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The transformative nature of Kenya's 2010 Constitution represents a paradigmatic shift from its predecessor, establishing not merely a political framework but a transformative charter for social justice.

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**News >> Mobile Connectivity Key To Achieving Government's Digitalization Agenda**

**P. 12.** The Communications Authority of Kenya, in collaboration with GSMA, has launched the Kenya Digital Economy report highlighting Kenya's progress in digital transformation and smartphone adoption, providing insights for stakeholders on driving investments

# High Court Okays DCJ Mwilu's Selection Panel

**⚡** A three-judge bench yesterday rejected Rigathi Gachagua's application contesting Deputy Chief Justice Philomena Mwilu's authority to constitute it. Justices Eric Ogola, Anthony Mrima and Dr Freda Mugambi dismissed the application with costs after faulting lawyers representing the ousted Deputy President for "playing to the gallery". The court rejected an assertion by Gachagua's lawyers that Mwilu lacks the constitutional authority to constitute benches under Article 165 (4) of the Constitution, a function they argued is exclusively reserved for the Chief Justice.



Deputy President Rigathi Gachagua

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**KETEPA PRIDE**  
SPICED BLACK TEA

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A spicy delight

**Cardamom**  
Spice of life

**Masala Tea**  
Blend of delicious spices

**Ginger Tea**  
A zesty and tasty treat

**CHAI NI KETEPA**

# MPs Urge TSC To Address Shortage Of Teachers

By: Muraya Kamunde  
 @themtkenyatimes



Teachers Service Commission (TSC) CEO Nancy Macharia.

### Worth Noting:

- Chaired by Hon. Julius Melly, Members of the Committee on Education questioned TSC CEO, Ms. Nancy Macharia on teacher recruitment, staffing and promotions.
- Hon. Julius Melly criticized the Commission's staffing methods, calling for a transparent framework for teacher promotions, particularly in under-resourced schools.
- "Every sub-county should have sufficient teachers, especially in critical subjects such as science and mathematics," said Hon. Melly.

The National Assembly Committee on Education has urged the Teachers Service Commission (TSC) to address staffing issues in schools, particularly the shortage of Science, Physics, Biology, Chemistry and Mathematics teachers,

This follows a meeting where the TSC presented a status report on the recruitment of 46,000 teachers and preparations for the transition into Grade 9 to legislators.

Chaired by Hon. Julius Melly, Members of the Committee on Education questioned TSC CEO, Ms. Nancy Macharia on teacher recruitment, staffing and promotions.

Hon. Julius Melly criticized the Commission's staffing methods, calling for a transparent framework for teacher promotions, particularly in under-resourced schools.

"Every sub-county should have sufficient teachers, especially in critical sub-

jects such as science and mathematics," said Hon. Melly.

TSC CEO, Ms. Nancy Macharia revealed that the recruitment of 46,000 teachers, primarily focused on converting teacher interns into permanent employees, is in progress.

According to the Commission, the recruitment process, which began in early October, attracted a total of 314,000 applicants. 93,646 teachers applied for only 6,000 Primary Schools, 144,177 teachers applied for only 39,550 Junior Secondary School positions, 76, 294 teachers applied for 450 positions on Secondary Schools.

Ms. Macharia assured lawmakers that the Commission had received Kshs. 13.4 billion to facilitate the transition of these interns to permanent and pensionable terms of service starting January 2025. "All serving teacher interns will be employed on permanent and pensionable

terms of service by January," she said, noting that the employment forms have already been issued.

However, Committee Members raised concerns about the shortage of Science and Maths teachers and the lack of a clear promotion system.

"It is worrying that we don't have enough science teachers. What can the country do to incentivize them?" asked Hon. Jerusha Momanyi, pointing to a shortage of science and maths teachers.

Hon. Nabii Nabwera expressed frustration at TSC's lack of a policy regarding teachers in acting positions. "Are you aware we have so many acting heads of institutions and principals?"

Hon. Clive Gesairo further questioned how TSC communicates with teachers regarding promotions and the criteria used.

"There are more than 400,000 qualified, unemployed teachers in the country,"

CEO Macharia admitted.

The Commission also outlined its preparedness for the transition to Grade 9 under the Competency -Based Curriculum (CBC), noting that it had recruited 48,550 teachers over the past two financial years. Of these, 39,550 are interns, while 9,000 were employed on permanent terms.

According to documents before the Committee, 8,378 primary school teachers were deployed to Junior Secondary Schools (JSS), raising the total number of JSS teachers to 56,928.

Committee Members directed the TSC to provide detailed reports on the number of unemployed teachers and steps being taken to address staffing shortages, particularly in special needs schools, which reportedly face a deficit of 5,600 teachers.

Editor's Desk

The Mt. Kenya Times



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# NEWS PAPER

IN BUSINESS

# The Mount Kenya Times

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## NEWS IN BRIEF



The Judiciary is working on improving service delivery at the Makadara Law Courts by deploying ICT in efforts to decongest the court. Chief Justice Martha Koome said that the Judiciary is committed to decongesting courts in Nairobi, especially Makadara, by hastening court processes like paying court fines and bonds. Speaking when she visited Makadara Law Courts to gauge the security improvements and efficiency of service to the people, the CJ said that they are working with their ICT experts to improve the systems to facilitate faster processing of fines and bonds. She added that plans were underway to also have an ICT office at Makadara Law Court, which would address any system challenges promptly as well as ensure seamless verification payments. The CJ said that they were also looking at modalities of finding other courts in the region where some cases from Makadara Law Courts could be taken in efforts to decongest the court. Koome said that they were looking at ways of decriminalising some traffic charges, thereby allowing the offenders to be fined and released, which would also decongest cells and prisons.



A free medical camp in Homabay has brought to the fore the challenges sick Kenyans are facing during this transition period from the National Hospital Insurance Fund (NHIF) to the Social Health Insurance Fund (SHIF). Director of Beryls Medical Centre, Newton Ogada, speaking during the camp, noted that for the last three weeks, patients have been unable to get medical services due to challenges experienced over the transition because most private and public health facilities in the country are not providing medical services to patients without cash. Health stakeholders in Homa Bay County have therefore urged the government to resolve bottlenecks in accessing medical care through the Social Health Authority for patients to be served through the insurance. Ogada said standoff occurs because the health facilities are unable to log into the Social Health Authority (SHA) for details and approvals, making them compel patients to meet the cost of medication with cash money.



Principal Secretary State Department for Public Service, Amos Gathecha, has said that capacity building of public servants is essential for achieving the African Union's Agenda 2063. He stated, "African governments must prioritise human capital development. We must agree that training forms our thinking and doing, and without training, it would be impossible to implement any government agenda." Gathecha highlighted the responsibility of Schools of Government to fulfil their mandates while being responsive to the unique circumstances of their countries. He called for a unified African approach to enhance excellence in public institutions and leadership. Furthermore, he urged these schools to develop strategies to overcome the challenges they face in realising their goals.



A one-year-old child died, and 14 passengers were left nursing serious injuries after the Matatu vehicle they were travelling in was involved in an accident at the Pinyinyi black spot along the Narok-Maai Mahiu road. According to Narok Traffic Commander Felix Muli, the matatu belonging to Alicia Sacco had 15 occupants on board at the time of the accident and was being driven towards the Maai Mahiu direction when an Isuzu lorry rammed into its rear side. "The Isuzu FRR lorry driver, Patrick Mbatia, failed to keep distance and rammed into the rear side of the Matatu vehicle that was driven by a person who is yet to be identified," said Muli. As a result of the impact, the Traffic Commander said, the Matatu vehicle veered off the road on the left side before rolling several times. The 14 injured were rushed to Narok County Referral Hospital for treatment, and the body of the one-year-old child was taken to the same facility's mortuary. The two ill-fated vehicles were towed to the Ntulele police station yard for inspection and further police action. The accident happened only one day after three people died and three others were seriously injured after they were involved in a road accident at the Sorgum area along the Ololulunga-Olmekenyu road. The National Transport and Safety Authority (NTSA) estimates that about 3000 people die in road accidents every year. Most of the accidents are estimated to occur over the weekends, during festivals, and on public holidays.



Hundreds of women from Manyatta Constituency, Embu County, have benefitted from a free breast and cervical cancer screening medical camp organised by the Beyond Zero Foundation in collaboration with the County Government. The two-day camp held at Makengi Dispensary came as a relief at a time when patients are unable to access healthcare services under the Social Health Insurance Fund (SHIF) owing to transition challenges from the defunct NHIF. The camp was part of a three-year programme between the County and Beyond Zero Foundation that seeks to conduct extensive breast and cervical cancer screening and treatment outreaches. The burden of the two diseases and related deaths was on the rise in the county, according to Makengi Dispensary Nursing Officer Pheneas Kimathi. He said cancer was treatable if detected early and called on women to go for regular checkups.

