

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 25th March, 2015

The House met at 9.30 a.m.

*[The Deputy Speaker (Hon.)
(Dr.) Laboso in the Chair]*

PRAYERS

QUORUM

Hon. Deputy Speaker: Can we have the Division Bell rung?

(The Division Bell was rung)

Order, Members! We are now properly constituted.

NOTICE OF MOTION

INITIATIVE TO PROMOTE CLEAN ENVIRONMENT

Hon. (Dr.) Ottichilo: Thank you, hon. Deputy Speaker. I beg to give notice of the following Motion:-

THAT, aware that Article 42 of our Constitution accords every person the right to a clean and healthy environment and that Article 69(1)(d) mandates the State to encourage public participation in the management, protection and conservation of the environment; deeply concerned that our homes, roads, public and private premises, work places, recreational areas and general environment are littered with plastics, solid and liquid waste as well as lacking good general environmental aesthetics, this House resolves that the Government declares one Saturday of each month be dedicated by every Kenyan household, organised groups, public and private institutions and corporate organisations to cleaning and beautifying their immediate environment and public places, and also initiates a proactive programme in all our schools to inculcate the culture of keeping our environment clean and healthy.

Thank you, hon. Deputy Speaker.

MOTION

DISPOSAL AND RECYCLING OF ALCOHOLIC CONTAINERS

THAT, aware that there has been an increase of alcohol use and abuse in Kenya, especially in urban areas; further aware that over 2.2 million Kenyans are addicted to alcohol; noting that improper disposal of alcoholic containers has been on the rise leading to unintended exposure and use of containers for vending illicit brew, especially by school going children; deeply concerned that this is both an environmental and a health risk, this House urges the Government, in conjunction with all relevant authorities particularly NACADA, to launch targeted campaigns in all constituencies towards safe disposal of these containers as well as recycling measures and enforce all existing laws relating to safe disposal of the said containers.

(Hon. Njenga on 18.3.2015)

(Resumption of Debate interrupted on 18.3.2015)

Hon. Deputy Speaker: Yes, there is a balance of 40 minutes for this Motion. Hon. Christine Ombaka was on the Floor. I see you are just walking in. So, if you are ready to continue with your contribution---

(Hon. (Ms.) Ombaka spoke off the record)

Okay. You had a balance of nine minutes. As you prepare yourself, hon. Onesmus Njuki can start and then I will give you your nine minutes.

Hon. Njuki: Thank you, hon. Deputy Speaker, for this opportunity to contribute to this Motion. I would like, first and foremost, to thank hon. Kigo Njenga for bringing this Motion. I do not want to say alcohol is bad. However, it is one of the causes of misery in this country when its consumption is not controlled, especially when it gets in the wrong hands. This Motion is about control to ensure that the quality that is intended by the producer or manufacturer gets to the people who partake of alcohol and that alcohol does not end up with the wrong age and also into hands of people who make counterfeits, thereby diluting the intended quality.

A long time ago, alcohol consumption was restricted to bars. People who wanted to take a drink used to go to the bar, get a drink finish with it and leave the container there. Then came the change in lifestyle and there was this thing about take-away where people no longer want to take drink in bars. They want to take it away to their houses or take it as they travel. The marketers and manufacturers realized that they can make more money by ensuring that they cater for that segment of the market that was giving them more than those who sit in the bars. That was how the problem of letting bottles lie all over came in.

You cannot tell the quality of beer or alcohol by looking at the bottle. It is only by consumption. Therefore, a fake and illicit drink that is packed in a world class can, or

bottle cannot be differentiated. It would pass for the right drink. This is what this Motion is trying to control. The number of bottles that find their way into our houses is big. There are some homes today that have a room that is set aside for storing empty beer and alcoholic drinks bottles. These bottles can be repackaged and definitely most of the imported drink bottles do not find their way back to where they came from. Therefore, if there has been repackaging, it happens and it takes place right here. Since those people do not have any repackaging industries here or factories, you can tell what is normally repackaged there. It is possible for you to buy a Jameson bottle from a back street at a price that is ten times lower than the normal price. That tells you that, that is not the real drink.

What is normally found in those drinks most of the time is what is causing all these chaos that you are seeing in the country today; some parts of this country have had their populations destroyed because of consuming alcohol that is not properly brewed. This is alcohol that has got preservatives and chemicals that make it very concentrated and cheaper. There are some people in this country who drink not to get the pleasure of drinking but to forget their problems. So, the more concentrated the drink and the cheaper it is, the better for the consumers. That is what is causing this big problem. What can be done about this? Almost half of those branded alcoholic drinks are counterfeits that are brewed in the black market in Kariobangi and those other places. If we can be responsible as marketers of this beer to be able to control these containers and bottles in the same way that we are controlling the drinks, we will be able to make sure that we fight the counterfeits thereby getting value for money and at the same time ensure that wrong drinks do not infiltrate the market and cause problems to our population.

This is where our National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) comes in. It is collecting a lot of money from licences and control of the sales of alcohol out there in the counties and sub-counties. Part of this money should be set aside to ensure that a policy is put in place so that empty bottles and cans are collected and taken back to the manufacturer, or those that cannot be recycled are destroyed because they are not doing any good to our population.

Those who are selling drinks to persons under 18 years--- I like the advertisement that I saw in the media the other day that says in Kiswahili: "*Under 18 sio mteja. Ni mtoto wako.*" There seems to be laxity in implementing the law against selling alcohol to persons under the age of 18, when we have alcohol being sold outside drinking premises that are licensed. That is where the problem is. Therefore, empowering these people with information is more useful than trying to control the sale. That is why NACADA should set aside money for youth empowerment. This is to ensure that we build capacity for our youth. We engage them in recreational facilities like sports during the holidays.

It is not only school going children who are engaged in this act of taking alcohol irresponsibly. We also have youth who are not in school but who should not be taking it at the level that they do. All those can be put together and NACADA can empower them, so that we are able to control this menace. This illicit brew has destroyed families, careers and even populations. It has retarded the birth rate in some places in this country where men are not able to procreate because of excessive and irresponsible alcohol consumption.

With those few remarks, I strongly recommend that NACADA takes action and we come up with legislation that can reinforce this. I support the Motion. Thank you.

Hon. (Ms.) Ombaka: Thank you for this opportunity. I am happy to contribute to this Motion. When we talk about disposal and recycling of alcoholic containers, we are talking about waste management. We suffer a lot from lack of understanding of the importance of keeping our city clean. We tend to see in our cities and urban centers, heaps of garbage with bottles of beer, plastic containers, tetra packs and tins that are containers of alcohol. They are just thrown around in a casual manner, and nobody takes seriously the manner in which they are thrown away. Waste management is a problem. In Kisumu, just next to a shopping mall, there is a huge heap of garbage that is rotting and has bottles of beer, tetra packs and tins. It is huge and is an eyesore. Children play there and some of them even take the contents that are left in those containers. It is extremely dangerous. They also get cuts from the tins and broken bottles that are disposed of carelessly on top of that heap. They run around it, they play and fall on it and get cut and it is extremely dangerous to their health.

Secondly, some of those tins have water in them. Some have alcohol and sometimes during the rainy season, mosquitoes breed inside. Malaria is spread like that. We do not clear garbage that is heaped next to where we reside. In very many estates you find that there is huge waste thrown around and nobody bothers to collect it. The question is: What are the counties doing? Waste management is a key component of environmental cleanliness but nobody does this. Long time when I was growing up in this city, I used to see a lorry picking garbage from door to door. The city was kept clean. However, today we do not see them. What has happened? We have lost the sense of environmental cleanliness, which should be part and parcel of what we teach our children in school, or even at home. This is no longer taken seriously and the fear is that we are going to have more diseases, especially malaria and tetanus because children who play on garbage get cuts and tetanus. That is a problem. It is a health hazard; the health of our children is in danger.

I would like to take this opportunity to also say that in schools we have subjects which teach environmental health. That is how to keep clean, how to keep the house clean through learning domestic science and so on. It is high time we launched a campaign on environmental cleanliness. We have always reserved one day in a year when we have environmental day.

This is the day that should be dedicated to sensitisation of the entire community about environmental health, how to protect our cities or villages and keep them clean. Market places do not have to be in urban centres only. They can be in villages too. The environment must be kept clean. People take beer and throw empty bottles all over. This is not limited to alcohol containers. People also litter the environment with banana, sugar-cane and orange peels. This is part and parcel of what makes the environment very dirty; it makes our living conditions unbearable. I believe that this is a very good Motion, which we need to take seriously. In some cases, garbage trucks drop litter on their way to the dumpsite. That is the height of carelessness. Somebody should be picking up such litter as it drops off, or the trucks should be properly covered, so that garbage does not fall on the ground. I do not have much to contribute to this Motion, but it is a good opportunity for us to discuss how to keep our cities and counties clean. Money should be

put aside for environmental education and garbage collection, as well as ensuring that dumpsites are not located within our town centres. Dumpsites should be located far away from our towns. The garbage dumped should be burnt or recycled. People should pick up whatever is necessary for recycling and use it.

With those remarks, I beg to support the Motion.

Hon. Dido: Thank you very much, hon. Deputy Speaker, for giving me this opportunity. First of all, I want to thank hon. Kigo Njenga for this Motion. Looking at the categories of clean countries, Kenya does not feature anywhere. The major thing that strikes visitors in this country is the heaps of garbage that they come across. Although the Motion talks about alcohol containers that are dumped in many places within the country, we must go beyond NACADA to involve organizations like the National Environment Management Authority (NEMA), Kenya Bureau of Standards (KEBS) and the Liquor Licensing Boards. The bigger picture is the death of institutions. That is why the country is decaying. Ours is one of the few countries where people earn a living from dumpsites. That should not be the case. A dumpsite is a health hazard and must be managed by a waste management authority rather than individuals who make a living out of it. I come from a constituency where not many people take alcohol but with time, because of alcohol containers being thrown all over, youngsters may experiment by trying to suck out the little beer that remains in bottles and plastic containers. In the process, they may acquire new habits and learn that getting intoxicated is good. They will eventually feel like purchasing alcohol. The major problem is that such drinks are labelled “Not for sale to persons under the age of 18 years,” but since there is no enforcement of the law, drinks are availed to all. We have availability of cheap drinks and making of illicit brews; where law enforcement agents collude with brewers to avail drinks to underage people and this has complicated the situation.

I want to confirm that in my constituency I have not seen the presence of NACADA, especially in the area of enforcement and preaching of how bad drugs and consumption of alcohol are. Through Motions and Bills, we should be able to have the foot prints of these authorities on the ground to ensure enforcement of the law. This Motion goes beyond alcohol to address many other problems that we are facing, as a developing country. We have the youth, who need to be in gainful employment. In the absence of employment, indulgence in cheap dangerous drinks has become the order of the day.

With those few remarks, I beg to support.

Hon. Mbui: Thank you, hon. Deputy Speaker, for giving me this opportunity. Let me begin by thanking hon. Kigo Njenga for this very timely Motion. This is the right time to bring up such matters. It is something that is important to this nation.

It is alarming that 2.2 million Kenyans are addicted to alcohol. Many of these are young people. The Mover has also mentioned the dangers of alcoholism to our school-going children. One of my biggest concerns is that we are all aware that alcoholism leads to impotence. That means the future of this country is in danger. We have already noted that there are some institutions where there are no students or learners in lower classes, like nursery and Standard One, through to Standard Three. This is because the people responsible for producing more children are heavily involved in consumption of alcohol. Therefore, alcoholism is something we need to deal with seriously.

I want to also address the issue of disposal of empty alcohol containers. I represent a constituency within Machakos County. Last year, during the Rugby Sevens Tournament, the whole of Machakos town was littered with empty bottles of alcohol and the rubber items used as contraceptives. In fact, I understand that these things were collected using pick-up vehicles because of their large quantities. This is something we need to address. We need to get hold of the issue of disposal of empty alcohol containers. There are two ways of doing it. The first one is recycling them. Recycling beer bottles would involve the parent companies getting rid of them. Such companies can have buy-back arrangements, and may pay for returned bottles.

That happens with beer and that is why you do not find beer bottles littering towns. The other option is to completely dispose of them. For those that cannot be recycled, we need to find ways by which bar owners and companies that manufacture them would ensure they are disposed of adequately even if it means destroying them.

NACADA, being the one vested with this responsibility, has had certain failures that I have observed. Last year, one of the small bar owners in my constituency who sold alcoholic drinks that were laced with some stuff which killed three people was arrested. Instead of NACADA handling the issue from the manufacturer or the source, they went and arrested the small bar owner and fined him heavily. The case is still going on. As NACADA grapples with the issue of disposal and alcoholism, it needs to address it from the point of manufacture so that the manufacturers can probably be given regulations to follow as they continue in this business.

I want to finish by saying that drugs and alcohol generally go together. When we start talking about school-going children, it is high time NACADA introduced serious measures of testing our children when they are in school for alcohol and drugs. If this is going to lead to no future for this generation in this country, then it is important that we allow NACADA to go into schools and introduce testing of drugs and alcohol. If we find that it is an extremely bigger problem - I know it is rampant in this country - then we should introduce rehabilitation centers. We have talked about handling at the constituency level. It is high time we came up with one school in the constituency that can take up those children that are affected by drug and alcohol consumption.

I support this Motion strongly and urge my colleagues to follow suit.

Hon. Gichigi: Asante sana Naibu Spika was Bunge. Nasimama kuunga mkono Hoja hii na kumpongeza mhe. Njenga kwa kuileta Hoja hii. Hii ni Hoja nzuri. Ni vizuri tuondoe vyombo ambavyo vinatumika kuweka pombe ili watoto wetu na watu wengine wasifikawe navyo. Inafaa tuchunguze kama tumeipa halmashauri ya NACADA pesa za kutosha za kutekeleza majukumu yake. Aidha, sharti tuchunguze sheria ya pombe humu nchini ili tujue kama tunatastahili kuibadilisha. Muhimu ni kuhakikisha kwamba majukumu ya NACADA ya kushughulikia zile shida zinazotokana na ulevi wa pombe na madawa mengine, yametimizwa.

Juzi wakati tulikutana na mwenyekiti wa hiyo halmashauri, alilia akisema kwamba bajeti yake ni ndogo na kwa hivyo kuna mambo mengi ambayo hawezi kufanya. Tuangalie vile kampuni za soda, kama vile Coca Cola, huwa zinatamia chupa. Huwa zinarudia matumizi ya chupa. Labda tutapata mfano mzuri kuhusu kile ambacho tunafaa tufanye tunapozidiwa na chupa za pombe. Kampuni ya East African Breweries vile vile ina matumizi mazuri ya chupa za pombe. Sioni kama hili ni jambo gumu lakini huenda

Hoja hii pekee isisaidie. Ni muhimu tubadilishe sheria kwa kuweka hatua za kinidhamu na kuhakikisha kuwa watu wametii sheria hiyo.

Ni kweli kuwa NACADA haijaweza kufikia kila sehemu ya nchi. Kwa hivyo, mambo ya ulevi na upikaji wa pombe haramu bado unaendelea. Watu wengi siku hizi wanaokota chupa za kuweka pombe. Wanaweka chochote ambacho wanataka hata kama ni *chang'aa* ambayo imepikwa kando ya mto katika njia chafu. Wengine wao huongeza kemikali kwenye pombe hiyo. Wateja hudanganywa kuwa wanachonunua ni pombe ambayo wamezoea. Kule River Road na eneo la Gikomba kunazo nyumba ambazo hutumika kuweke kemikali katika chupa za pombe. Nakubaliana na mhe. Njenga kuwa hatua inastahili kuchukuliwa kwa watu kama hao. Nitashirikiana naye na nitauunga mkono Mswada utakaoletwa wa kusaidia hali hii mbaya. Hii ni Hoja nzuri na tunaomba Serikali ichukue hatua. Sisi kama watunga sheria twastahili kupandisha hii Hoja hadhi ili iwe Mswada. Tukifanya hivyo, tutalishughulikia jambo hili vema.

Ukiongea na wataalamu katika hii sekta ya pombe, watakuambia kwamba hii nchi inapoteza pesa nyingi sana kwa magonjwa yale ambayo inatubidi kutibu kwa sababu ya ulevi. Shule nyingi zinakuwa na migomo kwa sababu ya wanafunzi kunywa pombe. Walimu na wataalamu wengine humu nchini wameathirika kwa ajili ya pombe haramu. Hii imeathiri uchumi wa nchi yetu.

