

A PETITION BY JULIUS MASIVA OBUGA, OF ID NO. 3339153 AND OWNER OF MOBILE PHONE 0725662896, P.O. BOX 381, VIHIGA AS HIS OFFICIAL POSTAL SERVICES TO THE CLERK OF THE SENATE TO AMEND BOTH THE COURT OR ARMS AND THE PUBLIC SEAL THIS IS IN ACCORDANCE WITH ARTICLE 119(1), ARTICLE 9(1) AND (2) SECOND SCHEDULE, OF THE 2010 CONSTITUTION.

Article 35 (2)

Every person has the right to the correction or deletion of untrue or misleading information that affects the person.

Article 119

- 1) Every person has a right to petition parliament to consider and matter within its authority including enact, amend or repeal any legislation.

Article 9

- 1) The National symbols of the Republic are:-
 - a) The National flag
 - b) The National anthem
 - c) The Court of Arms
 - d) The Public Seal
- 2) The National symbols are set out in the second schedule

Your humble Petitioner showeth thus:-

I am citizen of Kenya, a resident of both Vihiga and Uasin Gishu Counties respectively do hereby Petitioner you to proceed and have the Senate move a Constitutional amendment(s) to amend both the *Court of Arm* and the *Public Seal* as stated here below:-

1. That I am a male adult of sound mind aged 80yrs, a pensioner.
2. That I have worked for the *Colonial Government*, the late *Mzee Kenyatta Government* and the retired *Mzee Moi's Government* with diligence.
3. That I was one of those who started "The Kaloleni African Association led by the late *Argwings Kodheck* and the late *Milton Obote* who was working with *Standard Petroleum* later called *ESSO* in the year 1958. This Association was not registered by the *Colonial Government* in fact it was banned leave alone being registered.
4. That as the Chairman of the Railway Training School, Abaluhya Students Association, I invited the late *Musa Amalemba* who was a Minister who held three *Cabinet Portfolio* in the *Colonial Government* under the late Sir *Patrick Reinson* as the Governor and who described the founding father of this nation *Mzee Jomo Kenyatta* as a leader of *death and darkness* when other African ministers resigned to address the students.
5. That while chasing a five year mechanical apprenticeships course at Railways Training School, I was elected the branch secretary of *Railway African union*.

Mr. Mogeje (Advisor)

ps process. we had received a copy of this petition earlier
12/2/20

DLPS
Please deal.
4/2/20

RECEIVED
04 FEB 2020

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05 FEB 2020
DIRECTOR LEGISLATIVE AND PROCEDURAL SERVICE

THE SENATE RECEIVED
04 FEB 2020
DEPUTY CLERK (M.A)

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6. That when the late *Thomas Mboya* and the late *Martin Shikuku* formed then *Nairobi Peoples Convection* which the colonial government banned, I had been nominated by the late *Thomas Mboya* to represent Makongeni Railway employees in the Central Committee of NPC.
7. That in the year 1959, a *mzungu* called Peter Pool killed a Kenyan Masaai by dangerous driving near princess Elizabeth Hospital now known as Nairobi hospital was charged in a Court of law for killing a person by dangerous driving. In mitigation the accused said *he never killed a person* what he knows is that he hit a *black object*. His father who was the only supplier of electrical goods to the Colonial government used his connections to have his son acquitted. The late *Tom Mboya* through the Labour Movement mobilized Africans to *petition the Queen*. I was charged with collection of signatures from railway African employees to petition Queen Elizabeth the second. Peter Pool became the first *mzungu* to be *hanged* in this Country *before independence*.
8. After the *emergency* the Colonial government had directed all Kikuyus, Merus, Embus and Akambas to have *passbooks* to enable them travel *upto Thika* and never reach Nairobi or any other towns in the Country. The late *Mboya* also used the Labour Movement, organized Africans to *boycott boarding of Kenya buses, taking beer to put pressure on the colonial government* to have the passbooks withdrawn and the above named communities to be allowed to enter Nairobi city. Cerebrations took place at COTU headquarters where all passbooks were *burned publicly*.
9. That in the year 1961 Kenya African delegation left for Lancaster for *Constitutional Conference* for Kenya. This delegation was so successful that African representation in the *Legislative Council* increased from 8 British nominated seats to *57 elected seats*. The late *Tom Mboya* stood in Nairobi East constituency, his campaign slogan was that a *seat for Mboya* shall be a seat for Kenyatta. That time Mzee Kenyatta had been moved from *Lodwar* to *Maralal* still under restriction by the Colonial government.
10. That eventually when *Mzee Kenyatta* was released from Maralal as a free citizen *Mboya* refused to vacate the seat as promised. Hon. Njiri who was an MP for *Fort Hall* which is now *Muranga* vacated his seat for Mzee Jomo Kenyatta to seat in the Legislative Assembly (Legco).
11. That this act nearly cost *Tom Mboya* his *political career* but as a *schemer Mboya* managed to survive politically.