# YOUR OPINION IS INVALUABLE

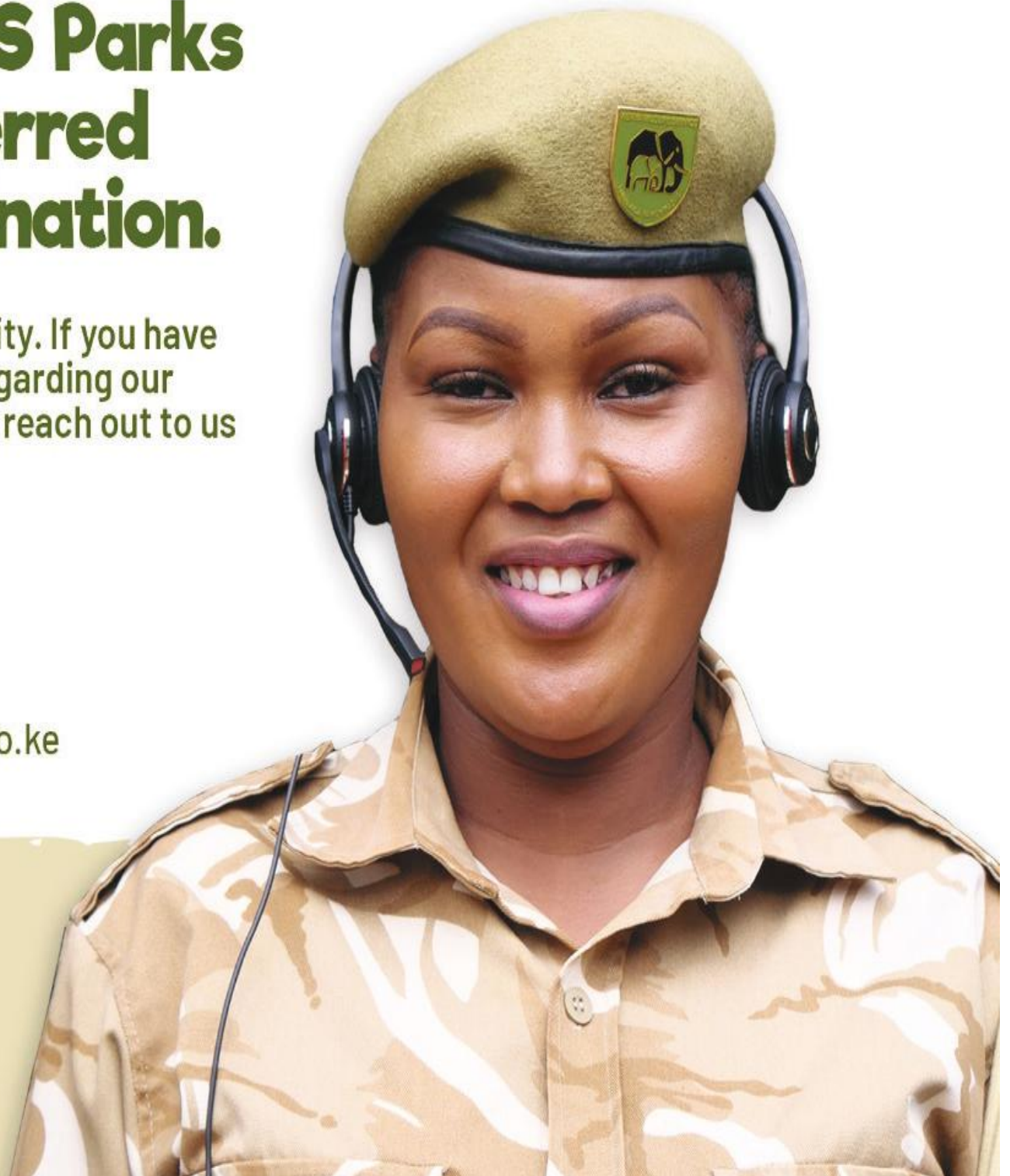
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# Kiambu Senator Pushes For 4-Year Term Limits For Elective Posts Amid Raging Debate

By: IRENE MWANGI

## Worth Noting:

- This proposal comes amid a push by Nandi Senator Samson Cherargei to extend the term limit of all elective seats to seven years, sparking nationwide debate. Kenyans have until Friday to submit their views on the bill, which has drawn mixed reactions.

- Thang'wa dismissed Cherargei's bill as a political maneuver by the ruling Kenya Kwanza Alliance to cling to power, especially in the face of declining public approval following the controversial Finance Bill 2024 and Gachagua's impeachment. He further suggested that Cherargei might be a proxy for more powerful interests, without specifying whom.



Karungo wa Thang'wa

Kiambu Senator Karungo Thang'wa is proposing a constitutional amendment to reduce the term limits for all six elective positions—from President to Members of County Assemblies (MCAs)—to four years. He argues that shorter terms will enable voters to hold leaders accountable more frequently.

Thang'wa, a close ally of impeached Deputy President Rigathi Gachagua, emphasized that reducing the current five-year term would improve governance and responsiveness, stating, "In a rapidly changing world, shorter

terms enable governments to respond swiftly to emerging challenges and public needs, ensuring that we remain relevant and effective."

This proposal comes amid a push by Nandi Senator Samson Cherargei to extend the term limit of all elective seats to seven years, sparking nationwide debate. Kenyans have until Friday to submit their views on the bill, which has drawn mixed reactions.

Thang'wa dismissed Cherargei's bill as a political maneuver by the ruling Kenya Kwanza Alliance to cling to power, especially in the face of de-

clining public approval following the controversial Finance Bill 2024 and Gachagua's impeachment. He further suggested that Cherargei might be a proxy for more powerful interests, without specifying whom.

"They want to change the constitution to stay in power because they know they have lost the people's trust," Thang'wa claimed.

The senator also alleged that the ruling coalition is planning to remove lawmakers who opposed Gachagua's impeachment from key committee positions but vowed not to be intimidat-

ed, saying, "Bring it on!"

A public hearing on Cherargei's bill is scheduled for October 25 at the Senate Chambers. The bill also includes provisions for the creation of a Prime Minister's office, to be appointed by the president, and greater Senate involvement in approving the deployment of Kenya Defense Forces within the country. Additionally, it proposes limiting the challenge of gubernatorial impeachments to the Supreme Court.

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# Judiciary Deploys Technology To Decongest Courts

By: Joseph Ng'ang'a  
@themtkenyatimes

The Judiciary is working on improving service delivery at the Makadara Law Courts by deploying ICT in efforts to decongest the court.

Chief Justice Martha Koome said that the Judiciary is committed to decongesting courts in Nairobi, especially Makadara, by hastening court processes like paying court fines and bonds.

Speaking on Tuesday when she visited Makadara Law Courts to gauge the security improvements and efficiency of service to the people, the CJ said that they are working with their ICT experts to improve the systems to facilitate faster processing of fines and bonds.

She added that plans were underway to also have an ICT office at Makadara Law Court, which would address any system challenges promptly as well as ensure seamless verification payments.

The CJ said that they were also looking at modalities of finding other

courts in the region where some cases from Makadara Law Courts could be taken in efforts to decongest the court.

Koome said that they were looking at ways of decriminalising some traffic charges, thereby allowing the offenders to be fined and released, which would also decongest cells and prisons.

“As we conclude preparations to issue the State of the Judiciary and Administration of Justice Report, we are cognisant of the milestones realised in FY 2023/24 to bring justice closer to the people. Magistrates Courts have recorded a case clearance rate of 98% with continued improvement,” said Koome.

She said that they were working round the clock to address the space and infrastructure challenges at Makadara to enhance the quality and efficiency of service delivery.

“We will continue to work with other justice actors through the court users’ committees to address reported inefficiencies in handling criminal cases, particularly timely plea taking and bail and bond procedures,” said the CJ.



Chief Justice Martha Koome at the Makadara Law Courts

# Samburu Central Enjoys Bumper Harvest Following Increased Rainfall

By: MKT Reporter  
@themtkenyatimes

Food production has increased in Samburu County, with Samburu Central Sub County producing the highest amount this season following an increase in rainfall and the distribution of seed to farmers by the county government.

This was said by County Governor Jonathan Lati Leleliit at Kenyatta Stadium during Mashujaa Day celebrations.

To promote dairy farming, the governor said everybody, starting with the poor, would receive a Sahiwal heifer, an exercise that would continue every year in order to cover all, and that those living in urban areas would be given startup capital for small businesses.

On roads, Leleliit said Maralal town roads would be repaired soon when

funds are available.

He urged the security team led by Samburu County Commissioner Mr. John Cheruiyot to ensure that those cattle rustlers who have been stealing people’s animals in Kelswa area in Samburu North are brought to book.

The Governor called on all leaders in the county to unite for development to take place smoothly and devoid of politics.

Speaking after reading the President’s speech, the County Commissioner said the security personnel have arrested five suspected cattle rustlers, from whom they also recovered five illegal firearms.

Cheruiyot further said that of the 20 heads of cattle stolen in the Lodokejek area, 19 had been recovered, but security personnel were still pursuing the issue.

He called on area residents to cooperate with security personnel for the purpose of recovering the remaining one cow and arresting the culprits.



# Ogola-Led Bench Slaps Gachagua With Costs, Affirms DCJ Empanelment

By: Jeremiah Wakaya

@themkenyatimes

A three-judge bench yesterday rejected Rigathi Gachagua's application contesting Deputy Chief Justice Philomena Mwili's authority to constitute it.