Ni ombi langu kuwa huo Mswada uletwe hapa haraka iwezekanavyo. Ningemsihi mhe. Njenga na wahusika wengine waangalie zile sheria zinazohusiana na suala la pombe. Ningependa mhe. Njenga apanue hii Hoja yake ili iweze kubadilisha sheria hizo zote ndiposa tuweze kushughulikia yale ambayo yamelengwa na hii Hoja.

Ninaunga mkono.

Hon. Deputy Speaker: Daniel Maanzo, the Floor is yours, but just for two minutes because I will call on the Mover to reply after that. If he is generous and would like to give you another two minutes, that is up to him.

Hon. Maanzo: Thank you, hon. Deputy Speaker for giving me an opportunity to contribute to this very important Motion. When the Motion says 2.2 million Kenyans are already addicted to alcohol, it is automatic that these addicted persons, if they are not already in a rehabilitation center, are likely to dispose the alcoholic bottles or materials--- The alcohol is contained in plastic containers, bottles, sachets or such other materials. It means that many children are likely to be exposed to alcohol at the wrong age and are likely to have their future destroyed.

While I support this Motion, I would like to say that this is very important. We need to put it in the law and probably fund NACADA appropriately so that it reaches people extensively.

There is likelihood of alcohol content or smell remaining in disposable bottles which children are exposed to. The children will eventually become alcoholic. Alcoholism is a disease that is very expensive to cure. It is a self-inflicted disease and pain. It renders many people not useful to themselves and to the society. It makes children not to go to school and college students to drop out. People leave work because they are unable to perform because of alcoholism.

This needs serious control if the country's economy has to move forward.

Hon. Deputy Speaker: Hon. Maanzo, hon. Kigo did not give you another minute or two. I can see many people surrounding him. So, just conclude please.

Hon. Maanzo: Hon. Deputy Speaker, I am concluding. It is a very important Motion. I thank hon. Kigo, he is my friend and I am surprised he does not wish to donate a minute to me. I support it and urge Members to support it.

Hon. Deputy Speaker: Thank you. Let us have the Mover of the Motion.

Hon. Njenga: Hon. Deputy Speaker, I want to donate two minutes each to hon. Chris, hon. Mbadi and hon. Kiuna.

Hon. Deputy Speaker: That means you will have no minutes yourself. You only have ten minutes and you have donated six already.

Hon. Njenga: Hon. Deputy Speaker, I will reply in four minutes.

Hon. Deputy Speaker: Do it quickly. Time is running out. Who was the first one? There is no time, hon. Members. You will have time to contribute to the next one.

Hon. Wakhungu: Thank you, hon. Speaker. I rise to support the Motion. This problem is nationwide and not just only in Central Kenya. We call upon NACADA to pull up its socks. As a Budget making House, we should give more money to NACADA so that they can come up with rehabilitation centres in all the constituencies, if possible. We also call upon the National Environment Management Authority (NEMA) to enforce the law. The people who sell this alcohol should have a collection centre where bottles are collected and recycled.

I have just come from Tokyo where they recycle bottles and use the product for tarmacking roads. We can borrow so much. We call upon our county governments to visit and benchmark, so that we can see what we are supposed to do in terms of disposing these bottles.

Because of the little time that I have, I want to thank hon. Kigo. I want to call upon him to come up with a Bill, so that this can be easier when it comes to matters of legislation and Budget allocation.

I support the Motion.

Hon. Ng'ongo: Thank you, hon. Deputy Speaker. I also want to thank my colleague in the profession; CPA, hon. Kigo Njenga, for allocating me two minutes to contribute to this Motion. My only concern is the fact that the various Government institutions that are tasked with the responsibility of implementing the laws that are already enacted in this country are so relaxed. They do not even enforce the very obvious laws like the disposal of such items. I challenge the county assemblies to come up with more strict laws and regulations on disposal of waste in our various cities and counties, so that those who have the bad habit of disposing not only these items, but even other items that are not friendly to the environment, serious action is taken against them.

Finally, I want to echo what hon. Chris Wamalwa has said with regard to the funding of NACADA. The NACADA is struggling in terms of getting enough resources to discharge its mandate which cuts across the country. I agree with hon. Chris that this problem is not just in Central Kenya, although it is more pronounced there, but even in other areas, many children drop out of school because of alcohol abuse.

I support the Motion.

Hon. Deputy Speaker: Who was your third one?

Hon. J. K. Ng'ang'a: Thank you, hon. Deputy Speaker. I thank hon. Kigo for coming up with this noble idea. This problem affects the entire nation and not just Central Kenya. As we support the Motion, we need to go further and find a lasting solution, not

only of disposing the containers, but also how we can change our community especially the youth not to engage in these illicit brews. We should go back and try how we can revive the traditional brews, which were used by our forefathers. The current brews are going to destroy this nation.

I support the Motion.

Hon. Njenga: Hon. Deputy Speaker, in reply, I want to thank all the Members who have supported the Motion. When bottles are disposed anyhow, we give free advertisement, promotion and increase alcohol consumption. We also pollute our environment. If we control and regulate this alcohol consumption, we will save a lot on health cost, security and adhere to the law. We will also save on the legal cost that is incurred when families are fighting over issues of alcohol addiction. Collection and recycling will bring in industrialization, create employment and bring people to the money economy. We shall save a lot of time in not going to burials and praying for the sick due to abuse of alcohol. I support the idea that we should industrialise the production of alcohol. It is time we had industrial parks where *muratina*, *chang'aa*, *mnazi* and other brews can be manufactured.

NACADA should request for enough allocation to educate our children on the dangers of alcohol. We should have Budget allocations to rehabilitate addicts. We should not only entertain our children when they are on holidays, but we should put them in sporting activities and show them films to discourage them from the use of alcohol. At the same time, NACADA should report performance to this House. We give them a lot of money and I do not find much that is done by them. NACADA should tell us what they have done with the money. They are not felt at the constituencies or at the grassroots. It is high time they used the money that we give to reach to the constituencies. Rehabilitation programmes should be started in every constituency according to need. NACADA should follow the National AIDS Control Council, which once it rehabilitates prostitutes, it gives them a maximum of Kshs28,000 to get to the money economy. NACADA can do the same because we have facilitated them.

The legal brewers in this country should come up, in their corporate social responsibly, with programmes to get NACADA to bring sanity in the alcohol sector. They make super profits which should be used to reach out to the society. Schools should have ethics lessons in their curriculum to show them the dangers of alcohol and drug abuse.

We are endangered environmentally. These bottles are all over. I agree that we need to be a responsible country. If we borrow a leaf from Japan, we can save our resources and make our country productive. We must work together to save a generation. The current laws require to be checked. If we do not act now, our people will start diminishing and we will make Kenya a very expensive country to raise a generation.

Therefore, I thank this House and every Member who supported the Motion. I ask NACADA and all those who are involved to move away from research and go to implementation. They have done enough research and they should implement. This should start as soon as tomorrow.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, aware that there has been an increase of alcohol use and abuse in Kenya especially in urban areas; further aware that over 2.2 million Kenyans are addicted to alcohol; noting that improper disposal of alcoholic containers has been on the rise leading to unintended exposure and use of containers for vending illicit brew especially by school going children; deeply concerned that this is both an environmental and a health risk; this House urges the government in conjunction with all relevant authorities particularly NACADA, to launch targeted campaigns in all constituencies towards safe disposal of these containers as well as recycling measures and enforce all existing laws relating to safe disposal of the said containers.

TRANSLATION OF LAWS OF KENYA INTO KISWAHILI

Hon. (Ms.) Lay: Hon. Deputy Speaker. I am a little bit disappointed but I understand that, as a House, we have a rule which says that once a Motion is written in English, it cannot be moved in Kiswahili.

Hon Deputy Speaker: Hon. Lay, if you turn to Standing Order 77, it clearly says that all proceedings of the House shall be conducted in Kiswahili, English or Kenyan Sign Language. The second part of it says that a Member who begins a speech in any of the languages provided under paragraph (1) shall continue in the same language until the conclusion of the Member's speech. We should adhere to our Standing Orders.

Hon. (Ms.) Lay: I understand that, hon. Deputy Speaker. What I wanted to do is to move it in Kiswahili.

Hon Deputy Speaker: Please, note that you are going to read the Motion in English. So, you will have started in English.

Hon. (Ms.) Lay: You have advised and I understand. I will read it as it is.

Hon. Deputy Speaker, I beg to move the following Motion:-

THAT, aware that Kiswahili is the national as well as official language of the Republic as enshrined in the Constitution; further aware that equality and freedom from discrimination and access to information are fundamental rights; cognizant of the fact that democracy and public participation of the people is a national value and principle of governance as per Article 10 of the Constitution; deeply concerned that a section of Kenyans have a low level of knowledge of their legal rights and laws passed by this House as a result of the existing language barriers; convinced that unless we, as a nation, lay down mechanisms for translating laws passed by Parliament and county assemblies into Kiswahili, most Kenyans will continue being partially aware of the law, this House urges the National Council for Law Reporting to progressively translate the laws of Kenya into Kiswahili.

Hon. Deputy Speaker, due to the worrying state of affairs regarding access to information that every citizen is entitled to under Article 35 of the Constitution, there can be no access to justice as enshrined by Article 48 of the Constitution if there is no access to information.

I recently visited the National Council for Law Reporting offices. I was surprised to find out that we do not have an official translated Kiswahili Constitution. This is worrying because Chapter One of the Constitution talks about sovereignty of the people

and supremacy of this Constitution. It says that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution. That means the Constitution belongs to the people and if it does, then it is our duty to make sure that the people of Kenya understand it. It is theirs and they need to own it. Not having a copy in Kiswahili of not just the Constitution but all the laws we pass in this National Assembly, means that we are depriving Kenyans their rights, including the rights to stand up and fight for themselves.

We need to realise that a higher percentage of Kenyans are still illiterate. I can give an example of my mother. She did not go to school, which means she cannot understand what we pass in this House. The laws we pass in this House are for the people. They are not for the elite people or leaders only but for all Kenyans, especially those who have not gone to school and cannot understand English. Translating them into Kiswahili will mean bringing everything closer to the people. As it is right now, there is a huge gap between the leadership and the people. Majority of Kenyans do not understand what we do here. We cannot keep on hiding these laws from them because they belong to the *wananchi*.

The only copy of the Constitution in Kiswahili was translated by Prof. Kimani Njogu, the founding chairman of Chama cha Kiswahili cha Taifa. We do not have an official document yet. However, when I visited the offices of National Council for Law Reporting, I congratulated them for the effort they have made so far. When I had a sitting with them, they told me that the budget stops them from translating these laws into Kiswahili. I urge the Budget and Appropriations Committee to make sure that we have enough money to ensure that the people get to know the laws. What they told me is that they had to reach out to some NGOs to give them support towards this end. So far, they have managed to get money to translate 20 laws out of 500. I congratulate them for a job well done.

Hon. Deputy Speaker, the Judicial Performance Improvement Project, a World Bank funded project under the National Council for Law Reporting; is a deliberate effort to translate about 60 fundamental laws into Kiswahili. The approach they are using is that they first translate the laws that are largely in legalese to simple *mwananchi*-friendly English and finally into Kiswahili. The reason for this is to avoid loss in translation. National Council for Law Reporting is now in the process of looking for a consultant who will enable it implement this process. I can take a very good example of few Kenyans who have been taken to jail. Every time they hear the law being read to them and told that they have broken a certain section of the law, it is the first time they hear of that law. The law was not made known to them. I am sure that if it were made known to them, a normal Kenyan would not go ahead and break it.

As leaders, we have the obligation of making sure that the people of Kenya understand the laws we make for them. Women are the majority of the people who suffer because of not knowing that there are laws that protect them. Most of the time, women are made to suffer in silence. The reason is that they do not know that there is a law that protects them. Widows have even lost their land because they do not know what the law says about them. The Marriage Act concerns every Kenyan. I remember, when we passed it here, the people on the ground were telling their wives that a law has been passed and the President has allowed them to get married to two women. Since that poor woman

does not understand what the law says, and does not know that we had five different laws of marriage, the following day, the poor woman sees her husband come home with another woman and she accepts; just because she does not know what the law says.

Women are meant to speak out but they suffer in silence and any time we speak out we are victimised. I can talk of my own recent experience in Japan. When I reported to the Committee, there were complaints as to why I had done that. This was despite that I know there is a law that we have to go through certain stages until we get to the point where, if it is not handled by the Committee, then it can be taken further. It was not my intention to take it to the media. I did not take it to the media. We passed the Victim Protection Bill, which means I am supposed to decide on what action to take if I am a victim. I am the one who is at liberty to decide whether to report to the police or to the media. So, whoever took it to the media was malicious and you can tell it.

At the point when the media reported this story, you saw the photo that they used to put their headlines. That is not my official photo. That is not how I dress when I come to Parliament.

Hon. Deputy Speaker: Hon. Joyce Lay, hon. Ibrahim Saney is on a point of order. Let it be a real point of order, hon. Saney.

Hon. Saney: On a point of order, hon. Deputy Speaker. Is the Mover in order to bring matters that are not relevant to the Motion being discussed? She is talking of the Tokyo, Japan trip and the Motion is with regard to translating our laws into Kiswahili.

Hon. Deputy Speaker: Okay. Hon. Member, are you in order? Can you show us the relevance of what you have said to the ongoing Motion? Let her substantiate.

Hon. (Ms.) Lay: Yes, there is. This is because I am talking about understanding the laws that we make here in Parliament.

Hon. Deputy Speaker: However, is it because we do not understand Kiswahili? Is that the point you are putting across?

Hon. (Ms.) Lay: It was an example that I was giving for Kenyans out there to know that we have passed the Victim Protection Bill, so that any other Kenyan going through that kind of thing knows that there is a law that protects them. If we translate the Victim Protection Law into Kiswahili, more women will start speaking out, talking and reporting the things they go through.

Hon. Deputy Speaker: Okay; I think that is okay. You can continue.

Hon. (Ms.) Lay: Thank you, hon. Deputy Speaker. Whatever it is that we are experiencing in the country is because people are not involved. People do not understand laws and devolution. We have a whole Section 88 of the County Governments Act that speaks on public participation, and of the right of the citizens of a county to petition their county government on any matter within the responsibility of the county governments; this can only be effective if the citizens understand the law. One way of enabling them is by translating this law into Kiswahili.

When we talk about public participation, we can see how it is done across the country. The common *mwananchi* does not feel involved. When we go to do public participation, we only pick the elites and the people who understand English. Meanwhile, there are millions of Kenyans who have the right to speak out. According to the Constitution, they have the power to participate in all the laws and everything that is done by county governments.

For them to participate in the budget making processes of the counties, and understand simple mathematics, or how much money has been sent to the counties and the sub-counties and what criteria were used to share out the money, understanding the law is important. The reason why I am saying that we translate laws into Kiswahili is because there is a project I am doing in my Taita Taveta County. I want to come up with a public participation forum where the common *mwananchi* can sit down and understand the laws that we make. These platforms are going to give my people and women a voice. There will be no discrimination and choice of who has gone to school and who has not, because it is going to be at the village level. There will be no one who will be looking at who is dressed smartly and who is clean. This will be a village set-up and everybody will participate. That means their voices will be heard.

The other reason I am pushing for this is because people do not understand devolution that we have right now. People do not understand the role of every leader who has been elected. For the people to understand these things, we have to have them in a language which everybody understands. The frustration which *wananchi* are having right now to the extent of calling us pigs is because they feel they are not involved. They feel whatever we are doing is far away from the *wananchi* we represent. They feel like we are here to do laws that do not involve them, yet they are for them. So, let us translate them into Kiswahili. We have the Bible of this world translated even into our languages. We have a Bible in Kitaita Language. That means the people owned, understood and lived by that book after that translation. That means the Constitution can also be translated from Kiswahili to the languages that every Kenyan can understand. This is because this is their book and it is their right to understand it.

