (inaudible) the mwananchi.

Corruption within the government sector and even the private firms is the order of the day because we find a man like me cannot get employment because he doesn't know who is who, he is not assisted. Even if you qualify or even if he can proceed with his education through getting employment. When we come to our culture. Sometime ago, our culture allowed the freedom of every family to hold property but today our culture is a divert to the English law whereby from father to mother, the children are left out not to own property.

When we come to inheritance, I will say the whole family should inherit property of the deceased parents especially the (inaudible), not the mother alone but also the children. Especially the sons because the daughters will get married later and they will own properties with their husbands so the sons plus the mother should be given the priority to own property. I will also say that the government should do something on our roads. Our roads are poorly done and the government should do something about this to make the roads in the interior of Kenya and even the bridges. That is what I had.

**Com. Raiji:** There is a question.

**Com. Salome Muigai:** Thank you very much Mr. Chairman and Gilbert. You have said that the mothers and sons should inherit land (inaudible). Are you putting the mother at the same level as her son or are you uplifting the mother and the father as the holders of the land or the property and those are their children. What are you saying? I am not quite clear about that level of (inaudible).

**Gilbert Muoni:** Why am saying that, there are some mothers who are married and are (inaudible), they can even sell the property of the deceased before the children are old enough to use this property, they find their mother has already sold the property.

**Com. Raiji:** Asante sana. Nilikua nimemuita bwana Ramadhan Shaban na utafuatwa na Charles Ojenge na Patrick (inaudible).

**Ramadhan Shaban:** Kwa jina naitwa Ramadhan Shaban

**Com. Raiji:** Weka karibu (inaudible)

**Ramadhan Shaban:** Mimi ni spiritual leader katika Islam. Kwanza nashukuru tume ya Commissioners ambaye imetutembelea

**Speaker:** (inaudible)

**Ramadhan Shaban:** Kitu cha kwanza ambacho ningependa kuzungumzia juu yake ni (inaudible) tume ya Commission ambayo imekuja mbele yetu. Kwa sababu tukiogopa kuinasili tume ya katiba ambayo imekuja mbele yetu, ndio watakaotutumbukiza katika jangwa ambalo kwamba tunasikia baadaye. Kwa hivyo nifuraha yangu kwamba nyinyi tume ya Commission mjue kwamba mna mtoto ambaye kwamba ukiondoka katika ulimwengu huu, kesho atakuja kuwa katika huu huu ulimwengu na hauwezi kujua kama atakuwa na uwezo kama wako ama atakuwa maskini, kwa hivyo ni lazima mjihadhari na mtekeleze kitu ambacho kwamba kitaweza kusimamisha Kenya katika mnyororo wa haki.

Ili serikali ya Kenya iwe na haki, itekeleze vitu vifuatavyo; watu wapewe uhuru wa ibada. Kama Kenya hatuna uhuru wa ibada kwa sababu mimi niko Kenya na ninaweza kufa leo. Mnajua kwamba mahali maisha yalivyo mazuri kwa Mwenyezi Mungu. Kwa hivyo kama mimi kwa sheria yangu inaniambia katika (inaudible) mimi natakiwa nikizini niuliwe, basi serikali ambayo itakuja lazima impe haki ya Kiislamu kwamba yule ambaye amezini lazima auliwe. Ikiwa mtu ni mwizi apewe sheria yake imkubalie huyu mtu lazima akatwe mkono. Lakini serikali iliyoko saa hizi haitoi uhuru wa mwanadamu kuabudu namna inavyotakikana.

Kitu cha pili ni mahakama. Tunayo mahakama katika Kenya ambayo inaitwa mahakama ya kadhi. Vile serikali ilikuwa na kamati moja na nyinyi tume pia msiweke serikali iwe kamati moja kwa kupitisha katiba yenu ipigiwe katika chama kimoja, basi mtakua mumeangusha wana Kenya. Tunasema hivi, (inaudible) watakuwa wakichaguliwa, wawe ni wenye kuchaguliwa katika njia ambayo inatakiwa. Mfano, kadhi wa Kenya akiwa katika law court na akiamua kwamba huyu mwanamke amefiliwa na katika sheria ya Kiislamu unasema kwamba huyu mtu ana haki ya kupewa (inaudible) ya shamba lake ana (inaudible) kama mali yake, unakuta kwamba amenyimwa. Lakini katika sheria ya Kiislamu inasema kwamba ikiwa huyu mwanamke hana mali ama anayo, apewe (inaudible) katika mali yake. Sasa huyu kadhi akishathibitisha hivi, mnamsikia anapelekwa kwa High Court, Court of Appeal ama wapi, anashtakiwa kwamba hajui sheria hii imepitishwa kwa mazingira ya Kislamu. Unakuta kwamba jaji huyu amemuambia mama wewe hauna cha kurithi katika ulimwengu huu na anakua ni mwenye kuzurura akifanya mapenzi nje ya ndoa na unamsikia eti amepata ukimwi na ilhali yule alimuacha akiwa na mazingira yaliiofaa.