Justices Eric Ogola, Anthony Mrima and Dr Freda Mugambi dismissed the application with costs after faulting lawyers representing the ousted Deputy President for "playing to the gallery".

The court rejected an assertion by Gachagua's lawyers that Mwili lacks the constitutional authority to constitute benches under Article 165 (4) of the Constitution, a function they argued is exclusively reserved for the Chief Justice.

"It is therefore our finding that the constitutional function of the CJ to assign benches, being an administrative function, can be performed by the DCJ when the CJ, for good reason, is unable to perform," the bench held.

The Justice Ogola-led bench also dismissed arguments that it convened unconventionally on Saturday to invite parties for an inter-parties hearing on Tuesday.

"We hold that the accusations made by the applicant against this bench are entirely without merit," the judges affirmed.

The bench noted that the electronic Case Tracking System (CTS) allowed for seamless handling for urgent matters and that lawyers are well aware of the practise.

"There was nothing unconventional in the manner in which this bench dealt with the two applications filed under certificate of urgency," the judges held.

"It is not unusual for courts to issue directions within the filing of an application or what would be termed as outside the routine work hours of the court when circumstances do so require," the bench ruled.

**Sabotaging the court**

The bench further held that the court can issue directions on an application without the need for a formal sitting.

The court also took exception with the conduct of petitioners led by Senior Counsel Paul Muite, representing Gachagua, over an apparent scheme to derail proceedings.

The bench wondered why Muite's team would consider their petition urgent when seeking stay orders, ex parte, but seek to slow its hearing once they do so.

"It is now apparent that the applicants no longer perceive the urgency in this matter. Instead, they see



The Justice Ogola-led bench also dismissed arguments that it convened unconventionally on Saturday to invite parties for an inter-parties hearing on Tuesday/FILE

to cast aspersions on this court for addressing the matter with the necessary expedition," the bench stated. "Such conduct is contradictory and undermines the very urgency that the applicants had initially invoked."

Gachagua launched the application contesting Mwili's role in empaneling the bench on Tuesday when the court convened an inter-parties hearing, scuttling proceedings intended to consider an application for review of orders halting the swearing in of Interior Cabinet Secretary Kithure Kindiki as Deputy President.

The State Law Office also notified the court of its intention to oppose the listing of President William Ruto in the suits in violation of presidential immunity.

Attorney General Dorcas Oduor, who appeared together with former Attorney General Githu Muigai, said the President had separately instructed lawyers to challenge his inclusion.

President Ruto had filed a preliminary objection at the Kirinyaga High Court challenging the nomination of Interior Cabinet Secretary Kithure Kindiki as Deputy President, terming the case as flawed.

**'Defective case'**

Lawyer Adrian Kamotho contended that the nomination of Kindiki to replace Rigathi Gachagua, following his impeachment on Thursday, October 17, can only be challenged as a presidential election petition at the Supreme Court.

He argued that the court, presided over by Justice Richard Mwangi, lacked jurisdiction to determine the case as framed.

"By virtue of Article 165 (5) (a) of the Constitution, the Honorable Court cannot determine the petition as canvassed and/or grant the prayers sought, being a matter reserved for the exclusive jurisdiction of the Supreme Court," Kamotho pleaded.

"The petition, as drawn and filed, contravenes Article 140 as read together with Articles 148 and 149 of the Constitution, which provisions absolutely vest the Supreme Court with the mandate to determine disputes emanating from a presidential electoral process," the lawyer argued.

Kamotho also cited Article 143 of the Constitution, arguing that

as Head of State, the constitution grants President Ruto immunity from prosecution, and as such, he cannot be subject to a civil suit.

Article 143 (1) provides that: "Criminal proceedings shall not be instituted or continued in any court against the President or a person performing the functions of that office, during their tenure of office."

Article 143 (2) further states: "Civil proceedings shall not be instituted in any court against the President or the person performing the functions of that office during their tenure of office in respect of anything done or not done in the exercise of their powers under this Constitution."

Kamotho further cited a Supreme Court decision in Attorney-General & 2 others v Ndi & 79 others; Dixon & 7 others (Amicus Curiae) (Petition 12, 11 & 13 of 2021 (Consolidated)) [2022] KESC 8 (KLR) (31 March 2022) (Judgment).

## Worth Noting:

- The Justice Ogola-led bench also dismissed arguments that it convened unconventionally on Saturday to invite parties for an inter-parties hearing on Tuesday.

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- The bench noted that the electronic Case Tracking System (CTS) allowed for seamless handling for urgent matters and that lawyers are well aware of the practise.

- "There was nothing unconventional in the manner in which this bench dealt with the two applications filed under certificate of urgency," the judges held.

- "It is not unusual for courts to issue directions within the filing of an application or what would be termed as outside the routine work hours of the court when circumstances do so require," the bench ruled.

# AFA Suspends Export Of Avocado Varieties To Ensure Quality

By: MKT Correspondent  
@themkenyetimes

The Agriculture and Food Authority (AFA) has stopped the export of some avocado varieties to prevent harvesting of immature fruits in efforts to comply with international quality standards.

AFA, through its Horticultural Crops Directorate (HCD), issued a notice to all avocado and mango exporters and the value chain players to stop harvesting popular avocado varieties that are Hass, Pinkerton, Fuerte, and Jumbo for sea shipment for the 2024/2025 fiscal year tomorrow.

AFA Director General Bruno Linyiru said that the directive was arrived at to help in curbing the sale of unripe fruits and ensure the protection of Kenya's share in the international markets.

"Following the closure of the avocado harvesting season and export by

sea, some exporters have resulted in mixing consignments of mango with avocado for sea shipment contrary to the Crops (Horticultural Crops) regulations, 2020 Section 20(5)," said Linyiru.

He explained that AFA-HCD has been monitoring harvesting trends and recently undertook a country-wide survey in the major avocado production zones to determine current production trends and forecast future production for the main season next year.

"The findings of the survey indicate there are currently insufficient volumes of main-season crops to warrant sea shipment," said Dr. Linyiru.

"This is therefore to notify you that the closing of Hass, Pinkerton, Fuerte, and Jumbo harvesting seasons for sea shipment for the 2024/2025 fiscal year will come into force with effect from Friday 25th October 2024. The export of the varieties will continue by air shipment."

The director added that export clearance shall be granted subject to



inspection by the directorate, with traceability information being required for all consignments.

"The notice applies to all exporters,

importers, and processors of avocado fruit. The directorate shall continue to closely monitor avocado maturity trends and patterns and review the

notice in the first week of December 2024 and guide appropriately," he added.

## The Mt. Kenya Times



# Did Gachagua's Grounds Of Questioning A Three-Judge Bench Carry Any Weight?



By: Joseph Mutua Ndonga  
mutuandonga@yahoo.com



## Worth Noting:

- Regarding the issue of how one of the disputed of case file landed before the bench, two questions came to mind. Is there law that requires the CJ or her deputy to forward all the cases touching on the same matter to the bench?
- If it is true that this file did not pass through her office, does this ground carry enough weighty to force the judges to recuse themselves from hearing impeached DP's case?
- In their ruling, the bench stated the Deputy Chief Justice Philomena Mwilu had not broken any law when she empanelled the bench to hear Gachagua's petitions. The CJ is entitled to delegate her to handle this matter.

When I heard that the legal team of the impeached Deputy President Rigathi Gachagua has written a letter to the Deputy Registrar of Judiciary expressing doubt that a three-judge bench would not give him a fair hearing, my attention immediately shifted to the grounds they cited.

One, the bench changed the hearing date from 29th to 22nd of this month.

Two, one of the cases before the bench had allegedly not referred to them by Chief Justice (CJ) Martha Koome.

Did these grounds hold any water? As a layman, my understanding of law is that the Judges were at liberty to exercise discretions on certain decisions. Did the change of date falls in this category?

If yes, then the only thing the bench needed to do is to inform the parties involved and their lawyers. In the ruling, the judges observed that the date of 29th had been set before the empanel of the bench.

Regarding the issue of how one of the disputed of case file landed before the bench, two questions came to mind. Is there law that requires the CJ or her deputy to forward all the cases touching on the same matter to the bench?

If it is true that this file did not pass through her office, does this ground carry enough weighty to force the judges to recuse themselves from hearing impeached DP's case?

In their ruling, the bench stated the Deputy Chief Justice Philomena Mwilu had not broken any law when she empanelled the bench to hear Gachagua's petitions. The CJ is entitled to delegate her to handle this matter.

In my considered view, the CJ have no power to dictate or micro-manage the judges on how to carry on with their duties. Therefore, the judges reserve the right to even admit or reject applications of individual and parties seeking to be enjoined in the case.

Upon request, the power of CJ is limited to only establishing the bench.