When we call for referenda, we always go to *wananchi* to ask for their signatures. That means we cannot touch this book without the involvement of the people. If we cannot touch it without their involvement then, why can we not make sure that people understand it? If we give them an opportunity to understand this book, then the next referendum will not come from a political leader but from the people. This is because they will realise that there are some parts in the Constitution that need to be amended. They will not need to go through a political leader.

We have also seen all the frustrations that this country has gone through, especially when we lose elections. The people who voted for us go to the extent of killing each other. It is because they do not understand the law. Because of the frustrations and the boiling point at which Kenyans are right now, we will have to ensure that their involvement in everything we do in this nation is possible.

When I talk about public participation, or village *Bunges* in my county, and after we start translating laws into Kiswahili, my intention is to have Bills translated into Kiswahili, so that there is a copy at the village level whenever we are speaking, or debating a certain Bill. That way *mwananchi* will be involved in the Bill making process before the Bill becomes a law, and they will be part and parcel of what we will be doing. The reason why I am their representative is because I stand here to speak on their behalf. They cannot come to Parliament and speak.

*(Hon. Wario and hon. Mwadeghu
obstructed hon. Deputy Speaker)*

Hon. Deputy Speaker: Hon. Wario and the Whip of the Minority Party, refer to your Standing Orders regarding standing between the hon. Speaker and the person who is on the Floor of the House.

Hon. (Ms.) Lay: Thank you, hon. Deputy Speaker. That means I am representing my people and I have to speak on their behalf. Their voices need to be heard. How can their voices be heard if we do not give them the opportunity to understand and be part and parcel of the law making process? So, when we start translating these laws into Kiswahili, if there is any Bill then it will also have to be in Kiswahili. I can give an example of the Lands Bill or Water Bill that touch on common *wananchi*. If we have it translated into Kiswahili a copy will be with the *wananchi* at the village level, or in a village participation forum, when we will be debating it here. That means *wananchi* will air their views and bring any amendments to that particular Bill. Their voices will be heard. They will talk, sit down and discuss that Bill and say they will not be agreeing to clauses 1, 2 and 3. I will collect their views and when I stand here to speak, argue and debate, I will be doing that from the point of view of the *wananchi*.

I am sure that Kenya will be a better place to live in if we make these laws known to Kenyans. We will not have issues of Kenyans going round breaking laws; if I know the law, it is my right to make sure that I live according to that law. My appeal this morning is to hon. Members to support this Motion, and also make sure that, because we are the ones who approve the Budget, there is enough money that can be used in ensuring that this process starts as soon as possible.

As I finish, I was giving an example of my county. There was a time when I brought an issue to Parliament concerning my women in the county whose rights were being violated. These women used to work in a certain mining area. In the evening, the woman who owned the mining area would go ahead and violate these women's rights by searching them in their private parts using gloves, as if she was a doctor. She inserted her hands into their private parts. If these women had known that there was a law that protected them, they would have refused and asked why their rights were being violated.

As a Kenya citizen, I know that there is a law which protects me, but because they did not know that such law existed, they accepted to be violated. Right now, there is a long court process and we do not know when justice will be done. If people get to know their rights, they will be bold; they will stand firm and speak out. They will say "No; I am a Kenya citizen and I know that there is a law which protects me. I am not going to allow you to violate my rights."

Hon. Deputy Speaker, because of time---

Hon. Deputy Speaker: Your 20 minutes are over. Who is seconding the Motion?

Hon. (Ms.) Lay: Hon. Deputy Speaker, I beg to move and ask hon. Mwaura to second.

Hon. Deputy Speaker: Proceed, hon. Mwaura.

Hon. Mwaura: Ahsante, mhe. Naibu Spika. Kwanza, ningependa kumpongeza mhe. Lay kwa kuileta Bungeni Hoja ambayo tunaizungumzia kwa sababu ya kufikiria sana kuhusu lugha yetu tukufu ya Kiswahili. Nimesimama kuunga mkono Hoja hii kwa sababu ya Kipengele cha 7 cha Katiba, ambacho kinasema: -

“(1) Lugha ya taifa ya Jamhuri ni Kiswahili.

(2) Lugha rasmi za Jamhuri ni Kiswahili na Kiingereza.

(3) Serikali-

(a) itazikuza na kuzilinda lugha tofauti za wanainchi wa Kenya; na,

(b) italinda na kustawisha matumizi ya lugha za kiasili, lugha ishara ya Kenya, breli na njia nyingine za mawasiliano na teknolojia zinazoweza kufikiwa na watu wenye ulemavu.”

mhe Naibu Spika, ukiviangalia hivi vipengele katika Katiba yetu, utaona kwamba sisi kama Wakenya tumekubali kwamba lugha ya Kiswahili ndiyo lugha ya kitaifa. Hiyo ni kumaanisha kwamba lugha hii ina maana zaidi kushinda hata lugha ya Kiingereza, ambayo imetujia sisi kutokana na historia yetu – tulikuwa koloni la Uingereza. Jambo la kushangaza ni kwamba lugha ya Kiswahili bado haijatiliwa maanani kama inavyopaswa. Ndiposa namshukuru mhe Lay kwa kufikiria jinsi hii.

Tukianza hapa kwetu Bungeni, kanuni za Bunge haziko katika lugha ya Kiswahili. Kamati ya Kanuni, Itifaki na Mienendo ya Bunge inafaa kuangazia umuhimu wa kutafsiriwa kwa kanuni za Bunge kwa lugha ya Kiswahili. Mhe Lay amethibitisha kwamba unapotunga Hoja na Miswada kwa madhumuni ya kuileta Bungeni, ni lazima uandike kwa lugha ya Kiingereza. Hilo ni jambo la kufedheesha. Mimi mwenyewe nimejaribu kubuni Hoja kwa lugha ya Kiswahili lakini maafisa wa Bunge wanaopaswa kutusaidia kufanya hivyo, hawaielewi lugha ya Kiswahili. Hili ni jambo ambalo tunapaswa kuliangazia ili tuweze kuwa na wafasiri ambao wanaweza kutusaidia sisi Wabunge kujieleza rasmi katika Bunge hili.

Jambo lingine la kushangaza ni kwamba hata nakala ya Katiba ambayo nimetumia, niliponukuu Kipengee cha 7, ni nakala rasimu; siyo ile ambayo tayari imefasiriwa rasmi kama Katiba ya nchi hii. Hii ni kumaanisha kwamba tangu tulipopitisha Katiba hii mwaka wa 2010, hakuna juhudi zozote zilizofanywa na Serikali kuhakikisha kwamba Wakenya wanaweza kupata katiba hii rasmi katika lugha ya kitaifa. Ni fedheha iliyoje?

Kiswahili ni lugha ambayo ina mashiko makuu sana katika historia ya Kenya. Kiswahili ni lugha ya kiafrika. Wengi watakubaliana nami kwamba Kiswahili kimetiririka kutoka kwa lugha za kiafrika. Ukitembea katika nchi nyingi za kiafrika utapata maneno mengi ambayo yanawiana na lugha yetu ya Kiswahili. Kwa mfano, lugha ya Kizulu kule Afrika Kusini, lugha za kizambia kule Zambia na hata humu nchini, zinawiana na Kiswahili. Mimi mwenyewe, nikiiangazia lugha yangu asilia, kuna maneno mengi sana ambayo yanawiana na Kiswahili. Sembuse kusema kwamba jina “Swahili” limetokana na jina la kiarabu ‘sawahil’ – watu ambao wanaishi katika ufuo wa bahari.

Jambo muhimu ni kwamba ukiitizama lugha hii, utaona kwamba haina watu ambao unaweza kusema haswa ndio watu ambao wanaweza kuienzi kama lugha zingine za Kikuyu, Kiluo, Kiluhya na kadhalika. Kwa hivyo, ni lugha ambayo inaweza kutujumuisha sisi kama Wakenya bila ya watu wengine kuhisi kwamba wao, kwa sababu ya lugha hii, wako sawa zaidi kuliko watu wengine. Ukiangazia changamoto ambayo sisi kama Wakenya na pengine watu ambao wametumia lugha za kigeni kama lugha zao za kitaifa, ni kwamba kunakua na kukanganya kidogo wakati dhana zako ziko katika lugha ile halafu wewe mwenyewe unajieleza katika lugha yako ya Kiswahili. Mara nyingi, watu wanakataa kuzungumza Kiswahili hususa kwa sababu za kilahaja. Hakuna shule yoyote ambako watu hufundishwa lahaja ama lafudhi. Ni muhimu Wakenya tuelewe kwamba

jinsi unavyoizungumza lugha ya Kiswahili haijalishi; hata kama umeathiriwa na lugha yako ya asili.

Mhe Naibu Spika, lahaja ya Kiswahili tunayotumia ni ya kizanzibari. Kuna lahaja nyingine za Kiswahili kama vile Kimvita, Kimtang'ata, Kipemba na kadhalika. Hata kule pwani, lugha ya Kiswahili ambayo inazungumzwa kule Mombasa ni tofauti sana na lahaja ya Kiamu, ambayo inatumika kule Lamu. Kwa hivyo, hii njia ni ya kuweza kusema kwamba watu hawawezi kujieleza kwa lugha ya Kiswahili kwa sababu katika kufundisha lugha hii kule shule, kuna mtazamo wa kuisanifisha lugha – mtazamo ambao unawafanya watu kuhisi kwamba hawawezi kuizungumzia lugha hii kwa misamiati. Kwa hivyo wanaogopa. Lakini la hashu! Ninaikataa dhana hiyo. Mara nyingi sisi, kama wanasiasa, tunapoenda mashinani tusiwe tukizungumzia wananchi wetu kwa Kiingereza. Mara nyingi tunazungumza kwa lugha ya Kiswahili. Kiwe Kiswahili sambamba ama Kiswahili kombokombo, la muhimu ni kwamba Wakenya wengi wanaweza kutuelewa vilivyo wakati tunazungumza katika lugha ya Kiswahili.

Mhe. Naibu Spika, hili ni jambo ambalo kama tunaweza kuitumia lugha hii, tunaweza kuzifungua fikra na dhana za watu wengi. Watu wengi hawawezi kuzungumza kwa lugha ya Kiingereza kwa ufasaha. Kwa hivyo, wanaogopa kujieleza kwa lugha ya Kiingereza. Wanaonekana kama ni wajinga ilhali ukiwasikiza katika lugha za mama na katika Kiswahili, wana Hoja nzuri na wanaweza kuchangia katika maendeleo, hususan ukianzia kwamba watu wetu wengi hawajasoma vilivyo na ni wa kipato cha chini na hawajaweza kuwa na ule upana wa kujua vile mambo yanaweza kuendeshwa katika nyanja tofauti tofauti.

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members! The consultations are too high. Please, let us listen to each other.

Hon. Mwaura: Mhe. Naibu Spika, kwa sababu naona muda wangu umeenda sana, mara nyingi twarejelea lugha yetu ya Kiswahili kwa sababu wahenga walisema kuwa “mwenda tesi na omo marejeo ni ngamani”. Kwa sababu muda hauniruhusu na Waswahili husema “ana maneno mengi kama chiriku aliye kunywa maji ya chooni”. Mimi sijayanywa na ninaunga mkono Hoja hii.

(Question proposed)

Hon. Deputy Speaker: Hon. Members, I think we should dispose of any amendment, so that we can debate the Motion after we have passed or rejected the amendments. There was one amendment by hon. Ng'ongo. Let us dispose of the amendment first.

Hon. Ng'ongo: Thank you, hon. Deputy Speaker.

Hon. Members: Hon. Deputy Speaker, tell him to speak in Kiswahili.

Hon. Ng'ongo: Hon. Deputy Speaker, could you remind these Members that the Motion is in English and the amendment has to be in English? Therefore, I have to speak in English. It is not that I fear Kiswahili. If anything, Kiswahili is manufactured and made in Suba.

Hon. Deputy Speaker: He is quite in order within the Standing Order No.77. He has started in English and so, he can continue in English.

Hon. Ng'ongo: Thank you, hon. Deputy Speaker. I also rise to support this Motion. In supporting I am also proposing an amendment. I beg to move that the Motion be amended as follows:-

By inserting the words “the Constitution,” immediately after the word “translating” appearing in the fourth last sentence.

I want to congratulate hon. Lay for thinking and bringing this Motion to this House. Literacy level in this country is known. A good number of Kenyans are not able to read and understand English. Even those who are barely literate have very low command of the English Language. Kiswahili is widely spoken across the country. As a country, we want to be proud that we have a language that we speak and communicate on extensively.

If you look at the provisions of Article 10, namely, values and good governance, you realise that one of the values that are provided under Article 10, which I expect the President to address us on tomorrow, is with regard to the issue of national unity. You can only realise national unity if you have a language that unites the country. That is Kiswahili. We must congratulate and praise the former President, Daniel Arap Moi, who made Kiswahili a national language and which he gave prominence. We should also thank the education sector which made Kiswahili compulsory. That helped us when hon. Oluoch was going for a Kiswahili proficiency test before he became a Member of Parliament. I was lucky to get an exemption because I did Kiswahili in Form Four. Do not worry about whether I passed it or not, but I got some grade that was considered to be reasonable to come to this Parliament.

I have included “the Constitution.” Hon. Lay provides in this Motion that all laws made in the National Assembly and the county assemblies should be translated in Kiswahili. However, the supreme law of the Republic, namely, the Constitution, was left out in the original Motion. That is why I have recommended that we add it. If you look at Article 3 of the same Constitution, which talks about the defence of this Constitution, it says that:-

“Every person has an obligation to respect, uphold and defend this Constitution”. You can only respect, uphold and defend a document that you understand. Therefore, we need to make it possible for most Kenyans, if not all, to understand the supreme law of the land.

As I wind up, I also want to take this House through Article 35 of the Constitution, which talks about access to information. The State has a responsibility to make sure that every Kenyan has access to information. That access to information also includes this Constitution.

The final article that I want to take this House to is Article 259, which provides that:-

- “This Constitution shall be interpreted in a manner that-
- (a) promotes its purposes, values and principles,
 - (b) advances the rule of law and the human rights and the fundamental freedoms in the Bill of Rights;
 - (c) permits the development of the law; and

(d) contributes to good governance.”

This is clearly a demonstration that the Constitution is a living document. It is a Constitution that every Kenyan needs to understand. You do not have to visit legal offices and lawyers to interpret for you. It is a Constitution that all of us should be able to talk about.

When we were propagating or supporting this Constitution and campaigning across the country, I kept on telling my constituents that there was no need for them to read it because I had read and understood it for them. Yes, I am their representative, but they need to read it for themselves. I was telling them that because I know the challenge faced when a document is put in English. I would urge that people should be more innovative and start translating the Constitution and other laws, but more so, the Constitution, in our local languages. This should be in vernacular, so that my people in the village down there know exactly what the Land Chapter is all about. They should know what it says about community land, private land and land management in general. I would urge this House to pass this Motion, but with the amendment that I have just introduced.

I move the amendment and ask my friend, hon. Wario, to second the amendment.

Hon. Wario: Asante, Mhe. Naibu Spika. Ningependa kumshukuru Mhe. Ng’ongo kwa fursa ya kumuunga mkono kwa marekebisho ambayo ameleta katika Bunge hili. Katiba tulionayo leo ni muhimu sana kwa taifa na vizazi vinavyokuja.

Ninayo masikitiko makubwa kwa sababu Katiba ya Kenya haijatafsiriwa rasmi katika lugha ya Kiswahili; Katiba bado ni rasimu. Kipengele sabini na saba katika Kanuni za Bunge kinatambua Kiswahili kama lugha rasmi ya Kenya. Kipengele cha saba katika Katiba kinatambua kwamba Kiswahili ni lugha rasmi na tena lugha ya taifa. Iwapo Kiswahili ni lugha rasmi na tena lugha ya taifa, kwa nini Katiba hiyo haina tafsiri rasmi ya Kiswahili? Kwa sababu hiyo, mimi namshukuru mheshimiwa Mbadi kwa kuleta marekebisho haya. Nilipoongea mara ya kwanza katika Bunge hili la Kumi na Moja, hatua ya kwanza niliyochukua ilikuwa ni kupendekeza na kuandikia Kamati ya Bunge inayohusika na Kanuni za Bunge. Kwa bahati mbaya mpaka leo sijapata jawabu. Nimeomba Kamati ya Kanuni ya Bunge itafsiri Kanuni za Bunge kwa lugha ya Kiswahili. Tangu 2013 hadi leo, Kamati hiyo haijaweza kunipa jawabu kama inaweza kutafsiri Kanuni za Bunge ama la. Ninasikitika sana.