Kitu kingine, katika mahakama ya kadhi, lazima tunaomba nyinyi Commissioners ya kwamba Muislamu mwenyewe mumchague kadhi ambayo wanamtaka, kulingana na uwezo wa dini vile inavyotakikana. Kwa sababu kuna makadhi ambao wamesoma lakini hawana dini. Tukirudi katika mahakama ya serikali ya kiulimwengu, tunaomba nyinyi mrekebishe ama nyinyi mna ujuzi

katika hayo madowa kwa kuwa yako katika mahakama. Mfano, mimi raia siwezi kuenda kuweka kesi yangu kotini nisipokuwa nimehongana lakini tajiri ana uwezo wa kulipa wakili wake na akimbie kotini. Nitatoa mfano; mimi leo nimeonewa na tajari ambaye ana mali. Nimeenda police station, nimemuelezea OCS ya kwamba yuko kwanza mimi nimeonewa na kitu fulani na fulani. OCS ameambiwa kwamba huyu mtu akifika hapa achukuliwe na kesi yake iendelee. Kisha wewe huna uwezo wa kuenda kwa wakili, hauna pesa na ukiamua kuenda mwenyewe kotini utasikia kwamba kuna mama ambao hawajui procedures za kotini na kwa hivyo mambo ya mahakama lazima iwe (inaudible).

Tafadhali tume ya commission, polisi wana uwezo unaopita mpaka. Kenya, polisi wana uwezo kupita mpaka. Mfano; polisi huyu ana uwezo wa kumweka maskini katika cell zaidi ya mwezi mmoja na kama mungelikuwa mumeenda kwa chamber court tungeliwaletea mifano kama hii imetendeka mahali fulani na fulani. Kwa sababu sisi ni viongozi na kwa hivyo polisi lazima wawe na (inaudible), ajue kwamba yeye akiwa polisi leo, kesho mtoto wake atakuwa raia na atadhulumiwa namna anamdhulumu raia.

Upande wa polisi hapa inafanyika katika police, ukiona traffic. Lazima kila matatu yenye kupita katika route hii iwache shilingi hamsini. Hizi ni vitu ambazo zinatajikana kuondolewa katika polisi maana kuziondoa ni (inaudible). Wakati wa recruitment, askari wa polisi, AP, GSU ama jeshi, kuna kitu kinaitwa special case. sisi tunaomba serikali iondoe special case kabisa ama commission iondoe special case katika mambo ya kuajiri civil servants ambayo ni askari wa utawala ama askari wa polisi. Kitu cha pili kuna state recruitment ambayo inafanyika. Sisi tunaomba pia state recruitment iondolewe. Kitu kingine tunaomba katika polisi, polisi awe anaweza kushtakiwa. Lakini leo siwezi kumshtaki polisi kwa kuniweka kwa cell siku zaidi ya kumi na tano. Akiniweka kwa celi masaa ishirini na nne ama for few days, nikienda kotini, tayari yeye amebadilisha ili kesi kwa sababu officers wake ndio wame (inaudible) that case to the court. Kwa hivyo inakuwa ile kesi imeondolewa.

UBunge; ningepomba Wabunge wasiwe wenye uwezo mkubwa kwa sababu katika Kenya hii, kuna corruption wakati wa uchaguzi. Mfano wa corruption; chama hiki kinataka KANU ipite katika constituency kama hii, kinaleta mtu ambaye hana uwezo ama chama fulani kinaungana kutumia pesa ili yule apite na aende katika Bunge, wapate (inaudible) mjadala (inaudible) mwananchi, unakuta kwamba yule mjadala umepita na ilhali hauwezi kunufaisha mwananchi.

**Com. Raiji:** Nafikiri nimekuongeza mda zaidi kwa sababu hatukuwa tumepata nafasi ya Waislamu. Nitakuongezea dakika ingine moja ili umalize.

**Ramadhan Shaban:** Naomba uniongeze mbili kwa sababu umesema mwenyewe kwamba hukupata Muislamu mwenyewe.

**Com. Raiji:** Okay, nimeongeza mbili.

**Ramadhan Shaban:** Mfano ni import na export. Unakuta kwamba wala wana import na ku-export vitu katika Kenya ni

matajiri, mfano kama sukari ama mchele ambao unakuzwa mwea ama majani chai ambayo inakuzwa Thika, Meru na kahawa na majani chai ambayo yanakuzwa Njoro. Inajulikana kwamba hawa wakulima hawana uwezo katika mali yao. Kitu cha kwanza ni corruption wakati wa kuchagua wenye kusimamia mali kama hii kwa sababu inatumika pesa wakati wa kuchagua mtumishi kama huyu.