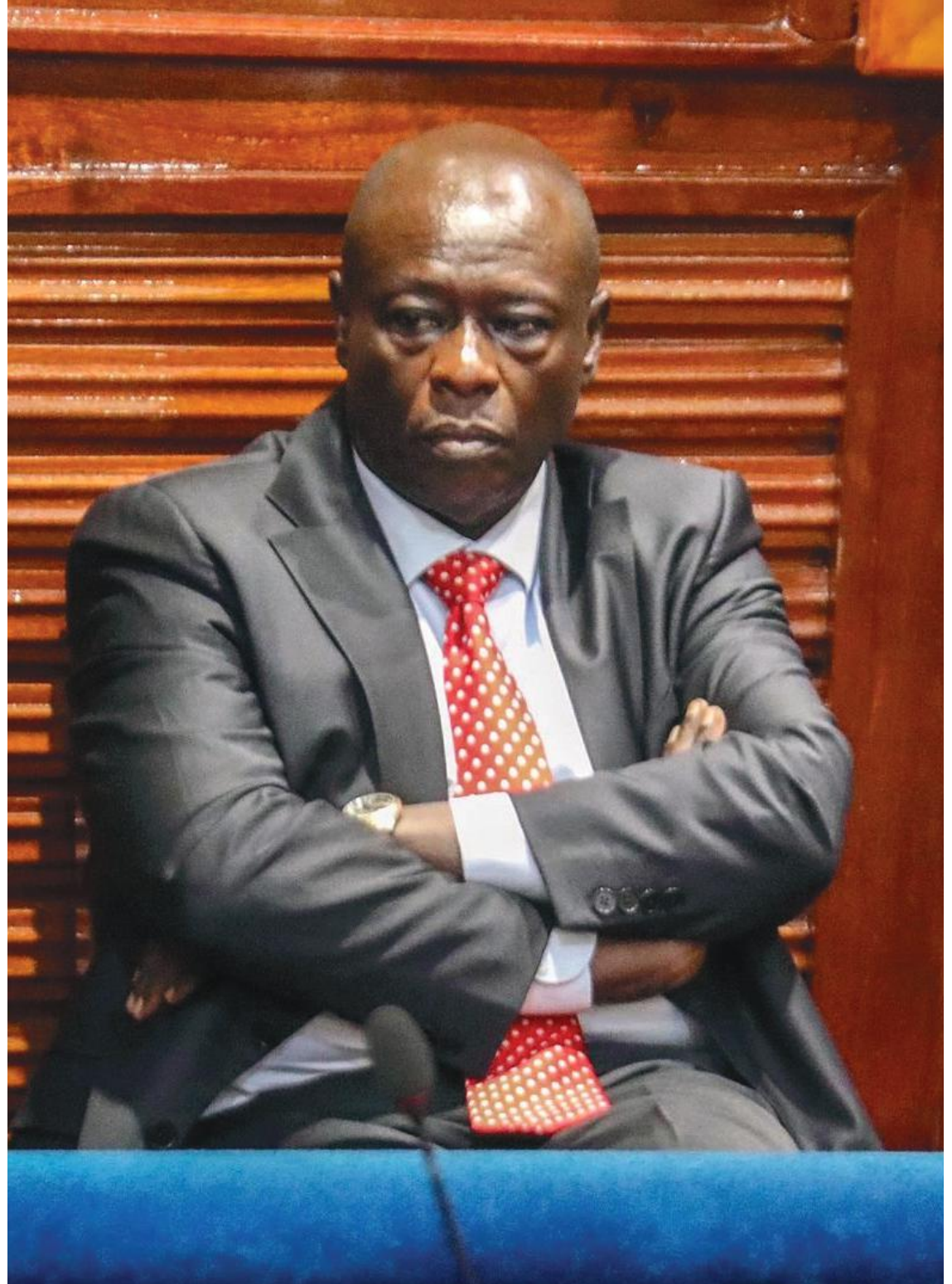
In Gachagua's case, this request had made by senior counsel Paul Muite, who is leading impeached DP team of lawyers.

Muite argued this matter is weighty and so we plead with the CJ to set up a bench of more than two judges.

Now, one may ask. Does it mean the team does not have faith in CJ, the head of judiciary? Notably, Gachagua is seeking justice from the same institution.

At this juncture, allow me to look this matter from another point of view. Taking cognizant of the fact that all 26 petitions filed by Gachagua's legal team were being heard by High Court, the question is. Does this court have the jurisdiction to hear matters touching on presidential disputes?

For the first time, President William Ruto has waded into this matter and I agree with his opinion that the disputes involving the presidency ought to be handled by the Supreme Court of Kenya.



Deputy President Rigathi Gachagua

As per the constitution, the presidency is comprised of the President and his Deputy. The apex court is exclusively bestowed with the power of handling presidential election petitions. So, if the impeached DP feels that had been unfairly hounded out, he is required to register his reservations with this court.

The judges will give him chance to argue his case and other parties will also present their submissions.

The seven-judge bench will retreat to write their ruling and later each judge would deliver his or her the judgement. Does the Supreme Court have the power to reinstate him? This is the first time the apex court will be handling a case of this nature. As such, there were no

precedents.

The constitution is however clear that the impeachment trial of DP ought to be exclusively handled by the National Assembly and Senate. no

Well, I know the case filed by Gachagua's legal team is hinged on two main grounds.

One, there was no proper public participation. Two, Gachagua was 'denied a chance' to defend himself in person before the Senate.

Do these grounds carry any weight? The constitution does not provide the threshold of the number of people who should turn up during the public participation.

I remember this issue rose up during

the hearing of a petition filed before the Supreme Court challenging the Finance Bill, 2024.

This prompted one of the judges to ask the parties involved. Can you help us to understand what is sufficient? This is because the constitution does not give the threshold.

Regarding Gachagua's no-show when he was supposed to face Senior Counsel James Orengo for cross examination, the law states.

If he is not available, the lawyers should represent him.

*Joseph Mutua Ndonga Is A Writer And Social Commentator*

# Mobile Connectivity Key To Achieving Government's Digitalization Agenda

By: Glory Mukhwana

[@themkenyatimes](#)

**Worth Noting:**

- In a speech read on his behalf by Lydia Sitienei yesterday, CA Director Legal Services, Mugonyi, revealed that as of the end of June 2024, Kenya had more than 68.9 million mobile subscribers, translating to a mobile penetration rate of 133.7 per cent. At the same point, Kenya had 39.8 mobile money subscriptions, working out to a penetration rate of 77.3 per cent.
- He shed light on the mobile sector, revealing that in the same period, 66.1 million mobile devices were connected to mobile networks, representing a penetration rate of 128.3 per cent, with the comparative penetration rates for smartphones and feature phones being 68.3 and 59.9 per cent, respectively.



Lydia Sitienei, CA Director Legal Services

The Communications Authority of Kenya, in collaboration with GSMA, has launched the Kenya Digital Economy report highlighting Kenya's progress in digital transformation and smartphone adoption, providing insights for stakeholders on driving investments and policy reforms to further enhance the digital economy.

CAK Director General David Mugonyi said that Kenya is a nation that recognises people that have a nose for opportunity and that the promise of a digital economy is a perfect fit for young people, developers, and the future.

"The growth of the ICT industry and the rapid speed of innovation calls for a responsive policy and legal framework for our people to live, learn, work, and for businesses to thrive," added Mugonyi.

In a speech read on his behalf by Lydia Sitienei yesterday, CA Director Legal Services, Mugonyi, revealed that as of the end of June 2024, Kenya had more than 68.9 million mobile subscribers, translating to a mobile penetration rate of 133.7 per cent. At the same point, Kenya had 39.8 mobile money subscriptions, working

out to a penetration rate of 77.3 per cent.

He shed light on the mobile sector, revealing that in the same period, 66.1 million mobile devices were connected to mobile networks, representing a penetration rate of 128.3 per cent, with the comparative penetration rates for smartphones and feature phones being 68.3 and 59.9 per cent, respectively.

Mugonyi gave insight for these figures, stating that they represent a platform for innovation, the creation of value through new products and services, and the delivery of meaningful and tangible prosperity.

"Today there are 38.4 million mobile broadband subscriptions in Kenya compared to 1.5 million fixed data subscriptions. However, to achieve our national digital aspirations, we, the public and private sectors, must act in harmony to address the dual challenges of device affordability and insufficiency of digital skills, which continue to hold back the rapid development of our digital economy," he added.

Mugonyi noted that the Communications Authority, in partnership

with Safaricom and Huawei Kenya, carried out a digital skilling exercise in Marsabit County, which demonstrated the enthusiasm, affinity, and appetite of Kenyans living in underserved and unserved areas for mobile network services.

"In the last five years, we have connected about 800,000 people across 24 counties to mobile network services through the Universal Service Fund (USF), opening new opportunities in communication, expanding knowledge, and stimulating entrepreneurship," stressed Mugonyi.

He mentioned that ICTs are also integral to public service delivery, and the Communications Authority of Kenya is equally involved in several major strategic initiatives in support of the government's Digital Transformation Agenda.

"We are funding the deployment of 2,500 kilometres of fibre optic cable across 19 unserved and underserved counties at the cost of sh5 billion as part of the Digital Superhighway, where 1,300 km have already been laid," disclosed Mugonyi.