Kwa hivyo ninaunga mkono waheshimiwa Mbadi na Lay. Mimi ninaamini kwamba taifa letu litapata uhuru kamili siku ambayo mahakama itasikiza mashtaka kwa lugha ya Kiswahili na hakimu atoe hukumu kwa lugha ya Kiswahili ndiposa mshtakiwa aweze kujitetea.

Tunajigamba eti tumepata Uhuru ilhali Wachina wanatufungia hoteli hapa. Kwa nini? Ni kwa sababu tunaiga mavazi yao na lugha zao. Heshima na uhuru wetu ni mambo ambayo hayatotambulika. Kwa hayo machache, nimesimama kuunga mkono marekebisho yaliyoletwa na ndugu yangu mheshimiwa Mbadi ili Katiba itafsiriwe rasmi katika lugha ya Kiswahili. Asante Naibu Spika wa Muda.

(Question, that the words to be inserted be inserted, proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, I am going to follow the list as it is here. So, please, I ask you to desist from coming to see how far your name is. I will follow the law as per the people who put in their order one after the other. I will, of course, also consider the issue of equality and gender representation.

What is your point of order?

Hon. Letimalo: Hon. Temporary Deputy Speaker, while you use your discretion to go by the list on the screen, I wish you can also take cognisance of the fact that some Members had logged in and they never got an opportunity to speak in the previous Motion. I urge that they be considered in the second Motion. Otherwise, Members could sit here for the whole session without getting an opportunity to contribute.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): That is the role of the Speaker and that is what we will take cognisance of.

Hon. Members, we are now going to be contributing to this Motion as amended. I have proposed the Question already. Debate the Motion as amended. Hon. Kathuri Murungi.

(Loud consultations)

Hon. Members, please, do not do my work. We are debating the Motion as amended which I have proposed already. What is your point of order, hon. Mbadi?

Hon. Ng'ongo: Thank you, hon. Temporary Deputy Speaker. The amendment has just been seconded and the Motion is not amended yet. So, we need to either debate the amendment or dispose of it---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): What I have read is the version that should be amended. Is that not the case?

Hon. Ng'ongo: Yes.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): So, that is what we are debating.

Hon. Ng'ongo: First, we debate the amendment and then the Motion as amended.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): It is exactly what I am saying but I guess it is semantics, hon. Mbadi.

Hon. Ng'ongo: Hon. Temporary Deputy Speaker, you cannot debate the Motion as amended because the Motion has not been amended. So, we debate the amendment first.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, do you want me to read the Motion and propose it again as the amendments suggest? I am proposing and not putting the Question. I want you to debate the Motion as amended.

Hon. Members: Put the Question! Put the Question!

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, that means that you do not want to debate the amendments. I hope you know what it means.

Thank you very much Members who have pushed for that so that we follow the procedure as it should be. So, the debate now continues. I had given the Floor to hon. Kathuri Murungi.

Hon. Murungi: Asante sana, Mhe. Naibu Spika wa Muda kwa kunipa nafasi hii ili nichangie Hoja hii ambayo imeletwa na Mhe. Joyce Lay.

Kwanza kabisa, naiunga mkono Hoja hii ikiwa na marekebisho ambayo yameletwa na Mhe. Mbadi. Katiba ya Kenya inasema kuwa tuko na lugha mbili za kitaifa ikiwa ni Kiswahili na Kiingereza. Sheria zote ambazo zimepitishwa Kenya hii zinafaa kutafsiriwe kwa lugha ya Kiswahili ndio kila Mkenya azielewe.

Katiba yetu inawapa Wakenya wote uhuru wa kupata habari na kujua chochote kinachoendelea. Lakini inaonekana kuwa wanaotunga sheria nchini wanawadhulumu wananchi. Ukienda kwenye korti zetu, mawakili hawapendi kuitumia lugha ya Kiswahili. Ni kama hawaelewi lugha ya Kiswahili vizuri. Kwa hivyo, wanapowatetea wafungwa, wanaitumia lugha ya Kiingereza ambayo ni ngumu. Hii inaonyesha kuwa Wakenya wanaumia na hawaongei. Hata sisi katika Bunge hili la Taifa, Seneti na bunge za kaunti, Wabunge wanafaa kupewa motisha zaidi ili waweze kuongea Kiswahili katika Bunge na kuleta Hoja kwa lugha ya Kiswahili. Nimeona Mhe. Mbadi ameshindwa kuzungumza Kiswahili akiileta Hoja yake. Ninaomba kila Mbunge ambaye analeta Hoja ama Mswada hapa, ajieleze kwa Kiswahili.

Katika Hoja hii, tunajadili vile ambavyo tutaongea kwa Kiswahili katika Bunge hili na tutafsiri sheria kwa Kiswahili, lakini wenzangu wanaongea katika lugha ya Kiingereza. Tukae kama ndugu zetu Watanzania. Katika Bunge lao, hata yule profesa wa Kiingereza ambaye yuko pale, asilimia 90 ya wakati anaongea, anatumia lugha ya Kiswahili. Hawatumia Kiingereza katika Bunge lao. Watu wetu wote wanafaa kuelewa sheria ambazo tunatunga hapa Bungeni.

Ninaiunga mkono Hoja hii ambayo imeletwa na Mhe. Joyce Lay. Wakati tunapotunga sheria hapa Bungeni, tunaweka kwa magazeti kuwa ni lazima wananchi washirikishwe katika utunzi huu. Hata tukiweka kwa magazeti, hatuweki kwa Gazeti la *Taifa Leo* ambalo linatumika hapa nchini. Viongozi wa Bunge wanaweka ilani hizi kwa lugha ya Kiingereza kwa magazeti za *Daily Nation* na *The Standard*. Ningeomba tuanze hapa Bungeni wakati tunapowashirikisha wananchi katika kutunga sheria. Tunafaa kuweka ilani zetu na mambo ambayo tunafanya hapa Bungeni kwa lugha ya Kiswahili katika Gazeti la *Taifa Leo*. Hii itawashirikisha wananchi wote.

Ninafahamu kuwa watu wengi wamefungwa kwa makosa ambayo si yao. Watu wengi wameenda kortini na hawakuelewa vile kesi zao zinaendelezwa. Wakielezwa kuwa Katiba inawapa uhuru fulani, hawajui inapatikana kwa kipengele kipi katika Katiba yetu. Nitawaomba mawakili, kwa sababu hapa tuko na mawakili wengi, wazungumze na wengine katika chama chao cha mawakili watakapomaliza vurugu zao, wawaambie kuwa wakienda kortini, waitumie lugha ya Kiswahili ndio wananchi wetu waelewe.

Ninaona kuwa wenzangu wengi wana hamu na ghamu ya kuiunga mkono Hoja hii, ninaomba kumaliza. Ninaiunga mkono Hoja hii ambayo imeletwa na mbunge wa Taita Taveta, Mhe. Joyce Lay.

Hon. (Ms.) Amolo: Asante sana, Mhe. Naibu Spika wa Muda. Namuunga mkono mwenzangu Mhe. Joyce Lay kwa kuileta Hoja hii siku ya leo ili tuweze kuijadili hapa Bungeni.

Kwa kweli, litakuwa jambo la maana kabisa kama lugha ya Kiswahili itaenea kote kote katika nchi yetu ya Kenya. Tunapoingia shuleni, tunaanza kusoma Kiingereza na Kiswahili na tunaendelea vizuri. Lakini tukifika mahali fulani, hatuelewi kabisa Kiswahili kinapotelea wapi. Ukifika pale mbele katika ofisi zetu, hauoni tena Kiswahili. Tunaendelea kuongea lugha ya Kiingereza. Kwa kweli, kuna mambo mengi sana ambayo tunaweza kufanya tukitumia lugha yetu ya Kiswahili. Hasa tukiangalia zile kandarasi ambazo kina mama, vijana na wale hawajiwezi wanapewa, ziko katika lugha ya Kiingereza. Unashindwa kabisa kuwa wale ambao hawaelewi Kiingereza, watatumia lugha gani ili waweze kuzipata zile kandarasi.

Bali na zile sheria kutafsiriwa kwa Kiswahili, mambo mengi katika nchi yetu yanafaa kufanywa kwa Kiswahili. Kama mambo fulani yameelezwa ka Kiingereza, chini yake yawe yameelezwa kwa Kiswahili. Kwa mfano, kama kuna ilani ya “toilets”, pale chini kuwe na maelezo ya “vyoo”. Hii itasaidia watu kuelewa. Kama ni barabara ambayo imeelezwa ka Kiswahili, inafaa kuelezwa pia kwa Kiswahili. Kwa hivyo, tusiangalie sheria peke yake. Kama wenzangu walivyosema, kama mambo mengi ambayo yanafaa kuelezwa kwa lugha ya Kiswahili.

Jambo lingine ambalo tunataka kuangalia ni wakati ambapo tunafanya mitihani. Mitihani yetu iko kwa lugha za Kiingereza na Kiswahili. Ningeomba kamati inayohusika na elimu itilie mkazo ili Kiswahili kiwe lugha rasmi. Walimu pia wanalegea katika ufundishaji wa lugha ya Kiswahili. Utapata kuwa watoto hawapendi kuifanya lugha ya Kiswahili na wanaongea “SHENG”. Ningeomba Kiswahili kitiliwe mkazo zaidi hata katika vyo vikuu.

Hata sisi hapa Bungeni, hatuongeti Kiswahili siku zote. Tunaongea kwa lugha ya Kiingereza. Tutawezaje kuzielewa zile sheria kama tutaendelea kuongea Kiingereza? Hata wafanyikazi tunaoletewa kutusaidia hapa Bungeni, wanapaswa kuijue lugha ya Kiswahili ili wanapotafsiri, watafsiri Kiswahili ambacho tutakielewa sisi kama Wabunge.

Jambo lingine ambalo ningetilia mkazo nikimaliza ni jambo la Bajeti. Tunapoitengeza Bajeti yetu, ni vizuri wenzetu wafahamu kuwa tunaweza kuitafsiri kwa lugha ya Kiswahili. Tusiwe tunangoja kuelezwa katika lugha ya Kiingereza. Tunafaa kuilewa Bajeti kuanzia mwanzo hadi mwisho kwa lugha ya Kiswahili.

Ninaunga mkono Hoja hii. Pia, ninamshukuru mwenzangu, Mhe. Joyce Lay. Amefanya jambo la maana sana kuileta Hoja hii ili tuijadili leo.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Michael Onyura of Butula! He is absent. Hon. Korei ole Lemein.

Hon. Onyura: I am here.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I was looking for you on this side. Sorry.

Hon. Onyura: Thank you very much, hon. Temporary Deputy Speaker. I know that we have been challenged to prosecute this Motion in Kiswahili. I can assure you that I can speak good Kiswahili. Indeed, when I address my constituents, other than the vernacular, I also use Kiswahili. However, in this particular case, I have chosen that I will use English.

I rise to support this Motion very strongly and to thank the Mover of the Motion, *Mheshimiwa* Joyce, for bringing it. I cannot say it is timely. In fact, it is overdue. The Constitution encourages and envisages public participation right up to the grassroots

level. I do not see how the public is going to participate if some of the key documents that they are supposed to be using in participation when it comes to contributions on legislation or views are in a language that the majority of people in this nation do not understand or are not competent in.

All public and official documents should, as a matter of routine, be translated into Kiswahili, given that it is a national language. How can we be saying this is our national language and yet we need Parliament or somebody to be urging those who are charged with this duty to translate documents into it? It is something that should just come routinely. Whenever there is any document, we should have English and Kiswahili versions automatically.

I want to thank those who have taken the responsibility of developing Kiswahili as a language. I know that we have many research bodies, centres and educational institutions that have taken the issue of researching and developing Kiswahili very seriously. They should continue with that job. This is normal for languages. Languages develop. Languages borrow from each other. We have many words in English that perhaps have originated from Greek, French or Hebrew. So, we should encourage such bodies to continue with the good work that they are doing to develop Kiswahili.

I am sure that the use of Kiswahili including reading documents in Kiswahili is fairly popular. I noticed this experience at the time when the draft Constitution was being discussed. I remember many sessions of civic education on the draft Constitution. It was the Interim Independent Electoral Commission (IIEC), the precursor of the current Independent Electoral and Boundaries Commission (IEBC), that had printed quite a number of documents both in Kiswahili and English. Many times whenever I carried some of them back to the village level, I found that the Kiswahili version was very popular and people would keep asking for more of them.

Further to that, if you tune into some of these radio stations, particularly all these FM radio stations, you find that the Kiswahili ones are very popular. It is just that we have taken long to realise that need. Translating our laws and the Constitution into Kiswahili will encourage people to read and be aware. As it is said: "Ignorance of the law is no defence." We must be able to create an environment and give the facilities for people to be aware and to read for themselves. This will also encourage people to get away from the saying that they do not need to read these laws because "*Baba*" or "Chairman", as is said, has read them. Let them read for themselves. It will make a difference even in terms of civic awareness.

If the missionaries had come and left their Bible in foreign languages or English, perhaps they would not have made the kind of impact that they made. Not only did they translate the Bible into a language like Kiswahili, but they also went further and translated it into vernacular languages. This has made a lot of difference. You go into the villages and you get an old *mama* who can extensively quote for you from her vernacular Bible verses and chapters. So, it is something that we need to encourage.

Once they have been translated, I would recommend that they are packaged in user-friendly, convenient to carry around and easy to read formats. That is also important as it encourages the readership. I know that we have had novels translated into Kiswahili. We have had classics translated into Kiswahili by prominent people like *Mwalimu* Julius Nyerere. That is the direction that we should be going.

I also support the idea that has been floated here that when it comes to signage for roads and buildings, they should be done in the two languages. They should usually be done in English and be translated into Kiswahili. You go to some of these countries like Canada where they speak both English and French and you find that many of their signage are done in both languages.

Hon. Temporary Deputy Speaker, with those comments, I support this Motion and call upon all my colleagues to support it. Thank you for the chance.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): The Member for Narok South.

Hon. ole Lemein: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion as amended. I agree with the Mover of the Motion that majority of the Kenyan people are not aware of the laws that are made in this country. There are people in this country and in this Century who are not aware of a number of articles that are in the new Constitution. I want to agree with my colleagues who said that the literacy levels in this country are low. Therefore, it calls for all the laws in this country to be translated into Kiswahili.

It beats logic when we say that Kiswahili and English are national languages---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, give me a minute. There is a point of order from hon. Aisha.

Hon. (Ms.) Katana: Asante sana, Naibu Spika wa Muda. Nimesimama kwa jambo la nidhamu. Kwa ajili ya umuhimu wa Hoja hii ambayo inaendelea kuzungumzwa, ningeomba tupunguze muda. Badala ya kuwa dakika kumi, ziwe angalau dakika tano ili kila mmoja aweze kuzungumza.

Asante.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): The hon. Member for Narok South will complete his contribution and then we will put the Question.

Hon. ole Lemein: Thank you, hon. Temporary Deputy Speaker.

When you look at the Asian Tigers' development record and their local languages, it seems that there is a correlation between their languages and their level of development. This is because the people understand their laws and languages.

Hon. Temporary Deputy Speaker, in this country wherever there is a sign in English there should be a sign in Kiswahili that will make people understand it better. I agree that it is good for Kenyans to be innovative and creative as far as this issue of language is concerned. When it comes to agreements - in as much as my colleague has spoken about the courts of law where people might have been put behind bars for not understanding what was happening, there are so many people who have lost their property because they could not understand what the agreements said because they were written in English. Perhaps, if they were written in Kiswahili they might have gotten the concept.

Hon. Temporary Deputy Speaker, because of time and I have heard my colleague, let me stop there. I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, I will put the Question on the point of order raised earlier by hon. Aisha.

(Question, that debating time be

reduced, put and agreed to)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): So, we will be speaking for five minutes each. Hon. Zainabu Chidzuga.