Mtu yoyote ambaye atachaguliwa kwa vitu kama hizi na atumike, akipatikana alitumia pesa katika uchaguzi ule ama katika campaign yake awe ame-cease ku-campaign kitu kama hicho. Kwani natoa mfano kwa sababu mimi ni mzazi wa (inaudible). Mkulima yeye kazi yake ni kulima miwa, aletewe mbolea, alime, aweke (inaudible) kisha wamletee mkataji miwa na wale wakataji miwa waweke ile miwa katika crate na kisha waondoke, walete tractor kwa shamba, walete yule mwenye kuandika zile tonnes na kisha waondoke na miwa. Sasa huyu mwenye tractor na wao ndio wanaenda kupima zile (inaudible) na kila kitu.

Tungeliomba wale wakulima hasa wa Mumias, wapewe uwezo wa kupima wenyewe miwa ikiwa katika shamba. Mkulima akikatiwa miwa, asitarajie kwamba atasimama pale time zikipimwa kama vile wakulima wa mchele walikuwa wanafanyiwa, wakulima wa majani chai wanafanya lakini wakulima wa miwa hapa sehemu za Mumias hakuna kitu kama hiki. Matibabu.

**Com. Raiji:** Hiyo ndio ya mwisho, saa imeenda sana.

**Ramadhan Shaban:** Sawa, tutaongea juu ya matibabu. Tutaongea juu ya ugonjwa ambao umekuja. Sisi, hata nikiunga yule mama mkono, mwanadamu ama wanaume wapewe uwezo wa kuwa na wanawake zaidi. Mimi sitasema watono kwa sababu sheria yangu ya Kislamu hairuhusu kusema watano. Wawe zaidi ya wanne kwa sababu nyinyi ambao mmesoma, mwanauma ana uwezo wa kufanya (inaudible) zaidi ya miaka 80 ama 100 lakini mwanamke anaona wakati ile (inaudible) inaisha, pia ile nini inaisha na hana uwezo tena. Kwa hivyo wanaume wapewe uwezo wa kuoia wanawake wengi na kila ambaye ana ugonjwa kama huu, apate matibabu ya kusaidia (inaudible). Nilikuwa na mengi lakini nitawafuata (inaudible) asanteni.

**Com. Swazuri:** Umesema kwamba Waislamu waruhusiwe kuchagua kadhi vile wanavyotaka, kulingana na Kislamu. Kivipi? (inaudible)

**Ramadhan Shaban:** Muislamu anatakiwa achague kadhi yake kwa sababu mtu asiyekua Muislamu akimchagua kadhi huyu, hatakuwa na uwezo wa kuweza kufanya nini.....

**Com. Swazuri:** Hiyo sawa lakini (inaudible)

**Ramadhan Shaban:** Waislamu wapewe ruhusa ya kuunda majlis ulama. Kwa Kislamu kuna kitu kinaitwa majlis ulama, kikao cha (inaudible) professional scholars. Iweko katika tume hii, iwe ndio serikali imewapa na (inaudible) kikundi kama cha

(inaudible) kwa sababu kikundi kama hiki hakina wale scholars wa Kislamu ambao ni qualified. Kwa hayo machache, asante.

**Com. Raiji:** Asante sana. Haikuwa machache lakini yalikuwa mazuri. Charles Ojenge ambayo utafuatwa na Patrick Keni na Wilberforce Omuse.

**Speaker:** (inaudible)

**Charles Ojenge:** Thank you. My names are Charles Ojenge. I will start on Constitution supremacy. I suggest that the Constitution should only be ammended (inaudible). A panel should only recommend (inaudible). The Parliament should not recommend the public on the need to ammend any section of the Constitution but (inaudible) either to ammend or not. On Provincial Administration, I think Kenya we do not need Provincial Administration as it was established by colonialists to oppress and supress Kenyans. The only kind of adminstration (inaudible) Chiefs, Assistant Chiefs who handle (inaudible) in the community (inaudible). The local people shall elect Chiefs and their Assistants.

The President shall from time to time (inaudible)-independent Parliamentary setup Commissions but shall remain the high (inaudible). This shall be done for (inaudible). I propose that we have a Prime Minister who shall be the head of government (inaudible) majority seats in Parliament. We shall call upon the form of government by the President after (inaudible) of the Parliamentary elections. We shall spool together with all his Cabinet Ministers and Chief justice (inaudible). The state should establish a maximum of Ifive Assistant Ministers for (inaudible).

On nominated members, there shall be 1two nominated members from the (inaudible) political parties in numerical powers of which five0% shall be women (inaudible) and people with disabilities. Local government; I propose that Chairmen of local authorities be elected direct by the (inaudible) and that they should serve a full term of five years. The council should have some (inaudible) from the central government. Central governmnet must continue to distribute certain percentage of income tax to the council. (inaudible) should be 'O' level for councillors. Moral and ethical qualifications be adhered to for Councillors aspirants.