He highlighted that CA, in partnership with Konza Technopolis Devel-

opment Authority, is financing the roll-out of 47 centres of excellence across 47 counties and 1,450 ICT hubs across every Ward in Kenya at a cost of sh2.8 billion.

GSMA Head of Sub-Saharan Africa Angela Wamola said that since the inception of Kenya's mobile money in 2007, tremendous growth has been witnessed in the sector, where today transactions worth sh8 trillion are conducted on mobile money platforms annually, and this can help unlock economic potential in Kenya if taken advantage of.

GSMA Chief Regulatory Officer John Giusti noted that to achieve Kenya's Vision 2030 and the African Union's Agenda 2063, mobile connectivity will play a key role since it is critical to all sectors of society.

"Today there are over 5 billion people worldwide connected to mobile networks, and that has fundamentally changed the way we live our lives, the way industry works, and the way government works," said Giusti.

# Public Sector Unions Call Off Strike Over SHA After Pact With Government

By: KBC Digital



## Worth Noting:

- The government and the unions have now resolved that the Ministry of Public Service will extend the comprehensive medical insurance scheme for public servants until November 21, 2024, through SHA, which has taken over the obligations of the defunct NHIF.
  - “In addition, there shall be seamless access to the benefits by all public servants beyond November 21, 2024,” the agreement states.
- The pact also provides for the formation of an ad-hoc working committee that will endeavour to ensure seamless transition of staff of the defunct NHIF in line with the Social Health Insurance Act, 2023, Employment Act, 2007, Labour Relations Act and Collective Bargaining Agreements

A strike called by public sector unions over the transition from the National Health Insurance Fund (NHIF) to the Social Health Authority (SHA) has been called off after an agreement was reached with the government.

The unions agreed to abandon the proposed strike action after their representatives signed the agreement on Wednesday with Cabinet Secretaries Justin Muturi (Public Service), Alfred Mutua (Labour) and their Debra Mulongo Barasa (Health) at Harambee House, Nairobi.

Speaking at the function, Union of Kenya Civil Servants Secretary-General Tom Odege said: “It is not in our interest to call strikes, but we do so to make the employer respond to our concerns. The government has now responded and we are therefore calling off the strike.”

He said health insurance was crucial to the members of their unions, adding that they expected the best from the new health scheme even after some challenges were experienced during the rollout.

In their 14-day strike notice on October 8, 2024, the unions raised issues with the move from NHIF to SHA without the provision of a comprehensive cover for public servants, the unclear fate of NHIF employees and the increase in monthly contributions to 2.75 per cent of gross salary with-

out improved benefits for their members.

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“In addition, there shall be seamless access to the benefits by all public servants beyond November 21, 2024,” the agreement states.

The pact also provides for the formation of an ad-hoc working committee that will endeavour to ensure seamless transition of staff of the defunct NHIF in line with the Social Health Insurance Act, 2023, Employment Act, 2007, Labour Relations Act and Collective Bargaining Agreements.

“Conscious that there are no loss of jobs or benefits for the staff of the defunct NHIF, the parties shall endeavour to undertake this process in good faith and suspend any actions, including legal processes,” the agreement provides.

Speaking at the signing ceremony, Mr Muturi thanked the leadership of the unions for their understanding and input which led to Wednesday’s agreement.

“We will work with everyone involved to ensure that all civil servants, who are entitled to a medical

cover, receive seamless delivery of services,” he said.

He urged the management of SHA to address any challenges experienced during the transition from NHIF to ensure that all Kenyans benefit from the new health scheme.

On his part, Labour CS Mutua called for an end to what he termed “a cycle of confrontation” every time there was a dispute.

“Before calling a strike, I urge unions to declare a dispute before engaging in strike action. Matters can be better handled amicably. I will listen and will act as the intermediary between employers and employees,” the CS said.

Health CS Barasa assured Kenyans that the government was committed to the provision of affordable, efficient and accessible healthcare to all under SHA, and pointed out that everything was being done to ensure a smooth transition from NHIF.

Article 43 (1) (a) of the Constitution guarantees every Kenyan the right to the highest attainable standard of health which includes progressive access for provision of promotive, preventive, curative, palliative and rehabilitative services.

To achieve this, the Social Health Insurance Act has established the Primary Health Care Fund, the Social Health Insurance Fund and the Emergency, Chronic and Critical Illness

Fund which shall be managed under the SHA.

The Primary Healthcare Fund caters for free medical treatment of patients registered under SHA at dispensaries and health centres. For paid up members, there are additional benefits including enhanced outpatient, inpatient and emergency care, as well as robust provisions for mental and critical illnesses, and major surgeries under SHIF.

The Emergency, Chronic, & Critical Illness Fund covers serious health conditions such as cancer, kidney disease that requires dialysis and severe high blood pressure and diabetes.

The agreement was also signed by SHA Chairperson Mohamed Abdi and representatives from the Kenya Electrical Trades & Allied Workers Union, Kenya Union of Clinical Officers, Kenya Union of Commercial Food and Allied Workers Union and the Kenya Union of Nutritionists and Dietitians.

The other unions were the Kenya Medical Practitioners, Pharmacists and Dentists Union, Union of Kenya Civil Servants, Kenya Environment Health and Public Health Practitioners Union, Kenya County Government Workers Union, Kenya National Union Medical Laboratory Officers and the Kenya National Union Of Nurses and Midwives.

# The Armor Of Esteem

# I Am Not Sita

## Self Esteem



They say I soar too high,  
Perched on lofty clouds,  
Eyes cast beyond their horizons,  
Blind to their murmurs,  
Unbent by the weight of their words.

They say I'm a mountain—  
Majestic but distant,  
Casting shadows where warmth should  
live,  
Too tall to kneel,  
Too firm to bend beneath their gaze.

They withhold their hands,  
Lock their doors,  
Deny me the open road,  
For fear my steps would shake their  
fragile ground.  
Yet I walk,

Unshaken,  
As whispers ride the winds behind me.

They call it pride,  
A sin of heights,  
But I know it as the armor I wear,  
Shielded not by arrogance,  
But by the fortress of my soul.

Their words dissolve like mist,  
I rise still—unbowed,  
For they mistake my strength for  
disdain.  
I call it self-esteem,  
But they fear the echo of their own  
reflection.

About the Poet:  
Simiyu S. Stanford, author of *The Ring of the Moon*, is a writer and educator with a Master of Arts in English Literature. His work focuses on themes of identity, resilience, and self-worth, employing rich imagery and symbolism. For inquiries, contact +254726651428 or stanfordsiboe@gmail.com.



By: Debanjali Adhikary

I will wander from forest to forest with you  
I will eat roots and tubers  
I will endure rain, heat, joys and sorrows

I will be yours  
But I am not Sita  
I will not merge with the earth now  
I will share all your joys and sorrows

I will share mine  
I will walk with you  
But I will not make a path with your footprints  
So what if I wander

I will find my own path

I am not Sita  
I will not merge with the earth  
Yes, I am not Sita

I will not merge with the earth  
I will not say no to your every no  
Nor will I say yes to your every yes  
I am not Sita

I will not merge with the earth  
I was not born from the earth  
I was also born from the womb of a mother

Like you  
My father did not find me anywhere just like that  
In some field or forest  
In some box or pot

I was also locked for nine months  
My mother gave birth to me inside the house  
No sound of thali ringing echoed  
Nor the Sohar

So what  
My shrieks kept echoing  
Above all this  
I did not come to earth from nowhere

I was not made by cutting stone  
I am my father's darling  
I am mother's daughter  
As much as I was not scorched

By the heat of Agni-Pariksha  
I have been burnt to ashes more than that  
By your desire to test me by fire  
Your good will to prove me a Sati

I ask you today  
Why did you cut Shurpanakha's nose?  
She wanted your love, right?  
Why did you send her to Lakshmana?  
Why did you ridicule her?

She was also a woman  
So what if she was a demon  
Didn't she have any dignity  
Did you not have the dignity to respect her?