Hon. (Ms.) Chidzuga: Shukrani sana, Mhe. Naibu Spika wa Muda. Kwanza naomba kumpongeza Mheshimiwa Joyce, kwa sababu ya hii Hoja aliyoleta. Kusema ukweli, shida tuliyonayo Kenya ni kuwa sheria tukonazo nyingi lakini utekelezaji ndio shida. Ikiwa tuliweza kukipitisha Kiswahili kiwe lugha ya Taifa tangu enzi za Rais aliyestaafu Mheshimiwa Moi na mpaka leo hakijatiliwa maanani, tungependa tujiulize: Shida iko wapi? Pia tuangalie jinsi ambavyo tunaweza kuirekebisha shida hiyo ili Kiswahili kiweze kutumika hata kwenye chupa za dawa. Maelezo yawe yameandikwa kwa Kiswahili ndio yule mama kijijini asiweze kumpatia mtoto wake dawa kipimo cha zaidi.

Ninaunga mkono Hoja hii kwa sababu mengi tunayoyazungumza hapa Bungeni ni yanayomhusu mwananchi kule nyanjani. Lakini je, ni wote wanaoelewa kile ambacho tunakizungumza kwa Kizungu? Hata wakati tunapokwenda kutafuta kura zetu, sidhani kwamba tunazitafuta kwa kuzungumza Kiingereza. Tunaomba kura zetu hususan kwa kutumia lugha yetu ya taifa. Kwa hivyo, hii Hoja itaweza kutusaidia sio sisi tu kama Wabunge kuweza kueleweka kule nyanjani, bali pia wananchi ambao wanajua kukizungumza na kukisoma Kiswahili lakini hawawezi kukitafsiri Kiingereza kwa lugha ya Kiswahili.

Ukiangalia katika korti zetu, utakuta mtu amehukumiwa na hajui amehukumiwa kiviipi. Hata namna ya kuweza kuibadili ile hukumu anashindwa. Inaishia mtu huyo kutozwa pesa nyingi sana na mawakili bila kujielewa kwa sababu ataelezwa mambo ambayo si ya kweli. Lakini kwa vile anatafuta haki yake, anakubali na mwisho inaishia kuwa atafungwa licha ya kwamba ametoa pesa nyingi kwa mawakili waliomwambia kwamba wakibadilisha sehemu fulani, watapata haki yake.

Kwa hivyo, ninaunga mkono Hoja hii na nina imani na Waheshimiwa licha ya kwamba tutaweza kubadilisha mipangilio yetu ya Bunge iweze kuandikwa kwa Kiswahili, tuanzie hapo na tuweze kuona pia hata masomo katika shule zetu kama vile Jiografia na *Agriculture* zimeandikwa kwa lugha ya Kiswahili. Hii ni ili tuweze kuelewa lugha hizi zote na tuweze kutumia haki zetu tukiwa tunaelewa haki zetu tunazitumia kwa njia gani.

Ningependa nikomee hapo kwa sababu naona muda hauturuhusu kuzungumza sana na kila Mheshimiwa anataka kuchangia Hoja hii. Shukrani.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon Benson Mutura.

Hon. Kangara: Asante sana, Mheshimiwa Naibu Spika wa Muda. Nasimama kuiunga mkono Hoja hii kama ilivyobadilishwa na kumrudishia shukrani Mheshimiwa Joyce Lay kwa kuileta Hoja hii. Ni jambo nzuri. Nataka pia kumshukuru Mheshimiwa Mwaura na Mheshimiwa Wario kwa ufasaha wao wa lugha na utamkaji mwema wa maneno usiokuwa na athari za lugha ya mama. Ninawavulia kofia.

(Applause)

Vile vile, nitawaomba kwa heshima na unyenyekevu wakipata nafasi, wanifunze Kiswahili pia nami niweze kukifahamu kama wanavyokifahamu. Lakini ninawatolea tahadhari, wasinifunze kupitia kwa mtandao au kwa kutumia arafa fupi maanake mimi sijaimarika kidijitali.

Kiswahili kimetiliwa mkazo sana na ni lazima tukitilie mkazo jinsi Katiba ilivyokitilia mkazo kuliko lugha nyingine zozote. Ukitazama vyo vikiu vya Amerika, Mexico na Japan na hata nchi zinginezo duniani, wameanza kufunza Kiswahili katika vyo vyao. Kwa hivyo, ni vyema pia sisi hapa nyumbani tukichukue Kiswahili kuwa lugha muhimu. Mara nyingi Kiswahili kimechukuliwa kama lugha ya watu hohehahe, maskini na wa chini kabisa. Sasa ni lazima tuipatie umuhimu maana ni lugha kama zile nyingine. Lazima tujivunie kama Wakenya. Hii ni lugha yetu. Kama watu wa Afrika mashariki nasi pia lazima tujivunie kwamba ni lugha yetu vile vile.

Ningeomba pia katika Bunge ni lazima tuweke mfano mzuri, tupitishie kuwa tunapopiga chapa hizi Hoja na nakala zingine ziwe zinachapishwa kwa lugha ya Kiswahili. Hatuwezi kuziambia idara zingine umuhimu wa Kiswahili ilhali sisi wenyewe hapa Bungeni hatuyafuati hayo maadili. Ninajua mawakili wengi sana wakiwa pale kortini huwa wameboba katika lugha za kikoloni lakini inapofika wakati wa kuzitafsiri kwa lugha ya Kiswahili huwa wanapata shida. Hapa namuona Mheshimiwa Gladys ambaye pia ni wakili lakini ninajua akiambiwa atafsiri kwa lugha ya Kiswahili atakuwa na changamoto. Kwa hivyo, katika mambo ya sheria ni vigumu zaidi. Ukiangalia mambo ya kesi inavyoripotiwa ama kuchukuliwa pale tunasema *statement*, mara nyingi inakuwa katika lugha ya Kiingereza. Hapo ndipo pana shida maanake mshatikwa mara nyingi anasomewa na kuambiwa, “hii ndio taarifa uliyosema.” Kwa vile hana ule uelewaji wa lugha inakuwa ni tatizo kwake na hata akienda kortini anakumbwa na changamoto.

Hii lugha yetu ni lazima tujivunie na tuonyeshe umuhimu wake. Mambo ya kubuni sheria na kuziandika ina shida. Katiba inatuambia Kiswahili ni muhimu. Mambo mengi katika majarida yaliyoko yameandikwa kwa Kiingereza na wakati mwingine watu hawawezi kuelewa. Naiunga mkono Hoja hii. Asante.

Hon. Nakara: Asante, Mheshimiwa Naibu Spika wa Muda. Nasimama kuunga mkono Hoja hii. Umuhimu wa mawasiliano ni kuwasilisha ujumbe ama habari kwa lugha inayoeleweka. Huo ndio umuhimu wa mawasiliano. Ukitaka mtu alielewe jambo, lazima utumie lugha anayoelewa. Kama tunataka Wakenya wajue sheria zetu, ni lazima tutumie lugha ambayo wanaielewa. Ingawa tunaongea mambo ya kutafsiri sheria zetu katika lugha ya Kiswahili, kuna changamoto ambazo ni lazima kwanza tukabiliane nazo ndipo lugha hii iwe ya maana kwa wananchi.

Chanagamoto ya kwanza ni kuwa zaidi ya asilimia sabini ya Wakenya hawajui kusoma. Kwa hivyo, hata ukitafsiri sheria zetu kwa lugha ya Kiswahili bado kuna shida. Jambo kuu ni kuanza kuhamasisha watu wetu waende shule. Watu wazima ambao wamepita umri wa kusoma waanze kuhudhuria madarasa ya watu wazima! Wakisha jua kusoma, hizo sheria zilizotafsiriwa katika lugha ya Kiswahili zitakuwa za umuhimu kwao.

Kama huyu hajui kusoma, hata ukitafsiri sheria hizo kwa Kiswahili, bado haina ladha wala faida kwake.

Changamoto nyingine ni kwamba maktaba ya taifa hayahifadhi Katiba katika lugha za makabila yetu. Itafika wakati ambapo watoto watakozaliwa hawatajua lugha

zao. Ni muhimu maktaba ya kitaifa ijaribu njia zote za kuhifadhi kila chombo chenye thamani. Kwa mfano, kuihifadhi Katiba katika kila lugha nchini itawasaidia wale ambao watazaliwa, baada ya sisi kuondoka, kufahamu jinsi lugha zao zilivyokuwa. Watoto wengine wanaozaliwa mijini, kama Nairobi, hawajui lugha zao. Wanajua Kiswahili na Kiingereza pekee. Inakuwa shida kuhifadhi utamaduni na lugha zetu. Tukiendelea namna hii, lugha zingine zitakuja kupotea. Siwezi kuzungumzia lugha nyingine, lakini lugha yangu ya Kiturkana itaendelea kuweco.

Changamoto nyingine ni kwamba Kiswahili simulizi ni tofauti na Kiswahili cha kuadika. Kwa mfano, Kiswahili kinachotumika katika eneo la Pwani si Kiswahili ambacho kinaweza kutumika kutafsiri sheria zetu. Kiswahili cha Pwani ni lugha simulizi. Katika lugha ya Kiswahili, kuna ngeli na herufi. Kwa hivyo, wakati tunaposema tukalimani na kutafsiri sheria zetu, ni lazima tuwe na walimu ambao wanaelewa ngeli, na wanajua kuisanifisha lugha ya Kiswahili ili mtoto atakayesoma Kiswahili aweze kutofautisha Kiswahili cha kuongea na Kiswahili cha kuandika. Kwa hivyo, kuna changamoto pia ya kuhakikisha kwamba tunafundisha Kiswahili katika shule zetu ili watoto wetu waweze kujua Kiswahili sanifu na kupata nafasi ya kuajiriwa kama wakalimani ili waweze kutafsiri sheria zetu kwa lugha tofauti.

Changamoto nyingine ni kwamba walimu wa Kiswahili katika nchi hii ni wachache. Kwa hivyo, hata tukikubaliana kutafsiri sheria zetu kwa lugha ya Kiswahili, tusipokuwa na walimu wakutosha ambao wataifundisha lugha hiyo kote nchini, hatutaweza kufaulu. Kwa hivyo, tuihimize Serikali iwaajiri walimu wengi wa lugha ya Kiswahili, ili wafundishe lugha hiyo shuleni zetu, ili watoto wetu wajue kusoma Kiswahili ndiyo tuwatumie watoto hao kutafsiri sheria na vitabu vyetu kwa lugha ya Kiswahili.

Kwa hayo machache, ningependa kuiunga mkono Hoja hii.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Mwadeghu, please, proceed.

Hon. Mwadeghu: Mhe. Naibu Spika wa Muda, nashukuru kwa nafasi hii ambayo umenipatia nimpongeze mhe. (Bi.) Joyce Lay kwa Hoja hii ambayo ameileta Bungeni asubuhi ya leo. Naomba pia nitumie nafasi hii kumshukuru.

(Some hon. Members leaned on their seats)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Order! The hon. Members leaning on your seats and facing behind, please, that is not proper.

Hon. Mwadeghu: Mhe. Naibu Spika wa Muda, nikimkumbuka Rais wa Tanzania, mhe. Julius Kabarage Nyerere, ambaye alikitafsiri kitabu chake cha *Uhuru Wa Watumwa*, natumaini kwamba tunaelekea kupata uhuru wetu. Sheria za nchi yetu zimeandikwa kwa lugha ya Kiingereza. Hoja hii inaomba wanaohusika watafsiri sheria zetu zote, pamoja na Katiba, kwa lugha ya Kiswahili; ambayo ndiyo lugha inayoeleweka na wengi. Tukiangalia ule udhalimu waliofanyiwa Wakenya, utaona kwamba mara nyingi waadhiriwa wanashindwa kueleza kwa lugha ya Kiingereza kwa sababu lugha ambayo wanaifahamu ni Kiswahili. Mara nyingi, washukiwa wanapopelekwa mahakamani, wakalimani ambao wameajiriwa kutafsiri lugha ya Kiingereza mara nyingi huwapotosha washtakiwa.

Mhe. Spika, tulipoipitisha Katiba mwaka wa 2010, tukaingia katika sera ya ugatuzi, moja ya vipengele ambavyo vinahusika ni makadirio ya fedha za kaunti. Makadirio hayo huandikwa kwa lugha ya Kiingereza, na watu hawaelewi. Utakuta fedha ambazo zinaombwa na kaunti zimeandikwa kwa Kiingereza na wananchi wanashindwa watajikwamua namna gani kutoka kwa hali hiyo ili wapate kuyaelewa makadirio hayo. Wakitaka kuyapitisha, mara nyingi wanayapitisha kwa sababu ya maelezo wanayopata kutoka kwa wahusika, ambao huwadanganya wananchi kua wamefanya marekebisho kwa sababu ya shida ya lugha.

Mazungumzo yetu ya kawaida hufanywa kwa Kiswahili. Ninapochangia Hoja na Miswada hapa Bungeni, mara nyingi mimi hutumia lugha ya Kiswahili. Namshukuru mhe. Lay kwa kuileta Hoja hii Bungeni, kuwashinikiza wanaohusika kuzitafsiri sheria zetu kwa lugha ya Kiswahili.

Tukubaliane kwamba vituo vingi vya redio vinavyotumia masafa marefu, ambavyo hupeperusha vipindi vyao kwa lugha ya Kiswahili, vina wafuasi wengi ambao wanavifurahia kuliko vituo ambavyo hupeperusha vipindi vyao kwa Kiingereza. Wakati umefika wa kuchapisha matangazo ya kandarasi za Serikali magazetini kwa lugha ya Kiswahili ndiyo wananchi wapate kujua ni nini kinahitajika kutoka kwao. Nikimalizia, hata Bibilia na Kuruani zimetafsiriwa kwa lugha ya Kiswahili. Itakuaje Katiba yetu, ambayo imebana humu nchini, ibaki kwa lugha ya kigeni pekee? Ndiyo maana Hoja hii ni muhimu sana. Ninawaomba Wabunge wenzangu waiunge mkono Hoja hii na watilie mkazo ili kila kitu chetu kipate kutafsiriwa kwa lugha ya Kiswahili.

Kwa haya machache, ninaaunga mkono.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Yes, hon. Shaban.

Hon. (Dr.) Shaban: Ahsante sana, mhe. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niweze kuunga mkono, na haswa pia kulizungumzia suala hili ambalo dada yangu mhe. Lay ameweza kulileta hapa Bungeni – kuhusu umuhimu wa kuzitafsiri sheria zetu kwa lugha ya taifa. Ninampongeza Bi. Lay kwa kuileta Hoja hii ambayo ni ya muhimu sana.

Ukiangalia Kipengele cha 7(2) ambacho kinazungumzia masuala ya jamuhuri yetu ya Kenya, ni wazi kwamba Kiswahili ni lugha ya taifa. Kipengele cha 7(2) kinabainisha kwamba lugha rasmi za taifa letu ni mbili; Kiswahili na Kiingereza. Utaona kwamba Kiswahili kimetangulia Kiingereza kwenye mpangilio huo. Hii inamaanisha kwamba Kiswahili kina umuhimu mkubwa nchini Kenya. Kipengele cha (7) hakikuwekwa kwenye Katiba yetu kuwa pambo bali kimewekwa kwenye Katiba kuonyesha wazi umuhimu wa Kiswahili kwa nchi yetu. Kwa hivyo, kama alivyopendekeza Bi. Lay, Kiswahili kitumike rasmi kwenye sheria zetu zote. Ninapendekeza Serikali ilazimishwe kutekeleza suala hili. Suala hili halikuwekwa kwenye Kipengele cha 7 bure. Kuna umuhimu wa kuzitafsiri sheria zote za Kenya kwa lugha ya Kiswahili.

Kiswahili kimepatiwa kipa umbele kwenye jumuiya ya Afrika Mashariki pia katika Bunge la Afrika nzima ambako kinatumika rasmi. Lugha hii haikuwekwa pale kama mapambo. Inatakikana sisi tunaofahamu lugha ya Kiswahili kuwa muhimu tusukume gurudumu hili ili wengine watufuate. Lugha inatakikana iwawezeshe watu kuelewana. Lugha hutumika kuelimisha watu. Kwa hivyo tutumie Kiswahili kuwaeleza wananchi masuala yanayowahusu.