The electoral system.....

**Com. Raiji:** Charles I can see you have a memorandum. The time is up, can you give us your last point, and we will read your memorandum.

**Charles Ojenge:** My last point, I will just talk on electoral system whereby I am proposing that constituencies should be on geographical positions and they should consider the population. What should also be made under, I can vote for my country whether I am in Nairobi and I want to vote for my Councillor here, I can just vote from Nairobi. Thank you.

**Com. Raiji:** Thank you very much Charles, let us have that memorandum please. After Charles tuko na Patrick (inaudible).



Ni wewe. Okay, kutoka huko (inaudible) and Julius Odongo.

**Patrick:** Asante. Kwa majina ni Patrick (inaudible) na haya ni maoni yangu. Ningependa katiba mpya ya Kenya iweze kupeana usawa kati ya upinzani na serikali. Kungekuwa na kitu kama, ikiwa upinzani uko na mkutano mahali fulani, hiyo tu ni kama ile serikali ndio iko na mkutano mahali fulani na watoe kufanya mkutano (inaudible) kwa sababu mtu yeyote. Na kila mkutano wa upinzani uwe ni kama ule wa serikali ambapo tutakuwa na security ya kutosha na kusitokee vita kwa vile kuna security ya kutosha.

Ningependekeza serikali, kupitia kwa katiba, iweze kuwalipa wale headmen mishahara ili waweze kutekeleza kazi yao bila wasiwasi wowote na wajue kwamba hata nikitokeleza hii kazi ni serikali na mwisho nitalipwa hata kama ni pesa kidogo.

Ya tatu na mwisho, ningependa mamlaka ya Rais ipunguzwe kidogo. Kuna sehemu zile ambazo zinahitaji mambo ya wananchi wenyewe kama ile ya anti corruption commission. Hiyo Commission ni kama haifanyi kazi na ningependelea Bunge itoe mamlaka ya kuchagua ile Commission ya anti corruption. Kama ingekuwa mimi, ningependeka serikali kuchagua government inspectors. Badala ya ile pesa Commissioners wanakula, government inspectors wapewe na wawe wamechaguliwa na Parliament na ndio naonelea ufiisadi utaweza kupungua Kenya yote. Hayo ndio maoni yangu.

**Com. Raiji:** Asante sana Patrick. Wilberforce.

**Wilberforce Mukolwe:** My names are Wilberforce Mukolwe (inaudible). Power devolution; (inaudible) right from the Provincial Commissioner down to the “liguru” should be the responsibility of the people of the (inaudible).

**Com. Raiji:** Excuse me sir, dont read too fast because we need to record and to write down this points.

**Wilberforce Mukolwe:** Thank you.

**Com. Raiji:** We will take the memorandum; just tell us (inaudible)

**Wilberforce Mukolwe:** The long chain of administrators right from the Provincial commissioner right to the “liguru” should be the responsibilities of the people to elect. (inaudible) the village elder or “liguru” should be (inaudible). Such a system shall only be a question of officers (inaudible) to the people. The post for Vice President should be contested for (inaudible) the President. The President should not possess a (inaudible). In the USA, the (inaudible) should (inaudible). Not from elected MPs but from (inaudible).

**Com. Raiji:** Okay.

**Speaker:** (inaudible)

**Wilberforce Mukolwe:** The post for Vice President should be contested as for the Presidency. Hence, they should not contest as MPs as they take time. As in the USA, they after winning should form government and cabinet, not from elected MPs but from professionals.....(blank)

To hold the post twice and let all the 4two tribes (inaudible). For example, the Kikuyu and Kalenjin should (inaudible) as number 41 and 4two respectively. This are the (inaudible) that hold the minority tribes with some hope of rulin as the wait peacefully for their turn. When the time comes for the particular tribe, it is better we get even free (inaudible) from the same tribe for the Kenya to choose from. The only solution for (inaudible).

Education; (inaudible)

**Com. Raiji:** I will give you one minute to summarize your memorandum.

**Wilberforce Mukolwe:** The thing is (inaudible)

**Com. Raiji:** We will get it because we want to actually go through all your points. The easiest thing is why dont you leave the memorandum with us.....

**Wilberforce Mukolwe:** (inaudible) please?

**Com. Raiji:** One minute then.

**Wilberforce Mukolwe:** Because this is going to (inaudible), it should not be allowed to be used (inaudible). to be sure who is going to (inaudible), only officers who are qualified as lawyers or advocates and (inaudible) should be the deciders of the matters but not just any of them. They should establish the post of automatic judges which should be permanent and whose other jobs shall be to monitor every day the activities in the (inaudible) in order to (inaudible) that is the problem facing the personnel. If they address the court when (inaudible) and in position to bring good judges when serious cases arise.