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12. In 1962 when it was final step to Kenya's Independence, heavy weights like the late *Gichuru, Oginga Odinga, Masinde Murilo, Tom Mboya* declined to lead the Kenya delegation because *European farmers* headed by *Bruce Mackenzie* were determined to oppose Independence for this Country. *The late Ronald Ngala decided to lead the Kenya delegation.* The Kenya delegation was so successful that the *internal self rule for Kenya June 1st 1963 was achieved.*
13. That when the delegation arrived from London *Mboya* with his *schemes* quickly organized a meeting of his henchmen which gave birth to *Kenya African National Union (KANU) at Limuru Conference Centre.*
14. At this gathering the late *Gichuru* was made President of KANU, the late *Jaramogi Oginga* Vice President and the late *Tom Mboya* the General Secretary pitting the late *Ronald Ngala* to the post of *National Treasurer* of KANU. By that time the late *Ronald Ngala* because of his outstanding performance at Lancaster Conference was invited to Switzerland in company of Dr. *Zelweger* who was a Constitutional expert employed by KADU. While KANU employed Marshalls from America as a Constitutional expert.
15. *Mboya* with the same tactics *Raila Odinga Oginga* of discrediting others stated saying that *prison was not a license to leadership in this Country* meaning that *Mzee Jomo Kenyatta* who was in prison and *Arthur Ochwada* who was also been in jail for stealing trade union money should not be considered for leadership. The same *Mboya acknowledged* that Kenya was ripe for Independence and that *big fish will feed on small fish.* Which translated to mean the Luos and the Kikuyus shall look down upon the small tribes which is the *trend today.*
16. That this *arrogance* by *Mboya* made the small tribes like *Kalenjin Alliance, Abaluhya Political Union, Coast Political Union, Masaai United Front* hold their meeting at *Ngong* where *Kenya African Democratic Union* was born. The late *Ronald Ngala* elected the president of the party, *Masinde Murilo* Vice President, *John Keen* Secretary General and the late *Ole Tipis* as National treasurer that is how KANU and KADU were born, I belonged to KADU and became an Executive member of KADU Nairobi Branch.
17. That when the 1963 democratic general elections were held in this Country KANU was in control of *Central* and some parts of *Nyanza*, KADU was in full control of *Rift Valley, Coast, Western* and part of *Nyanza, Eastern* joined KADU because the late *Paul Ngei* had formed *African Political Party (APP)* which was nicknamed *Akamba pole pole,*

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together with the late Benard Mate from Meru, made a formidable support for KADU in Eastern.