You were the best man!  
You cut off his nose  
You were no less than Ravana  
You insulted one person  
Then Ravana did it to me

He kidnapped me by force  
I did not go to Lanka  
Laughing and giggling  
Rather I went crying and wailing  
Calling and screaming for my Raghav

Dropping all my ornaments on the way  
Then why do you question me  
If you could not protect me  
Then why test me

I shared all your sorrows and joys  
But you did not share even one of my sorrows  
You could have known my sorrows from the trees  
and plants

From the birds and animals  
Oh, you were an omniscient...  
You understood my heart

Then why did you not hear  
my call  
You pushed me, scolded me with full respect  
You threw me out of the house with full respect

If I had gone to the forest crying  
How would you have been a man of honor?  
What answer would you give to my many  
questions?  
But what happened, happened

I remained quiet  
Thinking this  
Listen  
Now I am not Sita

I do not have only your shown world in front of  
me

I will bear my joys and sorrows alone  
I will remember you every moment, every day  
But I will not be absorbed in the earth

I am not Sita  
I will not shed tears

I am not Sita  
I will not hide my face in the earth  
I will not be absorbed in the earth

# Who Are You Called?



It's okay if you don't like others  
If you don't love from the bottom of your  
heart, it won't work  
I will leave you from this heart  
My heart is dedicated to you

Who do you say doesn't love you?  
You say you don't burn in hard love  
You stay with your soul at night  
My heart is dedicated to you

Not everyone can be loved, my heart  
Heart laughs my eyes  
Even I am surprised  
My heart is dedicated to you

Khalidkhan Orifova was born on January 10, 2007 in Koshtepa district of Fergana region. Currently she is a student of 11th grade of 16th general secondary school. From a young age, he is interested in literature and writes poems. He has published his personal book "Towards sweet dreams". He cooperates with many publishers, is active in online tests and has received certificates, diplomas and letters of thanks. Her future dream is to receive the Zulfiyakhanim award and help many of our young people

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## BUSINESS

## Kenya Hosts Global Bioeconomy Summit, Aiming For Sustainable Growth



By: Cynthia Masibo  
@themtkenyatimes

## Worth Noting:

- Bioeconomy, which includes sectors such as biopharmaceuticals, biopackaging, and sustainable industries, has been recognized as a key driver for transforming food systems in Africa. Dr. Karanja pointed out that agriculture contributes between 23 and 35 percent of the GDP in many sub-Saharan African nations, producing vast quantities of biomass that serve as the foundation for bioeconomy initiatives.

- In his speech, the CS highlighted the regional commitment, particularly the East African Community's development of a bioeconomy strategy in 2022 under Kenya's leadership.

- "The strategy, the first of its kind in Africa, prioritizes food security, health, bioenergy, and sustainable industries," said Dr. Karanja



Agriculture CS Andrew Karanja issuing his address at the Global Bio economy summit 2024 in Nairobi

The inaugural Global Bioeconomy Summit (GBS) held in Nairobi attracted global leaders, researchers, and policymakers and was seen as a significant opportunity for Africa to advance its bioeconomy agenda.

Cabinet Secretary for Agriculture and Livestock Development, Dr. Andrew Karanja, welcomed the delegates to the summit while underscoring the growing importance of bioeconomy as a sustainable development model.

"Bioeconomy involves using scientific knowledge to add economic and social value to biological resources in a sustainable way," Dr. Karanja stated in his opening speech.

He emphasized that bioeconomy offers a pathway for growth with reduced carbon emissions and a commitment to biodiversity preservation.

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quantities of biomass that serve as the foundation for bioeconomy initiatives.

In his speech, the CS highlighted the regional commitment, particularly the East African Community's development of a bioeconomy strategy in 2022 under Kenya's leadership.

"The strategy, the first of its kind in Africa, prioritizes food security, health, bioenergy, and sustainable industries," said Dr. Karanja.

It aligns with the East Africa Vision 2050 and the United Nations Sustainable Development Goals (SDGs) for 2030, showcasing the region's ambition to drive growth in harmony with global development goals.

Dr. Karanja called on delegates to explore practical solutions to pressing challenges such as climate change, biodiversity loss, and food insecurity.

"The GBS coming to Africa recognizes our efforts to build a sustainable bioeconomy and opens opportunities for partnerships with other regions to address these global challenges in a sustainable way," he remarked.

In his appeal to the international community, the CS urged for the development of clear bioeconomy pol-

icies tailored to the unique needs of different regions. He also emphasized the importance of fostering innovation, particularly in agro-processing and value addition to biomass, as a means of creating jobs and improving livelihoods. Partnerships between universities and industries were highlighted as crucial to enabling the scientific breakthroughs required to drive the bioeconomy forward.

Dr. Karanja also advocated for greater cooperation in areas such as bioeconomy standards, financing, and education. He underscored the importance of youth involvement, both in research and entrepreneurial ventures, to ensure the bioeconomy's success in Africa.

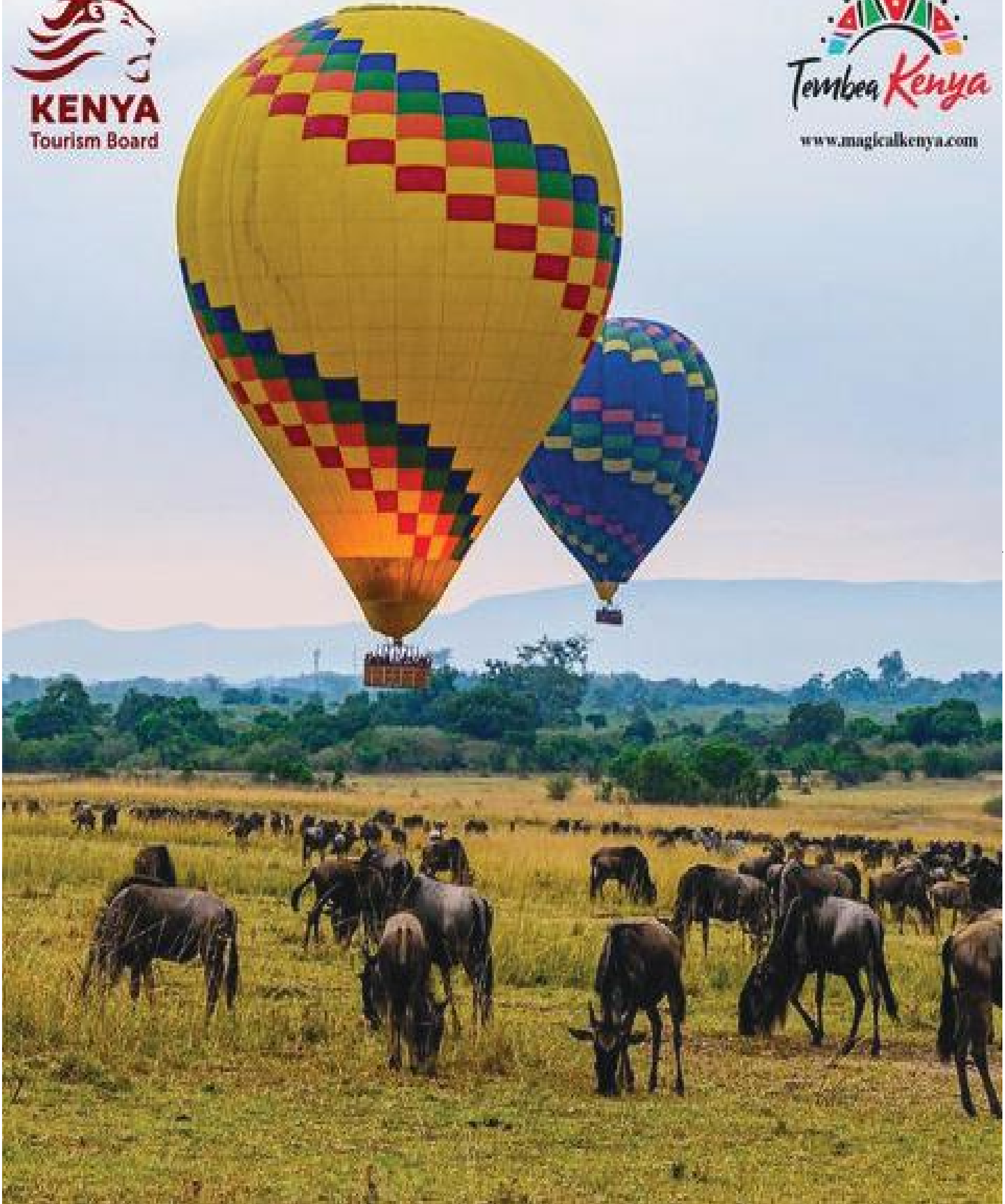
GBS2024 will put further emphasis on bioeconomy as a key model for sustainable transition to fossil-free economies, conservation of biodiversity, and using innovation as a driver for new economic opportunities, especially jobs for the youth. More specifically, GBS 2024 will feature four plenary sessions, 24 parallel workshops, and about 12 exhibitions showcasing the latest advances in bioeconomy research and innovation

that are transforming lives in communities around the world. Several issues will be discussed.

The GBS204 will foster global cooperation for the bioeconomy. This is necessary to ensure that bioeconomy advances to benefit society as whole. Such cooperation supports a just transition to the bioeconomy, ensures that any tradeoffs from bioeconomy advancements are carefully managed.

As the summit unfolds, the focus will remain on the collective role of governments, private sectors, civil society, and academia in advancing bioeconomy. "Bioeconomy is becoming the growth pathway for the green future that we all desire," Dr. Karanja concluded, expressing optimism about the summit's potential to yield meaningful outcomes for sustainable development across the continent and beyond.

The summit is expected to foster new partnerships and strategies that will bolster Africa's role in the global bioeconomy landscape.