**Com. Raiji:** Last sentence.

**Wilberforce Mukolwe:** The board should also act as an (inaudible) to the Commander-in-Chief who must be the President himself.

**Com. Raiji:** I think you will stop there if you can please give us the memorandum. We will read the rest for ourselves.

**Wilberforce Mukolwe:** (inaudible)

**Com. Raiji:** The Commissioner here had a question, just hold on. Okay. You are Julius Odongo

**Julius Odongo:** Yes

**Com. Raiji:** Karibu Julius.

**Julius Odongo:** I am Julius Odongo and I am a church elder. I am a veteran teacher from 1974 and I am in social development. My memorandum is very short.

**Com. Raiji:** I want you to summarize it according to the (inaudible)

**Julius Odongo:** Okay.

**Com. Raiji:** Three minutes please Mwalimu; I know you can do it.

**Julius Odongo:** Yes. I have a Preamble, which you will look at yourself because (inaudible).

**Com. Raiji:** No, we need to record.

**Julius Odongo:** Okay. I was saying that there should be a chance to educate the community, by law every member (inaudible) because without members being informed and illiterate, the rule of law may not work well. So I want the law to spell out that everybody who wants to take part in the development of the country shall be literate, shall go to school, shall be taught, shall attend seminars or even elections and that the nation shall prepare such seminars.

Poor people who are also very weak cannot afford the (inaudible) of the law so I was going for the very initial idea we had of equitable distribution of wealth. It is in paper but not on the ground, I would like it to be effected and to be supervised. Systems that generate public wealth like the Sugar Company in this region should share its profits with the community, like institutional infrastructures, e.g. schools. Some wealth should remain here to develop schools from hook ups and other related bodies. We have cost sharing and we should have profit sharing also.

The Constitution should establish watchdogs to ensure fair play in law. For example, the judiciary and the executive should have watchdogs on the ground from regions where those bodies are established like say regional structures of the divisions, locational structures of the divisions, supervised and to oversee the operation of the law. I have come up with this because we have very many (inaudible) women like some member here talked of, checked on the (inaudible). The same vehicle stops 10 times the same day and every time the policemen demand for some share.

The same home visited by policemen four times a month and nobody is being taken to court, so I would suggest that there should be supervision of the law by bodies established by the law in the regions where such operations are taking place. The welfare state should be by law because destitutes, orphans and the unemployed are becoming too many and when they are too many that way, the rule of the law cannot be upheld. Therefore, we should have the welfare state by the law.

Hiring procedures and tenure of office for Provincial Administration. I support the idea that Chiefs and Assistant Chiefs should be elected and should not be allowed to become (inaudible) like they are now in some parts of this country. However, I was recommending the removal of one (inaudible) either Chiefs or Assistant Chiefs to reduce the burden of management, they have become redundant because some of the regions have become very small. Therefore, they can remove the Chiefs and call (inaudible) subChiefs. They can operate at the same salary scale.

Law on land; land cases are taking too long, the law should establish how long they should take to avoid any calamities that will follow because some crimes come in (inaudible). Giving of free land to the disabled (inaudible) should be outlawed. Sharing of public land should be outlawed. The (inaudible) that comes up when the President prolongs Parliament. (inaudible) becomes very rampant, I was suggesting that there should be no sharing of land after Parliament has been prolonged until every officer comes back to the office.

**Speaker:** (inaudible)

**Julius Odongo:** Presidential elections and general elections. I was suggesting that instead of five-year periods we should have 7-year periods because this is a very poor country and poor countries rely on assistance and donations so we need more time to gain credit and be able to get support from outside so we should come up with the 7-year periods and not five-year periods. We already know that stronger nations can even come for 4 years like America, but they have the wealth, only walking into the office and begins planning and implementing. I was suggesting, that if (inaudible) five-year periods, then it should be three years of three terms instead of two term five-years.

**Com. Raiji:** (inaudible). We can have the memorandum (inaudible)

**Julius Odongo:** The last one (inaudible). Your honors, we have the local authorities. I was talking of accountability of political

parties on their candidates. There has been no accountability on any of them and nobody wants to account on the behaviour of the electoral (inaudible). I was suggesting that the parties that cannot discipline their candidates, people who are going to Parliament and even on local authorities from their (inaudible) should not be allowed to fill in candidates for the future, at least one term. Local authority level of education has been said, I also concur with the four-year period.

**Com. Raiji:** I think your time is up because you are really trying to read the memorandum and we will have it.

**Julius Odongo:** But you should have said we just hand them in instead of talking.

**Com. Raiji:** It is also an option.

**Julius Odongo:** You know now you are pushing me to far. I wish I could not have come

**Com. Raiji:** We have given everybody three minutes and I have given you five minutes.

**Julius Odongo:** You are saying I should not read the memorandum when actually everybody has been reading his. My brother, I am not impressed.