Mara nyingi, watu wengi huwa na uoga wa kuzungumza lugha hii ya Kiswahili wakifikiria kuwa kuna yule ambaye labda ana ujuzi kushinda mwingine. Nafikiria lugha huwa inazidi kukuzwa kama watu wataitumia. Ukienda Rwanda, utakuta kuwa Kiswahili kinatumika kila mahali kwa sababu pia wao wameamua kuwa Kiswahili ni lugha yao ya taifa. Kama Rwanda ambayo ni nchi ilikuwa na matatizo inatumia lugha hii, sembuse sisi Wakenya ambao tulianzisha suala hili kitambo?

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Simba Arati, what is your point of order?

Hon. Simba: Hoja ya nidhamu, Naibu Spika wa Muda. Mimi nimekuja hapa kitambo sana ilhali huyu mheshimiwa ambaye yuko kwenye jukwaa---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): She is a leader and everybody understands that.

Hon. Simba: Kabla hujaniambia mambo ya *leadership*, kutoka jana mpaka leo hii kadi yangu imekuwa ikiwaka na hali sijapewa nafasi ya kuongea. Nitapewa lini mimi nafasi ya kuongea ndani ya Bunge hili?

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Please, follow the rules of the House.

Hon. Simba: Hilo ndilo swali ambalo nauliza. Nipe nafasi hata kama ni dakika mbili peke yake. Kwa hivyo niendele?

Hon. (Dr.) Shaban: Naibu Spika wa Muda, nafikiria bado tunahitaji mafunzo. Wengine tumekuwa Wabunge kwa muda mrefu na wengine bado tunahitaji mafunzo ili kuweza kuelewa masuala haya.

Nataka kumalizia kwa kusema kuwa mimi naunga mkono Hoja hii. Serikali iweze kuhakikisha kuwa sheria zinatafsiriwa katika lugha ya Kiswahili. Asante sana.

Hon. Kemei: Asante sana Naibu Spika wa Muda kwa kunipa nafasi hii ili nami niweze kuchangia Hoja hii. Kwanza, ningependa kumshukuru mhe. Lay kwa kuleta Hoja hii Bungeni na kuitanguliza. Vile vile, ningependa kumshukuru mhe. Mbadi kwa kuifanyia marekebisho kusudi sisi tunapoichangia iambatane na mahitaji yetu kama taifa.

Ingawa tumeitambua lugha ya Kiswahili kama lugha ya taifa na vile vile kama lugha yetu katika Afrika ya Mashariki, katika matumizi yake hatujaboresha lugha hii iwe kama lugha ya Kiingereza. Masikitiko yangu ni kwamba, hata mwenye kuileta Hoja hii Bungeni na mwenye kuifanyia marekebisho, wote wawili walitumia lugha ya Kimombo. Ningefurahi sana kama wangeitumia lugha ya Kiswahili kusudi sisi sote tuendeshe mambo yetu katika lugha ya Kiswahili ili kuimarisha lugha hiyo.

Nitaongea kwa ufupi kwa sababu kuna wenzangu ambao vile vile nao wangependa kuchangia Hoja hii. Jambo langu kuu ni kwamba Kenya na dunia nzima inapiga hatua sana katika nyanja ya sayansi, teknolojia na mawasiliano. Maendeleo hayo hayatakuwa na manufaa kwetu na kwa watu wetu ikiwa hatutatumia lugha ambayo watu wetu wanaelewa. Vile vile ningependa kituo hiki cha kunakili na kupasha habari kuhusu sheria zetu kipewe nguvu ili kufanya kazi kana kwamba mawasiliano yote ya umma, sio sheria peke yake, yaweze kutafsiriwa kwa lugha ya Kiswahili kusudi watu wetu waweze kuelewa mambo ambayo yanaendelea katika nchi yetu.

Naunga mkono Hoja hii. Namsihi mhe. Lay vile vile alete mswada Bungeni kusudi tutengeneze sheria. Ahsante.

Hon. Saney: Thank you, hon. Temporary Deputy Speaker. Kiswahili is one of the official languages in this country---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, please, are you Ibrahim Saney of Wajir North?

Hon. Saney: Yes, speaking.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Yes, proceed.

(Laughter)

Hon. Saney: Kiswahili is one of the official languages recognized in our supreme law. What this Motion will attempt to do is to institutionalize the implementation and the use of Kiswahili as---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hold on please. Hon. Dori, What is your point of order?

Hon. Ramadhani: Jambo la nidhamu, Naibu Spika wa Muda. Kulingana na wakati, inaonekana ya kwamba wengi wetu hatutapata fursa ya kuchambua Hoja hii. Ningeomba dakika zipunguzwe mpaka dakika tatu.

The Temporary Deputy Speaker (Hon. Ms. Shebesh): Hon. Ibrahim, finish then I will consider that.

Hon. Saney: The intent of this Motion is clear and is in consonance with our laws, especially the Constitution. More so, the object of this Motion is to improve the level of knowledge of the Kenyan laws. No doubt, the translation of our laws into Kiswahili will help improve the level of knowledge of our laws. However, we have to do a little bit better. We have to go beyond that to make sure that there is much beyond the translation that should enhance the knowledge of the Kenyan citizens in regard to their laws. I think that has to do with civic education so that people get these laws in many other vernacular languages. It is not only about translating our laws into Kiswahili.

We must be cognizant of the fact that many of the pastoral communities are illiterate. We have over 80 per cent illiteracy rate there. Therefore, translating our laws into Kiswahili may not achieve much. There is the perception that translating our laws into Kiswahili may improve knowledge of our laws, but the truth is that Kiswahili is much harder than English itself and that can be evidence from the fact that in terms of performance, our children perform better in English than in Kiswahili. So, it is never automatic that the translation of our laws into Kiswahili will as such enhance knowledge of our own laws. Indeed the translation of our documents into Kiswahili will at least enhance our knowledge of the laws, but one other issue, as has been alluded to by my colleague, is the fact that what is being spoken is not really an indicator of our readability of Kiswahili as a language. What is spoken is not actually real Kiswahili. Once translated, it may not assist. We may not be better than we are doing in English. I support, but it may not help our understanding in a bigger way.

With those few remarks, I support.

Hon. Chea: Shukrani sana, Mhe. Naibu Spika wa Muda kwa fursa hii. Naichukua fursa hii kumshukuru Mhe. Joyce Lay kwa kufikiria kuhusu swala hili.

Ninaunga mkono Hoja hii. Ningeenda kuungana na wenzangu kusema kuwa swala la lugha ya Kiswahili ni muhimu sana. Kama vile ilivyozungumzwa hapo awali,

Kipengele cha Saba cha Katiba yetu kimekiweka Kiswahili kama moja ya lugha za kitaifa. Pia, Kipengele cha 120 cha Katiba yetu kimesema kuwa baadhi ya lugha rasmi za Bunge ni Kiswahili.

Kunao umuhimu wa kuhakikisha kwamba lugha ya Kiswahili imetumiwa vyema na hasa kutafsiri Katiba yetu na sheria zetu ili kuhakikisha kwamba watu wengi wanaelewa mambo haya. Ukiangalia ndani ya Katiba yetu, kuna baadhi ya vipengele ambavyo vimesisitizwa kwamba iwapo kuna changamoto ya lugha, ni muhimu pia Serikali ihakikishe kwamba imepeana watu ambao wanaweza kutafsiri ama wakalimani hasa mahakamani.

Wakati wowote mtu anautata kuhusu lugha ambayo angependa kutumia, Kipengele cha 50 cha Katiba yetu kimesema kuwa ana haki ya kuhakikisha kwamba kuna mkalimani ambaye amelipwa ndio sheria itafsiriwe kwa ile lugha ambayo anaelewa zaidi. Umuhimu wa kuhakikisha kwamba lugha ya Kiswahili imetumika, ni jambo ambalo ni lazima tuliangalie kwa karibu.

Kwanza, mawasiliano yatakua mema kati ya wale wote ambao wanahusika katika utumizi wa maswala ya kisheria. Mengi yamezungumzwa hapa kuhusu vile mawakili na baadhi ya watu hutumia lugha hii ya Kiswahili kujiletea utajiri. Nikionekana labda natetea mawakili hawa, kati ya matawi yote ya kiserikali yakiwemo hasa mahakama, na ambayo hasa mara nyingi utata wa lugha hii hutokea, kuna umuhimu wa kuhakikisha kwamba mahakimu wetu mara kwa mara, wanapelekwa katika warsha ndio waelewe vile maswala kama haya yanaendelea.

Kwa hiyo, ningependa kusisitiza kwamba kuna haja ya kuhakikisha kuwa hata askari wetu ambao mara nyingi ndio huwa vianzilishi vya kesi hizi, wanafahamu lugha hii. Wakati wanapoandika malalamishi ya washukiwa, waiandike kwa lugha ya Kiswahili.

Ningependa pia kuungana na wenzangu.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): What is your point of order, hon. Wanga?

Hon. (Ms.) Nyasuna: Hoja ya nidhamu, Mhe. Naibu Spika wa Muda. Kuna ile hoja ya nidhamu ambayo ililetwa ya kupunguza muda wa kuongea kuwa dakika tatu.

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I will do it after the current speaker.

Hon. Chea: Mhe. Naibu Spika wa Muda, kongole zangu kwa Mhe. Wanga kwa kujaribu kunena Kiswahili ambacho tunakitazamia. Ningetaka kumalizia kwa kusema kuwa katika jamii zetu, swala la watu kusoma Kiswahili limekua shida sana. Kuna watu wengi sana ambao Kiswahili hawakielewi. Kwa hivyo, ningetaka kuungana na wanenaji wenzangu ambao wamesema kuwa kuna haja ya kuhakikisha kwamba ile elimu ya watu wazima ambayo imekuwa ikitolewa imeregeshwa ndio watu waweze kurudi shule ili wapate mafunzo na wahakikishe wameelewa maswala haya.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, there was a suggestion to reduce time to three minutes. Can I hear your opinion?

(Question, that debating time be reduced, put and agreed to)

It will now be three minutes per Member. Hon. Ferdinand Wanyonyi.

Hon. F. K. Wanyonyi: Hon. Temporary Deputy Speaker, I normally speak Kiswahili when I am talking to my people at home, but I will speak in English here.

I support the Motion brought by my sister, hon. Wanjalah which seeks to translate most of our laws to Kiswahili. I want to take this opportunity to congratulate and thank His Excellency the former President Moi, for having made Kiswahili a national language. We should be proud of it because of the way the people of Mombasa speak Kiswahili. I urge the Government to give more money to the National Council for Law Reporting to be able to translate most of these laws into Kiswahili. At the moment, Bibles and Qurans have been written in Kiswahili. Kiswahili is taught and examined in schools. It is mandatory these days. Before you get a job, they ask you whether you passed in English or Kiswahili. There is no need for us to waste time on this.

Secondly and more importantly, is the fact that if we leave things as they are, we run a danger of distorting the original Kiswahili and instead coming up with “SHENG.” The youth are now using “SHENG.” which you may not understand. If we leave it as it is, we will have a language problem. Therefore, it is necessary for us to allocate enough money. I want to ask the Budget and Appropriations Committee to do this in the Supplementary Budget, so that we can give money to the Council and have some of these laws translated into Kiswahili.

About 90 per cent of Kenyans can read and write. In most cases, prescriptions are written in English. Many people do not understand those prescriptions particularly our mothers and those who are half literate. Therefore, this forces the pharmacists to put most of this literature in Kiswahili for our people to be able to understand the prescriptions.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Kamoti Mwamkale.

Hon. Mwamkale: Asante sana, Mhe. Naibu Spika wa Muda kwa nafasi hii. Kwanza, ninampongeza Mhe. Lay kwa kuleta Hoja hii ambayo wakati wake umefika. Imesemwa hapa kwamba Kifungo cha Saba cha Katiba yetu kii wazi ya kwamba lugha ya Kiswahili sio lugha ya kitaifa tu, bali ni lugha rasmi ya nchi hii. Kifungu hicho kinaendelea kusema kwamba Serikali ina jukumu la kuhakikisha kwamba Kifungu hiki kinatekelezwa. Hivyo basi, ninapendekeza ya kwamba, hata baada ya hoja hii kupita, Bunge hili lije na sheria ya kuisurutisha Serikali itekeleze haya yote.

Nitamaliza kusema kwamba katika sheria zetu za jinai kama *Penal Code na Criminal Procedure Code*, kuna msemo wa Kizungu ambao unasema kuwa “*ignorance of the law is no defence in court*”. Mtu hawezi kusema hakujuu wakati ameshtakiwa na kosa ambalo amelitenda.

Ukweli wa mambo ni kwamba magereza yetu yamejaa watu ambao wamehukumiwa kwa makosa ambayo hawakuyaelewa kwa sababu hawaelewi sheria zinasemaje wala hawajui wanatakikana wafuate utaratibu gani. Huwezi kumwambia mtu afuate sheria wakati sheria unayomwambia afuate haijui. Kwa hivyo kuna haja

tuhakikishe kwamba sheria hizi ziko katika lugha inayojulikana na wengi. Natambua ya kwamba kati ya lugha zote, lugha ya Kiswahili inajulikana na wengi, sio katika eneo la Pwani peke yake bali mpaka Nyanza na Mandera. Wengi wanaelewa lugha hii. Hata wale ambao hawakupata elimu ya kawaida wameenda ngumbaru na wanazungumza Kiswahili. Kama vitabu vyetu vya sheria na sheria tunazozitunga hapa zitakuwa katika lugha ya Kiswahili, nina imani kwamba Wakenya wengi watafuata sheria na megereza yetu hayatakuwa na watu ambao hawana hatia lakini wako huko kwa sababu ya ukosefu wa kuelewa sheria ambayo wanatakikana waifuata.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. ole Ntutu!

Hon. ole Ntutu: Asante sana, mhe. Naibu Spika wa Muda kwa nafasi hii uliyonipa. Nampogeza mhe. (Bi.) Lay kwa kuleta mjadala huu. Mjadala huu ni muhimu sana kwa sababu asilimia kubwa ya wananchi wa Kenya hawajasoma na hawaelewi lugha ya Kiingereza. Kama tulivyosikia kutoka kwa mhe. (Bi.) Lay, wale ambao wanastahili kutafsiri Katiba na sheria nyingine hawana fedha. Ni jukumu letu kama Wabunge kuhakikisha kwamba wana fedha ili waweze kufanya kazi hii. Juzi nilikuwa nikifuatilia mjadala wa Bunge la nchi jirani ya Tanzania. Kwa kweli, nilifurahishwa sana na jinsi Wabunge walivyokuwa wakiendesha mjadala wao. Mjadala ambao ulikuwa unaendelea ulikuwa muhimu sana kwa sababu Wabunge walikuwa wanachangia wakijua wanachozungumzia. Najua wenzangu wengi hapa hawapendi kuzungumza kwa lugha yetu ya taifa. Wakati umefika kwa sisi pia hapa Bungeni kujifunza kuzungumza kwa lugha yetu ya Kiswahili. Ukienda katika nchi za ng'ambo, kama Uholanzi, utaona kwamba ijapokuwa Kiingereza kinatumiwa, wanahakikisha kwamba wanatumia lugha ambayo inajulikana na watu wengi. Ukiangalia shuleni, kortini au hata katika kuandika kandarasi, utaona kwamba lugha inayotumiwa ni ile ambayo wengi hawaijui. Ndiposa nataka niseme kwamba---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Njuki!

Hon. Njuki: Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Motion. I have been here since morning.

Kiswahili is one of the national languages in Kenya. It is compulsory in schools. It is very close to our hearts and definitely most people speak it. Approximately 90 per cent of Kenyans speak and understand Kiswahili; even those who cannot write it. Every court in Kenya today has an interpreter because the judges and the magistrates normally speak in English. The interpreters are usually there to interpret to the people who are involved, either in Kiswahili or vernacular. Definitely, if this is used in court and it is embedded in the law being used in court, we will not need these interpreters and definitely we are going to save money for this country and make it even more efficient.

There will be challenges because there are terminologies in the English format of the Constitution that cannot have a very direct translation and retain the meaning. Definitely, we will lose a bit of the meaning. In other instances, we will have to merge languages and we will have to allow "SHENG" inside there. We cannot have law taught in English and then implemented in Kiswahili. We will have to insist that the law schools use Kiswahili as a language of communication and a form of schooling so that we do not have challenges in interpreting the law when it comes to implementation.