# Constitutional Metamorphosis: From Aspirational Text To Social Reality - A Kenyan Perspective On Transformative Constitutionalism”



By: Odhiambo Jerameel Kevins Owuor  
@themkenyatimes

The transformative nature of Kenya’s 2010 Constitution represents a paradigmatic shift from its predecessor, establishing not merely a political framework but a transformative charter for social justice. The Constitution’s transformative agenda is evident in its architecture, from the expansive Bill of Rights to the radical restructuring of state power through devolution. This transformative vision demands a departure from mechanical interpretive approaches that characterized the pre-2010 constitutional era. Article 259’s interpretive mandate, requiring that the Constitution be interpreted in a manner that promotes its purposes, values, and principles, advances the agenda of transformative constitutionalism. The Supreme Court’s decision in *Communications Commission of Kenya & 5 others v Royal Media Services Limited & 5 others* [2014] acknowledges this transformative mandate but leaves considerable room for developing a more robust transformative jurisprudence. The concept of transformative constitutionalism, as articulated by scholars like Karl Klare and developed in the Kenyan context by scholars such as Willy Mutunga, provides theoretical scaffolding for understanding the Constitution’s transformative potential. Furthermore, Article 20(3)’s requirement that courts develop the law to ensure the full realization of rights underscores the Constitution’s transformative agenda. Finally, this transformative vision requires courts to move beyond traditional conceptualizations of their role to become active agents of social change.

The Supreme Court’s jurisprudence in cases like *Raila Odinga & Another v IEBC & 2 Others* [2017] demonstrates an emerging understanding of transformative constitutionalism’s practical implications. The Court’s willingness to invalidate a presidential election based on systemic irregularities reflects a deep engagement with the Constitution’s transformative mandate. The decision in *Katiba Institute v Presidents Delivery Unit & 2 others* [2017] further exemplifies how courts can leverage constitutional interpretation to advance social justice objectives. The Court’s approach in *Council of Governors & 47 others v Attorney General & 3 others* [2020] demonstrates the potential for transformative interpretation in the context of devolution. Chief Justice Koome’s separate opinion in *Trusted Society of Human Rights Alliance v Mumo Matemu* [2012] provides valuable insights into how transformative



constitutionalism can inform judicial decision-making. The jurisprudence emerging from the Employment and Labour Relations Court, particularly in cases involving Article 41 rights, shows how specialized courts can advance transformative constitutionalism in specific domains. Additionally, the High Court’s decision in *PAO & 2 Others v Attorney General* [2012] demonstrates how transformative constitutionalism can inform the interpretation of socio-economic rights. Finally, these cases collectively illustrate the judiciary’s growing comfort with its transformative mandate, though significant potential remains untapped.

Comparative jurisprudence, particularly from South Africa, offers valuable insights for developing Kenya’s transformative constitutionalism. The South African Constitutional Court’s approach in cases like *Minister of Health v Treatment Action Campaign* provides a model for rights-based transformative jurisprudence. The Indian Supreme Court’s development of Public Interest Litigation demonstrates how procedural innovations can advance transformative objectives. The Colombian Constitutional Court’s structural interdicts in cases involving systemic rights violations offer lessons for Kenyan courts. The German Federal Constitutional Court’s concept of radiating effect (*Drittwirkung*) provides theoretical tools for understanding how constitutional values can permeate private law relationships. The Canadian Supreme Court’s purposive approach to rights interpretation, as demonstrated in *R v Oakes*, offers methodological insights for Kenyan courts. International human rights jurisprudence, particularly from the African Court on Human and Peoples’ Rights, provides additional resources for developing transformative approaches. Finally, these comparative perspectives demonstrate the universal relevance

of transformative constitutionalism while highlighting the need for context-specific adaptation.

The realization of transformative constitutionalism requires institutional reforms within Kenya’s judiciary. The Judiciary Training Institute must develop specialized programs focusing on transformative constitutional interpretation. The Supreme Court needs to develop clearer guidelines for lower courts on implementing transformative constitutionalism. The Judicial Service Commission should consider commitment to transformative constitutionalism in judicial appointments. Constitutional courts at all levels need adequate resources to fulfill their transformative mandate effectively. Regular judicial colloquia on transformative constitutionalism can facilitate the exchange of ideas and best practices. Monitoring and evaluation mechanisms must be developed to assess the impact of transformative jurisprudence. The judiciary must strengthen its research capacity to support transformative decision-making. Finally, partnerships with academic institutions can enhance the judiciary’s theoretical understanding of transformative constitutionalism.

Transformative constitutionalism demands a reconceptualization of traditional legal doctrines and principles. The doctrine of precedent must be applied flexibly to accommodate transformative objectives. Standing rules should be interpreted liberally to facilitate access to justice. Remedial powers should be exercised creatively to ensure effective relief. The principle of progressive realization of socio-economic rights should be interpreted dynamically. Constitutional interpretation must prioritize substantive over formal equality. Traditional public-private distinctions should be reconsidered in light of transformative objectives. The principle of constitutional supremacy

must be understood in transformative terms. Finally, legal formalism must give way to purposive interpretation focused on achieving transformative outcomes.

The implementation of transformative constitutionalism faces significant challenges that require strategic responses. Judicial conservatism and institutional inertia must be actively confronted through continuous training and sensitization. Resource constraints necessitate innovative approaches to achieving transformative outcomes. Political resistance to transformation requires careful balancing of judicial authority and democratic principles. Traditional legal education must be reformed to incorporate transformative perspectives. Public awareness of transformative constitutionalism must be enhanced through strategic communication. Coordination between different branches of government is essential for effective implementation. Professional legal organizations must support transformative initiatives. Finally, international cooperation can provide resources and expertise for advancing transformative objectives.

The role of civil society in advancing transformative constitutionalism cannot be overstated. Public interest litigation organizations play a crucial role in bringing transformative cases before courts. Academic institutions contribute through research and critique of transformative jurisprudence. Professional associations can promote transformative approaches among their members. Media organizations must be engaged to promote public understanding of transformative constitutionalism. Community organizations can help identify ar-

**Worth Noting:**

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# LETTERS TO THE EDITOR

## Toxic University Relationship

Relationships among university students are no longer mutual and it has become a suicidal act of relationship. Many university students have now started to handle relationship problems with suicide, they commit suicide so as to forget what their partners did to them thus leading to death, some end up killing their partners brutally just because their partners became unfaithful to them.

They have been so many cases where university students start dating people whom they do not know just because they met them in one of social media platforms; this has not ended well for them as most of them have got themselves killed.

University students should be care-

ful with what they do in school, their main agenda for them to join those institutions is to get educated and gain knowledge that can help them to at least put something on the table in the future but now it is verse versa relationship has replaced what made them to join those institutions. Education is no longer adhered to as they spend most of their time on social media platforms looking for spouses who end up getting rid of them, some invest in their partners in that they spend every single coin trying to impress partners who will end up hurting them, they have been some cases where students go to the extent of differing exams and spend the money meant for school fees on their partners ,when such part-

ners cheat on them ,the only think that comes to their mind is either getting rid of them or themselves.

Students should be careful before making this decision of committing suicide, they should know that life must continue with or without a lover, being rejected by a partner is not the end of life, when one makes a decision of committing suicide he or she is not strong enough to handle life challenges .One should be strong enough to walk out on a toxic relationship before it is too late.

*Lincoln vigambo (Rongo university)*



## Public Interest Information Is Crucial: Participating In This Year's Global Media And Information Literacy Week

It is important to understand that dissemination of information is considerably effective to the reliability of the media used and its credibility. The advancement of technologies has resulted to a transformation of social media platforms being faster to reach and spread information globally. The Global Media and Information Literacy week is inclusive in answering this. This year's theme is "The New Digital Frontiers of Information, Media and Information Literacy for Public Interest Information". This is

looking into tackling the greatness of using the online space to enhance the welfare or well-being of the general public and society.

The commemoration of the week will begin on 24th to 31st October 2024 which will focus on the key considerations in digital content creation and the need to give out information that is well analyses and can transform societies. Everybody can take this opportunity to showcase in the media how essential this week is. Literacy particularly enabling peo-

ple to understand how to verify and choose the content to consume in the media then this week is observed to raise awareness and celebrate the progress achieved towards Media and Information Literacy for all. This annual week will bring together stakeholders from around the world to share ideas and explore innovative ways to promote MIL in public interest matters.

Engagement, expert knowledge and all submissions in bettering the use of online to promote the well-being of

the people is encouraged. The interactions are crucial since this will educate many in using various channels of relaying information appropriately. This week is able to inform the public across the world in knowing the preferential challenges of disinformation and misinformation which hinder impactful online progress.

The climax of the Media and Information Literacy week will be held in Hashemite Kingdom in Amman, Jordan on 30th to 31st October and the host will be UNESCO. It will be

a good opportunity to explicit on the purpose of the digital communication and transformative artificial intelligence which need application. The week will necessitate a comprehension of people learning to access and use better ways in empower people in promoting digital creativity and innovation.

*By Abraham Ong'uti  
Rongo University.*

## Protect Students During KCSE Examinations

As the Kenya Certificate of Secondary Education (KCSE) examinations commence across the country, the focus has shifted to ensuring a safe and conducive environment for the candidates. Each year, thousands of students prepare diligently for this important phase of their academic journey. But beyond academic readiness, the safety and well-being of these students during the examination period are equally essential.