**Com. Raiji:** I dont think we were coming to impress you; we were coming to collect the views. Please hand over the memorandum if you wish.

**Julius Odongo:** What we are saying (inaudible) in the next Constitution so that civil servants should not harass normal mwananchi.

**Com. Raiji:** Thank you for those views. Julius was number 1two9. Is there anybody who has registered and wanted to speak? (inaudible) Tuko na mtu ambaye alikuwa amejandikisha na hajasikia jina lake, ambaye alikuwa amejandikisha kusema ati anataka kuzungumza?

**Speaker:** Ndio.

**Com. Raiji:** Unaitwa?

**Speaker:** (inaudible)

**Com. Raiji:** Ulikuwa umesema unataka kuzungumza?

**Speaker:** Ndio.

**Com. Raiji:** Au observer kwa sababu tumeangalia. Ulikuwa observer au ulikuwa unataka kuzungumza?

**Speaker:** Nilikuwa namba 111.

**Com. Raiji:** Okay, ngoja kidogo. Iko wengine?

**Speaker:** Mimi nilisema nataka kuongea.

**Com. Raiji:** Eh?

**Speaker:** I was an observer but (inaudible)

**Com. Raiji:** Okay. Wale walikuwa, lift up your hands please. One, two, three, four, five. Okay. Kila mtu atapatiwa dakika tatu tu. Joshua ulikuwa umeandikisha kwamba ulikuwa observer lakini kama unataka kuzungumza sasa, hao watano nitawapatia nafasi. Nilisema tutaanza na wewe ni number one.

**Speaker:** Mimi nilisema nataka kuongea.

**Com. Raiji:** Unataka kuangali list? You are welcome. You are number one, kwa hii list supplementary list. Sema jina, three minutes.

**Boniface Awori:** My names are Boniface Awori. I would like to (inaudible) my memorandum on the Preamble. Issues that should enlighten the Preamble will be equality of all citizens regardless of wealth, ethnicity, gender, (inaudible). Values in the Preamble, respect for the rule of law, Affirmative Action, respect for human rights and dignity, principles of state policy. The President and Vice President should both be of the same gender, constitution be made accessible to all Kenyans, the executive separation of power among the executive, legislature and the judiciary, the volume of power through governance and the control of marginal resources. Primary education should be free for all, universities or college education to be free.

**Com. Raiji:** Joshua, we want to hear your views please. You are reading too fast. We would like (inaudible) we would like you to give us the main points

**Boniface Awori:** Yes

**Com. Raiji:** Since you have a written document which we are going to carry and read. We don't want you to read it because you are reading too fast and we can't follow. Just give us the highlights, the main points, the main proposals.

**Boniface Awori:** The main proposal is for all the people that we propose to be free is the MPs and councillors to also (inaudible). They should also be paid a minimum allowance of five,000 for MPs and 10,000 shillings for councillors then the balance goes to these special activities like the location and health. Then we (inaudible) to change anything in the Constitution, all citizens at the age of 18 should be given passports instead of Identity cards (inaudible) these other citizens have birth certificates.

Employment and deployment should be strictly observed. There should be equal opportunities, gender balance and ethnic balance, where there is no any (inaudible) that goes beyond there. Both the executive and judiciary should have power to declare emergency for war. Political parties; Kenya to remain a multi party state; have three political parties and (inaudible) from the (inaudible). Every MP who defects from his party should stay out of the political arena for three years.

Structures and systems of government; we should have a federal system of government to enable equitable distribution of natural resources. We should (inaudible) Provinces based on type of government and grace them with the correct boundaries. Devolution of power be brought back to the people and leaders to be elected by (inaudible) and this to bind the qualifications thereby having (inaudible) to head it. Thank you.

**Com. Raiji:** Please hand over the memorandum to our people there. Number two, yule nilikuwa nimetaja kama namba two? Ni nani?

**Speaker:** (inaudible)

**Com. Raiji:** Eh?

**Speaker:** (inaudible)

**Com. Raiji:** Ni nani alikuwa number two kwa wale watu?

**Speaker:** Ilikuwa mimi

**Com. Raiji:** Ni wewe? Karibu Bwana, ujaribu kufuata hiyo (inaudible) nimeweka saa hii.

**Fredrick Opondo:** Kwa majina naitwa Fredrick Opondo Owino. Mimi nina machache ambayo nimeandika hapa na mtaniruhusu niweze kusoma kwa sababu nilikuwa nilete maoni ya kanisa langu, United Pentecost Church na (inaudible) saa hii nina machache ambayo nitaweza kuongea mbele yenu.

**Com. Raiji:** You have three minutes, endelea.

**Fredrick Opondo:** (inaudible) kidogo vile nimeandika kwa wasi wasi. The money, which is, collected from the market, as market fee is not good. Market masters charge old women just from the very little vegetables she might have brought to the market in order to get soap and matches or even a tin of maize for food. Charge those with more items, I mean those with many good should be charged but not even these poor people.