Lastly, if you look at the Elections Act, we have put the level of education so low that some of the lawmakers we have in county assemblies cannot communicate in

English. Therefore, it is going to be beneficial to them so that we can have involvement of everybody in the community.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. (Ms.) Nyasuna!

Hon. (Ms.) Nyasuna: Asante sana mhe. Naibu Spika wa Muda kwa kunipatia fursa hii. Moyo wangu ulikuwa unadundadunda kwa sababu nilikuwa nimetafuta Kiswahili chote na nilikuwa naona muda unaisha kabla sijatumia Kiswahili hicho.

Ninatoa shukrani kwa mhe. (Bi.) Lay kwa kuileta Hoja hii ambayo inatupatia nafasi ya kuzungumza kwa Kiswahili. Wabunge ambao wanatuongoza katika lugha hii ni mhe. (Bi.) Khamisi na mhe (Dkt) Shaban lakini leo mhe (Bi.) Lay ametuweka katika nafasi ya sisi pia kutumia Kiswahili. Nataka iende katika kumbukumbu za Bunge hili kwamba mimi nilipata alama ‘A’ katika somo la Kiswahili katika mtihani wa kidato cha nne (KCSE). Kiswahili cha kuandika nakijua lakini kile cha kuongea ni tofauti.

Mhe. Naibu Spika wa Muda, ukiwa kwa kiti leo, tunakupatia changamoto hata wewe pia uongee kwa Kiswahili ukituongoza katika mjadala huu kwa sababu kama mimi naongea, sembuse mhe. Naibu Spika wa Muda!

Mjadala huu ni wa kikatiba. Ukiangalia Kipengele cha (35), utaona kwamba kila mwananchi ana haki ya kupata habari kutoka kwa ofisi ya umma na habari zozote ambazo mtu mwingine anazo ambazo zinahitajika ili kutekeleza au kulinda haki yoyote au uhuru wowote wa kimsingi. Katiba inasema kwamba kila mtu ana haki ya kupata habari. Habari hiyo ikiletwa kwako katika lugha ambayo huielewi, basi hujapata habari hiyo na hivyo basi Katiba itakuwa imekeukwa. Kile ambacho kinatatanisha ni huu mtazamo kwamba Kiswahili ni lugha ya watu wenye tabaka ya chini ilhali Kiingereza ni lugha ya watu wenye tabaka ya juu. Hapa Nairobi, utaona watu wa Eastlands wakizungumza kwa Kiswahili na watu wa Kileleshwa, Lavington na Runda wakizungumza kwa Kiingereza. Ule mtazamo wa kukiweka Kiswahili kama lugha ya watu wenye tabaka ya chini si mzuri kwa sababu hii ni lugha ya kitaifa.

Mhe. Naibu Spika wa Muda, ukiingia ndege ya Kenya Airways huko Uchina halafu usikie wanasema “karibu sana katika ndege hii yetu ya Kenya Airways”, unasikia uko na fahari.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Asante sana Mheshimiwa Wangi. Ulikuwa na hamu ya kunisikia nikiongea Kiswahili. Kiswahili changu ni hicho cha Nairobi ambacho umesema ni cha taratibu.

Mheshimiwa Paul Koinange.

Hon. Koinange: Thank you, hon. Temporary Deputy Speaker. I would like to support this Motion by hon. Joyce Wanjalah. We have very many language experts who can be able to make this effort of self-liberation possible in Kenya today. Every year we train, examine and also graduate translators and interpreters in our Kenyan universities. Ours is just to give direction to the members of this nation on how we can go on about translating our laws into Kiswahili.

To be specific, on 23rd April, 1931 a delegation from Kenya led by James Mutua of Akambaland---

(Hon. Koinange spoke off the record)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Please, press the intervention button.

Hon. Koinange: Thank you, hon. Temporary Deputy Speaker. I was saying that a delegation went to England to meet the Queen. To be specific, on 23rd April, 1931 this delegation from Kenya comprised of James Mutua from Akambaland and Ezekiel Apindi of Kavirondo Taxpayers' Welfare Association. They sent the same sentiments that we are discussing in this House today.

Hon. Temporary Deputy Speaker, I am convinced that if we change and translate our laws into Kiswahili then many laws that are broken by our people will not be broken. In those years of 1930s, the British Government was very concerned because they were not able to rule because of the laws which were suppressing and Kenyans did not understand them. Similarly, in 2010, if the laws were already interpreted we would not have gone through what we did during the changing of our Constitution. We went through a very expensive exercise and at the same time, many people were left very bitter.

I want to support and recommend that we pass a regulation where we will require that all Bills are translated into Kiswahili. So, in the near future and according to Article 7(1) and (2) of the Constitution, we will not be breaking the law.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Mheshimiwa George Theuri.

Hon. Theuri: Asante sana, Mheshimiwa Naibu Spika wa Muda. Nasimama kuchangia Hoja hii.

(Applause)

Kiswahili ni lugha ya taifa na ni muhimu tuelewe kwamba sio Wakenya wote wanaofahamu Kizungu. Kusudi sote tuweze kuwa na usawa, ni muhimu sheria ya nchi ichapishwe kwa lugha ya taifa. Tuna watu wengi ambao wangependa kujua na kujisomea sheria. Ili tuwezeshe hawa Wakenya wenzetu kufaidika, ni lazima tuchapishe sheria kwa lugha iwezayo kueleweka kwa urahisi ambayo ni lugha ya taifa. Ili tuweze kujivunia uhuru wetu, ni muhimu tuchapishe sheria kwa lugha ya Kiswahili tunayojivunia. Ni lazima tujikomboa na tuchapishe sheria kwa lugha ya taifa.

Naunga Hoja hii mkono. Asante sana.

(Applause)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Mheshimiwa Joseph wa Igembe Kaskazini.

Hon. M'uthari: Asante Naibu Spika wa Muda. I rise to also support this Motion and I thank---

Hon. Members: Tumia Kiswahili.

Hon. M'uthari: No. I have freedom to use the language I would like to use. So, I rise to support this Motion.

Hon. (Ms.) Nyasuna: Jambo la nidhamu, Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): There is a point of order. Today you have very many---

Hon. (Ms.) Nyasuna: Asante sana Mheshimiwa Naibu Spika wa Muda. Sheria za Bunge zinasema kwamba ukianza na lugha moja utaendelea nayo. Mheshimiwa M'aruaki alianza kwa Kiswahili. Kwa hivyo, aendelee nacho.

(Applause)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Ni ukweli. Endelea kwa Kiswahili tafadhali.

(Laughter)

Hon. M'uthari: Okay. Asante, Mheshimiwa Naibu Spika wa Muda. Mimi pia nimesimama kuunga mkono Hoja hii. Hii Hoja ni muhimu sana kwa sababu tunajua lugha ya Kiswahili ni lugha ya kitaifa na inayoeleweka sana katika nchi yetu ya Kenya. Kwa hivyo, tukitafsiri Katiba yetu iwe kwa lugha ya Kiswahili, itakuwa ya manufaa kwa sababu watu wengi Kenya wataweza kuelewa.

Pia tunajua umuhimu wa lugha. Lugha ndiyo njia ya kueneza utamaduni wa watu. Nchi nyingi kama Uchina na Ulaya wanatumia lugha zao. Pia tunasambaza utamaduni wa Waingereza kwa kutumia lugha yao. Ukiona Waitaliano na Wafaransa, wao pia wanatumia lugha zao. Kwa sababu Kiswahili kimekuwa sio lugha ya Kenya pekee bali lugha inayotumika eneo la Afrika naamini kuwa hata nchi nyingi za Afrika kama eneo la Jumuiya ya Afrika Mashariki utaona kuwa nchi nyingi zinatumia lugha ya Kiswahili. Tunaangalia hata zile nchi za Afrika ya Kati wanapotumia Kiswahili. Tunahitaji tuwe hata na pesa iliyowekwa kueneza lugha ya Kiswahili tutakapokutumia kwa Katiba kwa sababu njia hiyo itasaidia kukuza utamaduni wetu na sisi watu wa Kenya. Ukiangalia utaona kuwa watu wengi Kenya hawaelewi hata majukumu tofauti yaliyopeanwa na hii Katiba yetu ya 2010. Ukiangalia kazi za zile serikali za mashinani na Serikali Kuu utaona kuwa watu hawaelewi.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Mheshimiwa. Mishi Juma.

Hon. (Ms.) Khamisi: Asante sana, Mheshimiwa Naibu Spika wa Muda. Nasimama kuunga mkono Hoja hii iliyoletwa ni dadangu Mheshimiwa Joyce Lay. Kwanza nataka kusema ikiwa Kiswahili ni lugha rasmi na ya kitaifa ni lazima tuitukuze na kuienzi kwa mahaba kama tunavyoipenda lugha ya Kiingereza ambayo tuliletewa na wakoloni.

Nataka kusema kuwa Katiba yetu ya sasa ni sheria mama na ndiyo inasimamia utawala wa nchi yetu. Vipi Katiba hii itakuwa haijatafsiriwa kwa Kiswahili? Hili ni suala ambalo lazima sisi watungasheria katika Bunge hili tunafaa tuliangalie kwa undani sana. Katika utekelezaji wa sheria, lazima washikadau husika wahusishwe katika mambo ya sheria.

Kwa mfano, mshikadau ambaye ni mahakama; ambayo inatoa hukumu kwa wale ambao wamekiuka sheria, ni lazima aelee sheria hii. Wenye kutunga sheria, kama sisi Wabunge katika Bunge hili, ni lazima tuzielewe sheria ili tuweze kufanya utekelezaji. Pia

Wakenya ni lazima wazielewe sheria hizo kinaga ubaga ili waweze kuzifuata na kuepuka kufanya maovu, kinyume na sheria hizo.

Mhe. Naibu Spika wa Muda, katika barabara zetu hapa Kenya tunaona kwamba kuna sheria ambazo zimewekwa. Kwenye kibao, utaona kumeandikwa “Keep Left” kwa Kiingereza ama “Keep Right”. Kwa Mkenya ambaye hajui lugha ya Kiingereza, huoni kwamba anaweza kufanya ajali kwa sababu ya kutojua lugha iliyotumiwa kwenye alama ile? Akina mama wengi na mabanti wetu wadogo, ambao wanabakwa, wanaelewa Kiswahili. Wanapokwenda kwenye afisi za wahusika wa kisheria kuandikisha taarifa kuhusu dhuluma ambayo wamefanyiwa, wengi wao hawawezi kuandikisha taarifa kwa Kiingereza. Hivyo basi, mhasiriwa anapoandikisha taarifa yake kwa Kiswahili, afisa wa polisi anamwambia: “Dada, ninaweza kukutafsiria taarifa hii kwa lugha ya Kiingereza.” Je, banati huyu, ambaye ni mchanga wa umri, na ambaye hafahamu sheria zetu, atawezaje kujua kwamba taarifa yake imeandikwa kwa lugha inayofaa na kwa yale malengo yanayohusu dhulma aliyofanyiwa? Hata katika jela zetu---

The Temporary Deputy Speaker (Hon. (Ms.) Shabesh): Yes, hon. Wafula Wamunyinyi.

Hon. Wamunyinyi: Ahsante, mhe. Naibu Spika wa Muda, kwa kunipa fursa hii ya kuichangia Hoja hii.

Kwanza, ningependa kumpongeza mhe. Lay kwa kuileta Hoja hii yenye umuhimu mkubwa katika nchi yetu. Mbali na umuhimu wote na sababu zilizotolewa za kuitafsiri Katiba, pia lugha ya Kiswahili kama lugha tunayoongea sisi tukihutubia watu wetu kule mashinani, ndiyo lugha ambayo inafikia wananchi wengi zaidi kushinda lugha nyingine zozote nchini Kenya. Kiswahili ni lugha ambayo unaweza kuiongea mahali popote nchini Kenya na ueleweke. Pia, ndiyo lugha ambayo itatuwezesha kuwaunganisha Wakenya. Ni lazima Wabunge wenzangu pia wajue kwamba Umoja wa Afrika unakitambua Kiswahili kama lugha rasmi katika bara la Afrika. Unaweza kuzungumza Kiswahili kwenye mkutano rasmi mahali popote barani Afrika. Katika Jumuiya ya Afrika Mashiriki, nchi kama Rwanda na Burundi, ambazo zilijiunga na jumuiya hivi karibuni, lugha yao rasmi ni Kifaransa, lakini nchi hizo zinageuza lugha yao rasmi. Hivi sasa, Rwanda na Burundi zinatambua Kiswahili. Uganda pia wamebadilisha mfumo wa elimu na sasa wanafunza Kiswahili shuleni.

Kwa hivyo, inafaa tuhakikishe kwamba tumeipitisha Hoja hii ili iweze kutekelezwa haraka ndiyo Katiba yetu itafsiriwe ili wananchi wa Kenya waweze kuisoma na kuielewa ndiyo waweze kupata haki zao. Wakenya wengi hawajui yale yaliomo ndani ya Katiba. Nimefurahi leo kumuona mhe. Nyasuna akivisoma Vipengele vya Katiba ambavyo vimempatia mwananchi haki zake. Iwapo mwananchi anaweza kuisoma Katiba ya Kenya na kuielewa, ataweza kudai haki zake ama kuhakikisha kwamba haki zake zinalindwa. Kwa hivyo, ninaiunga mkono Hoja hii na kumpongeza tena mhe. Lay. Nawaomba Wabunge wenzangu waiunge mkono Hoja hii, tuipitishie ili iendelezwe na kuwa Mswada ndiyo tuipitishie na kuwa sheria.

Kwa hayo machache, ninaunga mkono.

The Temporary Deputy Speaker (Hon. (Ms.) Shabesh): Yes, hon. Ramadhani.

Hon. Ramadhani: Ahsante, mhe. Naibu Spika wa Muda. Moja kwa moja, ninaiunga mkono Hoja hii, ambayo imeletwa na mhe. Lay. Kabla sijaendelea, ningependa kumpa Mbunge wa Kisauni, mhe. Bedzimba, dakika moja na nusu ya. Mhe. Naibu

Spika wa Muda, Wakenya wengi wanaitambua lugha ya Kiswahili. Kwa hivyo, ni muhimu, kama viongozi, kutambua umuhimu wa Hoja hii. Mfano nzuri ambao nitauzungumzia leo ni tofauti zinazoibuka wakati tunapoleta Bungeni Miswada iliyobuniwa kwa Kiswahili na ile iliyobuniwa kwa Kiingereza. Kwa hakika, kule mashinani, wananchi hutiririka kwa wingi kutazama runinga mjadala unapofanywa kwa Kiswahili. Kwa hivyo, ninawaomba viongozi wenzangu; tuipe kipa umbele Hoja ili tuhakikishe kwamba Kiswahili kimeimarishwa humu nchini.

Kwa hayo machache, ninaiunga mkono Hoja hii na kumpa fursa mhe. Bedzimba.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Mhe. Ramadhani, huwezi kupeana fursa yako kwa mtu mwingine. Tafadhali, tumia dakika zako zote ama upoteze muda uliosalia.

Hon. Ramadhani: Ahsante, mhe. Naibu Spika wa Muda.

Kiswahili ni lugha ambayo ina umuhimu kwetu sisi Wakenya. Ni lugha ambayo inatuelekeza katika shughuli zetu za kila siku. Kwa hakika, idadi kubwa ya Wakenya hutumia Kiswahili katika kila jambo wanalolifanya kwa sababu hiyo ndiyo lugha ambayo inafahamika vyema. Kwa hivyo, tunapotunga sheria na kufanya jambo lolote, ni lazima tufahamu kwamba wakenya ndio muhimu. Tunafaa kuhakikisha kwamba jambo hili limefahamika.

Kwa hivyo, ninaiunga mkono Hoja hii.

The Temporary Deputy Speaker (Hon. (Ms.) Shabesh): Yes, hon. Gikaria.

Hon. Gikaria: Ahsante, mhe. Naibu Spika wa Muda, kwa kunipatia fursa hii niichangie Hoja hii. Ninaiunga mkono Hoja hii ambayo imeletwa na dada yetu. Mimi ni mwanachama wa Kamati ya Utekelezaji wa Katiba.

Hon. Bedzimba: Hoja ya nidhamu, mhe. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Kuna nini, mhe. Rashid Juma?