18. That the late *Tom Mboya* had introduced in the Legislative Assembly a law that any member of LEGCO who crossed the floor must resign from the political party that sponsored him or her and seek new mandate.
19. *Mboya* and the Governor *Sir. Malcolm MacDonald* declared general elections to take place on a Saturday and Sunday. We in KADU smelled "a rat" and organized a meeting at the late *Arap Taita Towett's* place who was the Minister for Education in the Coalition government in Kileleshwa estate.
20. At this meeting we pleading with *Ngala* who was like the *Chief Minister* to talk to the *Governor* and have *KADU Youth Wingers* guard the votes so that rigging could not take place. *Ngala* told the meeting he had discussed it with the *Governor* and votes shall not be tempered with.
21. This time *Mboya* moved from *Nairobi East* to *Nairobi Central* where *KADU/APP* sponsored *Mr. Mandalia (Amuhindi)*. On Saturday *Mandalia* had garnered 47, 670 votes while *Mboya* had 12,969 votes, it was shocking news that *Mboya* had defeated *Mandalia* and in *Nakuru* the late *Oneko* had defeated *Wafula Wabuge* this is when rigging of general was born in this Country and continue to bring havoc during elections.
22. That *Mboya* never relaxed his muscle to deal with *Mzee Kenyatta*. Immediately *KANU* formed government there was a *beauty contest* at the City Hall. Where *Miss Uhuru* would be crowned. When *Mboya* arrived at the scene the *National Anthem* was played by *police band* but when *Mzee Kenyatta* the *Prime Minister* and *Guest of honour* arrived there was no *National Anthem*. The late *Mzee Jomo Kenyatta* was so furious, left the venue culminating into the end of the function. This behavior by *Mboya* was properly described by the one time Deputy Speaker of LEGCO which is now National Assembly *Mzee Fitz de Souza* in the Friday Daily Nation of 5th July, 2019 titled (*Tom Mboya 50 years later*) of the manner the late *Mbiyu Koinange* and the late *Nicholas Kibiwot* behaved during their respective governments.
23. That *Tom Mboya* Controlled Government, Legislature and the Judiciary IN making even some professional behave like *KANU* youth wingers. Law and reason was never in *Mboya's* vocabulary.

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24. That *Tom Mboya Controlled Government, Legislature and the Judiciary* IN making even some professional behave like KANU youth wingers. Law and reason was never in *Mboya's vocabulary*.
25. That I remember recording *KANU YA JENGA NCHI* at the Voice of Kenya grey studio as directed by Mboya. He was the Director and Executive Producer of both *KANU YA JENGA NCHI* and the *National Anthem* with the help of the late *Hoslop* who was the Director of *Kenya National Theatre*.
26. It is no secret that during KANU reign the late *Tom Mboya* was referred as *Jogoo* hence the inclusion in the *Court of Arms and Public Seal*. The cockrel and the axe which was the late *Tom Mboya's* symbol during the first general elections in the Country. The Kenya flag as it is well known as hereunder:-
- a) *Black Colour* represents *Africans* inhabitants in *Kenya*.
 - b) *Red Colour* represents *blood shed* which brought *Independence*.
 - c) *Green Colour* represents *agriculture* which is the economic back-borne of the *Nation*.
 - d) *White* represents used to *separate black, red and green (milk)* which is plenty.
 - e) *2 Spears* represents weapons used during struggle for *Independence*
 - f) *Lion* represents *Kenya*, *Tanganyika* is a *Giraffe* and *Uganda* is *Crane*.
 - g) The *Cockerel* and an *Axe* represents *Mboyaism* which have no relevance towards the struggle for *Independence*. That no one is available to date in this *Country* who can explain why the *Cockerel* holding an *axe* is in our *important instrument* as part of *history of Kenya* as stated above.
 - h) The *Petitioner* has neither raised this matter in a *Court of law* or pending in a *tribunal*.

WHEREFORE your humble petitioner prays that:-

- a) The Senate should move with speed to make this historical correction by deleting the cockerel holding an axe both in our *Court of Arms and Public Seal* by introducing a Constitutional amended to delete the Cockerel holding an axe both in the *Court of Arms and Public Seal*. This is in accordance with article 35 (2) of the 2010 Constitution.

DATED AT VIHIGA THIS 20th DAY OF 2019

**JULIUS MASIVA OBUGA
PETITIONER**

**P.O. BOX
381, VIHIGA**

**ID
3339153**

SIGNATURE