Charging of high prices to kiosk and small shops be banned since wananchi cannot do small businesses and there are no job vacancies and so the mwananchi is suffering badly. Those who cannot cut cane are jobless and there is no way for wananchi to involve in all activities they are willing. Even through harambees in the case of schools.

I have recorded another point, the local (inaudible) among the family should not be allowed to buy land from among the family members as they now do without bothering how their brothers' children will live. I feel this is one way of grabbing land. Administration, e.g. Assistant Chiefs, Chiefs and DOs do allow land to be sold without the knowledge of owners.

Law breakers especially thieves who break into other peoples' houses at night and harm the people looking for money should be jailed and not put on probation because when they come out, they continue with their harm against wananchi. Girls should not be allowed to inherit their father's land unless there is no male person or boy among her father's children.

Taking the money of the deceased should not continue because the owners suffer alot for transport to the Administration, the DC and others who dont know very well the family of the dead. Instead, it should be left to the Assistant Chiefs and the "liguru" who know very well the wananchi in the area.

**Com. Raiji:** I think your time is up, the three minutes I had given you. You have another memorandum.

**Fredrick Opondo:** Yes.

**Com. Raiji:** (inaudible)

**Fredrick Opondo:** (inaudible) One remaining only.



**Com. Raiji:** I am asking you, do you have another memorandum ama ni moja yot?

**Fredrick Opondo:** There is still one

**Com. Raiji:** From yourself?

**Fredrick Opondo:** From myself.

**Com. Raiji:** You give us that one. We wont have time to listen to the other. Thank you.

**Fredrick Opondo:** Thank you very much.

**Com. Raiji:** I recognized number three. Mtu wa tatu ambaye alikuwa namba three. You are number three? Please come forward. Three minutes please.

**Joshua Orina:** I am Joshua Orina Oketch. I come from (inaudible) sublocation. I want to talk on education. We have PTAs and selection of school (inaudible). When we have PTA, we have the secretary who is the Headmaster, the treasurer who is the selected by the parents and Chairman who is also selected by the parents. You come to find that the headmaster takes the two posts which is the secretary and the treasurer and a treasurer remains a silent Treasurer. I feel the treasurer should be elected, a person who knows what to do and who must be a parent.

The Chairman and the secretary should monitor the banking of the money. I think this is what brings alot of problems in the primary schools because the headmaster in the pretex consumes the money collected that the treasurer is silent. The officers concerned should get auditors probably for a (inaudible) to monitor the use of the money. I think when we move like that, our primary schools will be (inaudible). Because when we talk, we are expecting funds for the school and we dont have money in Kenya, this small money that we are getting through parents may enable us build the school. I think I am not going to use three minutes; I am only using those that I have used. Thank you.

**Com. Raiji:** Asante sana. Number four, (inaudible). Wale walikuwa wameinua mikono. Wewe ulikuwa namba ngapi?

**Speaker:** Number 4.

**Com. Raiji:** Na wewe ulikuwa namba?

**Speaker:** Five

**Com. Raiji:** Okay. Sasa namba 4 amefikiwa. Ngoja kidogo utaitwa.

**Milton Nanzai:** Asante sana ma-Commissioner wa tume ya kurekebisha katiba. kwa majina ni Milton Jeremiah Nanzai. Kwa maoni yangu, ningependa kutoa kuhusu serikali ambayo mimi ningependa tuwe nayo. Napendekeza tuwe na serikali ya umoja, serikali ya muungano, socialist government. Serikali ambayo inaweza shughulikia kila mtu bila kuchagua masomo yake ama uwezo wake kifedha. Hii ndio serikali ambayo inaweza saidia nchi ya Kenya kuinua maisha ya kila mtu ikiwa kila kitu, kuanzia kwa shamba hadi kwa fedha itakuwa ni mali ya serikali ikigawia wananchi kwa usawa.

Jambo la pili, Rais ambaye anaweza kutu

**Com. Raiji:** Hii kitu ina record kweli?

**Speaker:** (inaudible)

**Com. Raiji:** Iko on?

**Milton Nanzai:** Jambo la pili ambalo ningependa kusema ni Rais ambaye ataongoza serikali hiyo. Mimi napendekeza kuwa Rais ambaye ataongoza serikali hiyo lazima awe na umri wa miaka five0 na umri wake usipite miaka sixsix. Awe ni mtu ambaye amesoma vizuri, kuwa na kiwango cha diploma na awe ni mtu ambaye afya yake ni nzuri. Pia tukiangalia katika jamii yake, ile jamii ambayo ina record nzuri kwa taifa hili, asiwe ni mtu ambaye anatoka kwa jamii ya wafisadi.