Hon. Bedzimba: Ahsante, mhe. Naibu Spika wa Muda. Nimesimama kwa Hoja ya nidhamu, nikijua kwamba una uwezo wa kuamua ni nani anafaa kuongea. Ninaona kwamba kuna upendeleo humu ndani. Nimekuja Bungeni mbele ya mhe. Ramadhani lakini amepewa nafasi nami bado sijaongea. Kwa hivyo, ninaomba kwamba iwapo kuna Waheshimiwa wengine ambao hawaruhusiwi kuzungumza tuambiwe tujue ndiyo tukae mpaka muda uishe twende zetu. Ninaomba majina ya wanaongojea kuzungumzwa yawekwe mahali ambapo tutayaona ndiyo kila mtu ajue ni nani anafuata mwingine.

Ahsante.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Go on, *mheshimiwa* Gikaria.

Hon. Gikaria: Ahsante, Bi. Naibu Spika wa Muda.

Ninaiunga mkono Hoja hii. Niko kwenye Kamati ya Utekelezaji wa Katiba, ambayo inaangalia mambo yote yanayopitishwa Bungeni ili kuhakikisha kwamba yametekelezwa. Kwanza, Hoja hii haihitaji senti ndiyo Mkuu wa Sheria aweze kuitekeleze, isipokuwa senti kidogo tu ambazo zitatumika kwa uchapishaji wa sheria. Nilipata nafasi siku moja kuwa katika gereza. Ni kweli kwamba wafungwa wengi wanaumia sana kwa sababu ya kutoelewa sheria ambayo imeandikwa kwa lugha ya Kizungu. Kwa hivyo, kama alivyosema dada yetu, sheria zetu zikitafsiriwa kwa lugha ya Kiswahili, utakuwa msada mkubwa sana kwa wale wote ambao wako magerezani. Wale

amabo watapelekwa kortini, wataweza kutumia sheria ambazo tuko nazo kujitetea. Ni kweli kwamba nchi hii haijafikia kiwango cha kuwa na mawakili ambao wataweza kusaidia watu wanyonge. Kwa hivyo, masuala mengi ya kisheria yawekwe kwa Kiswahili.

Hata hivyo, Kiswahili si lugha rahisi. Ni lugha ambayo ni lazima kila mtu aisome ili aweze kuilewa kwa undani. Mambo mengi ambayo yanaweza kutafsiriwa kutoka Kiingereza hadi Kiswahili, utapata hata Kiswahili ni kigumu zaidi kuliko Kiingereza. Hata hivyo, ningetaka kumshukuru dada yangu kwa kuileta Hoja hii na tutaitekeleza zile siku 60 sitakapomalizika.

Mhe. (Ms.) T.G. Ali: Asante, Mhe. Naibu Spika wa Muda. Nasimama kuichangia Hoja hii. Ningependa kumshukuru dada yangu Mhe. Lay kwa kuileta Hoja hii Bungeni. Ni haki ya Wakenya kupata Katiba iliyoandikwa kwa lugha ya Kiswahili. Hili si ombi wala ni lazima. Ningependa kuwakosoa walioandika Katiba ya Kenya na kukosa kuiandika kwa lugha ya Kiswahili. Hii ni haki ya Wakenya wote.

Watu wasipoelewa Katiba, ni vigumu sana kwao kujitetea popote Kenya. Hoja hii ni muhimu. Ningependa kuwahimiza wale ambao wanahusika, wahakikishe kwamba Katiba ya Kenya ambayo ni sheria kuu ya kuwasaidia wananchi wote wa Kenya, imetafsiriwa kwa Kiswahili ndio Wakenya waelewe vizuri jinsi ya kujitetea. Kwa hivyo, Hoja hii imeletwa wakati unaofaa. Ingeletwa hapo mbeleni lakini ningependa tuitipitishie ndio tuhakikishe kwamba Wakenya wanafaidika.

The Temporary Deputy Speaker (Hon.) (Ms.) Shebesh: Mhe. (Ms.) Katana.

Mhe. (Ms.) Katana: Asante, Mhe. Naibu Spika wa Muda. Nataka kuichukua nafasi hii kwanza nimpongeze Mhe. Lay kwa kuileta Hoja ambayo ni muhimu sana katika taifa letu la Kenya na katika Bunge hili kwa jumla.

Wakenya waliandika historia tarehe 27/8/2010 kwa kupitisha Katiba ambayo ni mwongozo katika taifa hili letu la Kenya. Lakini, Wakenya wengi kuhakikisha kwamba Katiba inawalinda, lazima waifahamu. Lugha ambayo inafahamika kwa urahisi na wananchi wengi katika taifa hili ni lugha ya Kiswahili. Hakuna mtu ambaye anaweza kujivunia Kiswahili na kusema ni lugha yake. Ni lugha ambayo imetumika katika taifa hili na 1974, ilitangazwa rasmi kuwa lugha ya kifaifa. Inatumiwa na makabila mbalimbali katika taifa hili. Kiswahili kinaleta jamii za Wakenya pamoja. Hivyo basi, ni vyema sheria na stakabadhi zote muhimu katika taifa hili zitafsiriwa katika lugha inayoeleweka na wengi.

Katika ununuzi wa zabuni, ambao hata Rais wetu wa Jamhuri ya Kenya amesisitiza sana kwamba asilimia 30 zienda kwa kina mama na vijana, ukiangalia sheria za ununuzi wa zabuni katika taifa hili, zimeandikwa kwa lugha ambayo kina mama na vijana katika Jamhuri yetu ya Kenya hawazielewi. Hivyo basi, wale mabwenyenye walioboea katika fani hizo na wenye kuelewa lugha ya kimombo wanajivunia na kufaidi katika taifa hili na kuwacha wengine wakiwa katika hali za upweke.

Mataifa mengi ambayo yameendelea katika dunia ni yale ambayo yameandika sheria zao katika lugha ambazo zinazungumzwa kwa wingi katika mataifa yao. Nasisitiza na kuunga mkono ya kwamba sheria na Katiba katika Jamhuri yetu ya Kenya iandikwe na kutafsiriwa kwa Kiswahili.

The Temporary Deputy Speaker (Hon.) (Ms.) Shebesh: Muda wako umeisha. Mhe. Ekomwa.

Hon. Ekomwa: Hon. Temporary Deputy Speaker, because the Motion is in English and the Mover moved it in English, it is in order for me to contribute in English. When the law will be passed, I will abide by it.

It is very true that Kiswahili is a national language and we have to put it in action. When the Constitution stipulates very clearly that Kiswahili is a national language, we have to implement it in every Ministry, sector, section and office in Kenya. We must actually put it in action. It is not in order for us to have a Constitution that says something and we do not implement it. If we do not translate our Constitution into Kiswahili, it means that we are still colonized. The English that we use is a language that was brought by the colonialists. As we continue using this language, it means we are colonising ourselves.

Hon. Temporary Deputy Speaker, as you sit there and even the other Members who are seated here, are you thinking in English, Kiswahili or your mother tongue? The truth of the matter is that our intelligence is consistent to our own mother tongue or the language that you understand. For us to promote intelligence in this nation, we need to use a language that is consistent to our intelligence.

I support this Motion that we need to respect our language. By using this language, we will be promoting and boosting the East African unity. In Uganda and Tanzania, they are using Kiswahili. What is so special for us not to use Kiswahili? We claim to be Kenyans. When people vote, they vote in Kiswahili. That is one thing I am sure of. About 90 per cent of Kenyans understand Kiswahili. I have studied Epistemology, which is the study of sources of knowledge. For you to have knowledge, you must use the language that is so consistent and one that you understand. For us to enjoy the rights in this Constitution, we must use a language that is being used by many Kenyans.

I support this Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. James Kimaru. He is absent. Hon. Rashid Juma.

Hon. Bedzimba: Asante sana, Mhe. Naibu Spika wa Muda. Nashukuru kupata fursa hii. Waswahili wanasema “chelewa ufike”. Nimefika sasa. Lugha ya Kiswahili si lugha tu ya taifa, ni lugha rasmi ya taifa la Kenya. Kiswahili kimeangaziwa sana kama ni lugha ya watu maskini ingawa si kweli bali ni unyanyasaji kwa wale wanaotumia Kiswahili. Kutafsiri sheria za Kenya kwa lugha ya Kiswahili kutawawezesha wengi kuelewa ikiwa waliosoma na hata ambao hawakusoma. Ie lugha inayotumika ya Kiingereza ni ya ndani sana ambayo si rahisi mtu kuielewa. Kwa hivyo, ni vyema sana sheria hii itafsiriwe kwa Kiswahili.

Viongozi wote ambao wako hapa, karibu asilimia 90, wameletwa hapa kwa sababu ya lugha ya Kiswahili. Si rahisi kuwapata viongozi ambao wanatoa ahadi wakati wanaomba kura kwa lugha ya Kiingereza. Wengi wanazungumza Kiswahili lakini wanapokuja hapa kidogo wanaona kwamba lugha ya Kiswahili ni ya chini. Hii si kweli. Mataifa mengi ambayo yanatumia lugha zao yameendelea mbele sana. Ukiangalia Bara la Waarabu, Uchina na Hispania, wanatumia lugha zao ndio sababu wameendelea mbele haraka. Hata nchi jirani ya Tanzania, uchumi wake unakua kwa kasi sana kwa sababu ya kutumia lugha yao. Sisi tunatumia lugha ya wakoloni waliotufunga. Tumeikuza lugha yao na yetu tukaipuuza. Ndio sababu hawachukui nafasi kujifundisha lugha zetu.

Kwa hivyo, mimi naunga mkono Hoja hii na kumpongeza mheshimiwa Joyce Lay kwa kuileta wakati huu unaofaa. Ahsante sana.

Hon. H.K. Njuguna: Thank you so much, hon. Temporary Deputy Speaker. If Kiswahili was the major medium of instruction in this House, most of us would not be here. I have sat here listening to the contribution of Members. I realize that when you speak English, but without the Queen's accent, people laugh at you. This is even common amongst our children. However, when you are not able to communicate in Kiswahili, it is prestigious. We have gone through school and we know that English is the medium of instruction. It is high time we experienced a change of attitude. What is in a language? It carries the culture and traditions of the people. It is the pride of people. No wonder literary giants like Ngugi wa Thiong'o have chosen to communicate in Gikuyu in spite of being schooled in English to a point of being a Professor. When I speak in Gikuyu, I feel it and walk in it because therein lies the tradition of the Agikuyu. When you talk in Dholuo language, you are able to walk with the pride of the Luo. When you talk in English, there lies the customs and traditions of English. There is diversity in language. We accept today that Kiswahili is the linkage of all the 42 tribes in this country.

I support hon. Joyce Lay in her Motion. It is so fundamental. It should not be implemented tomorrow; it should have been implemented yesterday. I support it.

Hon. Mustafa: Ahsante sana Naibu Spika wa Muda kwa kunipa fursa hii ili niweze kuchangia Hoja hii muhimu. Ningependa kuchukuwa fursa hii kumshukuru mheshimiwa Joyce Lay kwa kuileta Hoja hii katika Bunge. Kiswahili kinapendeza na kinafaa kutukuzwa ndipo kitumike katika nyanja muhimu kama vile sheria. Mimi nitakupa ninayoyajua katika sheria kuhusiana na Kiswahili. Niliwahi baada ya kushinda uchaguzi kupelekwa mahakamani na wapinzani wangu. Lugha iliyokuwa ikitumiwa ni Kiingereza. Wengi wa wafuasi wa wapinzani wangu walipofika mahakamani hawakuelewa kesi. Hii ni kwa sababu kila siku tulipokuwa tunatoka mahakamani wao wangerudi mitaani na kueneza mambo ambayo hayakuwa mahakamani kwa sababu walikuwa hawaelewi lugha ya Kiingereza. Kwa sababu hiyo naona umuhimu wa kutafsiri sheria zetu katika lugha ya Kiswahili.

Mimi naonelea kwamba ni muhimu tutenge angalau kikao kimoja kutoka katika vikao vinne ambavyo Bunge inavyo kila wiki ili kikao hicho kimoja kiendelezwe kwa lugha ya Kiswahili. Tukifanya hivyo basi tutasaidia kukuza Kiswahili. Aidha, kitendo hicho kitawashurutisha Wabunge kukienzi Kiswahili. Baadhi ya shule humu nchini zimetenga siku kadhaa kuwa siku za wanafunzi kuwasiliana kwa lugha ya Kiswahili. Hii ni kwa sababu wanafunzi hutahiniwa kwa lugha zote mbili; Kiingereza na Kiswahili. Ingekuwa vizuri pia sisi tuonyeshe mfano bora kama ilivyo katika mabunge mengine katika eneo la Afrika Mashariki na Kati.

Kwa hayo machache, ninaiunga mkono Hoja hii na kumpongeza tena Mhe. Lay pamoja na Mhe. Mbadi ambaye ameleta marekebisho ili Katiba iweze kutafsiriwa kwa Kiswahili.

Hon. Sang: Asante sana, Mhe. Naibu Spika wa Muda. Nimesimama kumuunga mkono dada yangu, Mhe. Joyce Lay. Tunafanana kidogo. Ninamshukuru sana kwa kuileta Hoja hii ambayo itatusaidia sisi wote. Kuna changamoto kila mahali kwa sababu watu wetu wanatumia Kiswahili kuongea. Tutapata changamoto nyingi tutakapotafsiri Kiingereza kwa Kiswahili. Tukitafsiri sheria zetu kwa Kiswahili, tutasaidika. Sijui kama

Mhe. Lay atanifunza Kiswahili kidogo. Hospitalini tuko na madaktari ambao wamesoma sana ambao wanaitwa *consultants*. Kwa Kiswahili, wanaitwa bingwa. Sijui wale madaktari ambao wanawatibu wamama wataitwa mabingwa wa nini.

Ninaiunga mkono Hoja hii.

Hon. Odanga: Asante sana, Mhe. Naibu Spika wa Muda. Nami pia nataka kuiunga mkono Hoja hii ambayo imeletwa hapa na Mhe. Wanjala na kufanyiwa marekebisho na Mhe. John Mbadi. Naiunga mkono kwa sababu Kiswahili ni lugha yetu. Ni lugha ya Kiafrika na pia imetambuliwa katika Katiba kuwa lugha rasmi ya taifa. Ikiwa lugha rasmi, sioni urasmi wake sana isipokuwa katika Katiba.

Taasisi ya Mtaala katika Shule za Kenya imekitambua Kiswahili kuwa lugha ya lazima kwa wanafunzi katika shule za msingi na shule za upili. Hiyo inamaanisha kuwa Wakenya wengi sana wanakielewa Kiswahili. Inafaa kwamba stakabadhi zote rasmi zitafsiriwe kwa lugha ya Kiswahili ikiwemo Katiba ya Kenya.

Pia, Katiba inaelekeza kuwa Wakenya wote wana haki ya kupata habari. Ikiwa wana haki ya kupata habari, basi habari hiyo iwekwe katika lugha ambayo wanaelewa vizuri na wanaitumia katika maisha yao ya kila siku. Ikiwa hii ni lugha yetu, ni vizuri kuichangamkie zaidi kuliko lugha za kigeni kama vile Kiingereza ambayo ni lugha inayoendeleza ukoloni mambo leo. Ikiwa tunataka kujikomboa kutoka minyororo ya ukoloni, ni lazima tuienzi na kujivunia lugha yetu ya Kiswahili.

Kwa hayo machache, ninaunga mkono.

Hon. (Ms.) Ombaka: Thank you, hon. Temporary Deputy Speaker for this opportunity. I support this Motion. I acknowledge Mhe. Wanjalalah for this wonderful Motion. Kenya is a multilingual society. We have 42 languages, but what unites us is one language that is Kiswahili.

Therefore, I believe that once this Constitution is translated into Kiswahili, we will be moving towards the unity of a nation. We are doing well in terms of Kiswahili being spread around so that Kenyans can speak it. Already, we have many books that are translated into Kiswahili. It is not only the Bible but dictionaries as well. We also have FM radio stations presenting their news in Kiswahili. We have *Julius Caesar*, one of the greatest books written by William Shakespeare, which was translated into Kiswahili by the late Julius Nyerere, the former President of Tanzania. That shows you the power of Kiswahili in this country. I, therefore, support this Motion.

Thank you very much.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, the time being 1 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.