Ukiangalia upande wa madiwani na Wabunge, ningependekeza kuwa diwani na Mbunge wachaguliwe kulingana na uwezo wao wa elimu, yaani asiwe mtu wa elimu ya chini ya form four na pia awe mtu ambaye ameishi kwa eneo hilo muda usiopungua miaka 10 kwa sababu kama hapa Kenya, watu wengi ambao wanagombania viti hutoka Nairobi, kuja hapa reserve na kunyakua na kurudi na Nairobi. Mimi napinga nasema kuwa mtu ambaye amekaa hapa, tukifuata umri wake, asiwe mtu ambaye ana umri wa chini ya miaka 40. pia huyu Councillor asiende huko kwa zaidi ya vipindi viwili na Mbunge pia.

Tukiangalia upande wa kazi, tunaomba kuwa wanawake na wanaume wanataka kung'ang'ania (inaudible) of power wasipojua kuwa nguvu zao ni tofauti. Unapata mwanamke pia ana ng'ang'ania kusoma law ama kufanya kazi ya mechanic bila kujua viungo vyake viko tofauti na vya mwanaume. Kwa hivyo ningependa wanawake wapewe kazi rahisi kama vile nurse, waalimu, ukarani na kazi zingine ndogo kama hizi ingawa ni za muhimu pia.

Ningependa kusema kuwa iwe ni sheria ya Kenya kwamba kila mwananchi ambaye ana kadi ya kura na kitambulisho, asipopiga kura iwe ni hatia ya kuweza kufungwa na kutumikia serikali kwa muda usio pungua miezi sita. Kwa sababu utapata

kwamba garama ya kutengeneza shuguli za upigaji kura iko juu sana ilhali wananchi hawaelewi kuwa hizo pesa zingeweze kusaidia mahitaji mengine. Kwa hivyo napendekeza kila mtu aliye na kura, akipuuza kupiga kura ashtakiwe.

**Com. Raiji:** Your last point kwa sababu saa yako imeisha. Just say your last point please.

**Milton Nanzai:** Nasema kuwa kazi hapa Kenya zipo isipokuwa wale wa kuongoza hiyo kazi ipatikane ndio wafisadi. Nasema hivi, badala ya mwalimu kungombania kuongezwa mshahara hadi elfu ishirini, si tuandike waalimu wawe wengi, wapate kazi kidogo na wapate pesa ya kuwawezesha kupata mahitaji yao? Kwa hivyo napendekeza hivi, kazi zenye ziko, masaa ya kufanya kazi yapunguzwe yawe manne manne na watu waandikwe kazi kwa wingi. Tutapunguza wizi, tupunguze pia mikono kazini na tumalize mambo madogo madogo. Asante.

**Com. Raiji:** Ngoja kidogo Commissioner anataka kukuuliza swali.

**Com. Salome Muigai:** Asante sana Mwenye Kiti. Swali langu kwa mzungumzaji (inaudible). Umesema kuwa wakina mama (inaudible) kwa ajili ya viongo vyao. Nani mwenye kubeba maji hapa na kuni na watoto na vitu kama hivyo?

**Milton Nanzai:** Ningependa kusema hivi, kazi ya kubeba maji na kuni si kazi ambayo inahitaji mtu kuchungwa na sio kazi ambayo ukienda saa mbili utatoka saa kumi. Kwa hivyo hiyo ni kazi unaweza kuihesabu kwa zile kazi rahisi rahisi. Kazi ambayo ninasema, kazi kama kubeba sukari ama kufanya ‘umanamba’ ama kufanya kazi ya umakanika, hiyo ni kazi ngumu sana kwa watu kama wanawake. Kwa sababu kesho uko na mimba. Fikiria unataka kupanda juu ya board ya gari, utaweza? Kwa hivyo nasema hiyo kazi ya kuni tunaweza kusaidiana hata na wakina mama. Asante.

**Com. Raiji:** Asante sana Milton, hayo ni maoni yako. Tuko na (inaudible) bado hajapata nafasi. Karibu.

**Michael Otieno:** Thank you Commissioners. My names are Michael Otieno. (inaudible). I was just an observer but now I have got (inaudible). My first point is on local village elders. In our mother tongue, they are known as “liguru”. You see, these old men have (inaudible) to some of our villages because we would like to give them small kukus, small shillings (inaudible). So my proposal is I want the government to put them on payroll (inaudible) but they should be pay rolled.

Second point is on the congestion in our prisons. We find that in Kenya today, our prisons are so much congested in that if there is an outbreak of disease, the whole prison will be affected because of this congestion so I want the government to (inaudible) so that (inaudible) or even months. Let this person work outside of (inaudible), those people who are (inaudible) to cleaning in our cells.

The third and last point is (inaudible). Religion in Kenya today is not that we have that freedom of speech. Ile ambayo inasema