The KCSE examinations are a significant milestone that determines the future educational and career paths of students. It is important to ensure that students sit for their exams in a secure environment free from distractions, undue pressure, and anxiety. Disruptions, insecurity, or un-

due pressure can negatively impact performance, potentially altering the future of these young minds. Some of the reasons why providing protection for students during the KCSE exams is important are as follows:

### **Safeguarding Mental and Emotional Well-being**

The KCSE examination period can be emotionally stressing. Students often experience high levels of anxiety, pressure to perform, and fear of failure. Instances of external stress, such as pressure from school administrators or community members, can escalate this. Protecting students during the exams means providing a serene environment where they can focus on doing their best without be-

ing burdened by external challenges.

### **Preventing Exam Malpractices and Unfair Practices**

Security during KCSE is crucial to uphold the integrity of the examination process. Reports of exam malpractices, including leakage of exam papers and cheating, have surfaced in the past. Protecting students ensures that they are not forced into participating in such unethical practices. It also prevents malicious actors from attacking on students' vulnerabilities to compromise the exam process. A secure environment fosters fairness and ensures that each student's performance reflects their true effort and understanding.

### **Ensuring Safety in Conflict-Prone Areas**

In regions that are prone to conflict or insecurity, such as areas affected by banditry, community clashes, or political instability, students are at a heightened risk during the examination period. Providing security ensures that candidates in these areas can sit for their exams without fear for their safety. The government, in collaboration with local security forces, has a responsibility to provide additional protection to these students, ensuring that their right to education is not affected by external circumstances.

Education stakeholders, including parents, school administrators, security personnel, and government agen-

cies, must collaborate to ensure that the examination environment is safe, fair, and conducive for all students. This means providing adequate security at exam centers, monitoring the integrity of the examination process, and addressing any challenges that could hinder the students' performance.

As KCSE begins, it is crucial to remember that these students are the future of our country. Protecting them during this critical period not only upholds their right to education but also ensures that Kenya continues to produce capable, well-rounded, and confident graduates ready to contribute to national development.

*Benard Mudogo, Rongo University*

# The Greedy Hands Groping Kenya's Economy With Dirty Deals

*Kenya's economy is under siege by cartels formed by political dynasties and business magnates, feasting on public funds and suffocating national development*



By: Midmark Onsongo  
@themkenyatimes

Did you know that the Kenyan economy is not driven by free markets or innovation but by the cold, calculating grip of cartels? Imagine this: a country rich in resources, brimming with potential, yet constantly brought to its knees by the same dynasties—the Kenyattas, Moises, and Odingas—whose names, for decades, have echoed through the halls of power. These families do not merely hold political influence; they control the very economic arteries that keep Kenya alive, their hands stretched across the nation's sugar, maize, and energy sectors, draining the lifeblood from the ordinary citizen. Are you ready to hear the truth? Are you ready to understand how corruption has not just harmed Kenya—it has owned it?

Since independence, Kenya has been the playground of a select few. Jomo Kenyatta, the founding father, is often remembered for his role in the struggle for liberation. But behind the legacy lies a dynasty that, to this day, continues to amass wealth and power, with the Kenyatta family's business empire reaching far beyond the political realm. From banking to real estate, and notably, the monopolization of the dairy industry, the Kenyattas have grown their fortune, largely unchecked. Do you think the price of your packet of milk is high because of market forces? Think again. Brookside, owned by the Kenyatta family, controls over 40% of Kenya's milk market, manipulating prices and stifling competition. And while you pay more for your daily essentials, the profits keep rolling in, unnoticed by the very people who should be regulating the industry. But why would they? After all, it's their puppeteers pulling the strings.

Fast forward to 2002 when Mwai Kibaki ascended to power, promising to dismantle the culture of corruption. But what came of it? The Anglo Leasing scandal exploded onto the scene, exposing the rot that lay beneath the surface. Billions of shillings were siphoned off under the guise of securing national security contracts.

Contracts that were never honored, yet the money disappeared as if by magic. Can you hear the whispers? Those responsible—shadowy figures within the Kibaki administration—were never truly brought to justice. Instead, they walked free, shielded by the very system meant to hold them accountable. It was a reminder that, in Kenya, corruption is not the exception—it is the rule. Have you ever wondered why



Mumias Sugar, once the crown jewel of Kenya's agricultural sector, collapsed so spectacularly? It was not mere mismanagement that brought the company to its knees. The truth is far more sinister. Cartels, linked to powerful political figures, flooded the market with imported sugar, deliberately undermining local production to reap massive profits.

Who stood to gain from this? It was no secret that the likes of William Ruto, whose political career has long been dogged by accusations of corruption, had vested interests in the importation business. The same Ruto, now President, who once stood trial at the International Criminal Court for his alleged role in post-election violence, has become the master of political survival. But do you think he has abandoned the corrupt networks that sustained him? Hardly. His fingerprints are all over the agricultural sector, a sector that should be feeding Kenya but instead feeds only a few fat cats.

And then there is Raila Odinga, the perennial opposition leader turned ally of the state, whose own political career has been marked by strategic alignments rather than steadfast principles. How many times has Odinga cried foul over election rigging, only to turn around and shake hands with the very people he accused? The infamous "handshake" with Uhuru Kenyatta in 2018 was nothing short of a deal brokered in the backrooms of power, a truce that secured peace for the ruling class while ordinary Kenyans continued to suffer. And while they dined together, the scandals kept rolling. The maize scandal of 2018, where billions of shillings were lost in dubious procurement deals, was just another chapter in the same old story.

Can you hear it? The steady hum of Kenya Power, the flicker of lights in

your home. But behind that glow is darkness—an industry captured by cartels who inflate contracts, steal through tenders, and pass the cost down to you, the consumer. The very company tasked with lighting up the nation has been sucked dry by insiders who enrich themselves at your expense. Yet, no one dares to speak out. Why? Because the rot runs deep. The energy sector is controlled by a network of elites who ensure that, no matter how loud the outcry, nothing changes. KenGen, Kenya Power—these are not public companies serving the people. They are golden geese for the few who pull the strings. Corruption in Kenya is not just a stain on the country's fabric—it is the fabric. From the moment you wake up to the time you go to bed, you are surrounded by its effects. Roads filled with potholes, hospitals without medicine, schools without books—it is all part of the same system. A system where the rich get richer and the poor get poorer, where the laws are bent to protect the powerful, and justice is a distant dream.

Do you recall the KEMSA scandal? During the height of the COVID-19 pandemic, billions of shillings were looted from the very agency meant to protect Kenyans. As people died in overcrowded hospitals, as doctors and nurses pleaded for protective equipment, the cartels feasted. Who was behind it? Murmurs point to powerful individuals within the Jubilee government, but the full truth remains buried under layers of bureaucracy and political cover-ups. It is a tragedy of epic proportions—yet another reminder that, in Kenya, even in the face of a crisis, greed trumps humanity.

But where does all of this leave us? Is there any hope of breaking free from the stranglehold of these

corrupt networks? Some believe the answer lies in the judiciary, but even that institution has been compromised. Remember the Goldenberg scandal, where billions were lost in a scheme to inflate gold exports? Years of investigations, commissions of inquiry, and what was the outcome? A slap on the wrist for those involved. Justice, it seems, is a commodity in Kenya, sold to the highest bidder.

So here we are, in 2024, watching as the same players continue their dance of deceit. The Kenyattas, Moises, Odingas, Rutos—the names remain the same, their power undiminished. The cartels they control continue to thrive, suffocating any chance of real progress. You see the glittering towers of Nairobi, the new highways, the promises of development. But beneath that shine is a festering rot, a system designed to benefit the few at the expense of the many. And the saddest part? We've all become numb to it.

Are you angry yet? You should be. But anger alone is not enough. It is time to open our eyes to the truth, to demand better, to refuse to be pawns in a game where the rules are rigged. The cartels may think they are invincible, but history has shown that even the mightiest fall. Kenya's future does not belong to the corrupt—it belongs to those brave enough to take it back.

So, will you sit quietly, or will you demand the change that is long overdue? The choice is yours. But remember, every time you turn a blind eye to corruption, every time you allow these cartels to tighten their grip, you are complicit in the destruction of Kenya's future.

*This article was scripted by; MIDMARK ONSONGO, SGS (Socio-Geographic Scholar)*

## Worth Noting:

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# Innovative Methods In Education; Modern Technologies And New Approaches

By: Shavkatova Nilufar Erkinovna  
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Today, problems related to the use of innovative methods and modern technologies in the field of education, development of new approaches in pedagogy and psychology are of urgent importance. The rapid development of technology makes teaching and learning processes more efficient. This article examines the importance of innovative methods in education, their compatibility with modern technologies, and new approaches from the point of view of pedagogical psychology.

Innovative methods and their importance. Innovative methods are methods aimed at creating an interactive dialogue between teachers and students, developing critical think-

ing and providing an individual approach, unlike traditional educational methods. These methods have the following characteristics:

**Interaction:** Enhances interaction between teacher and student.

**Critical Thinking:** Develops students' critical thinking skills.

**Creativity:** Enables students to be creative.

**Repetition:** Simplifies the revision process for the teacher.

**Use of modern technologies.** Modern technologies include such opportunities as the Internet, multimedia tools, and virtual simulators. These technologies improve the educational process in the following ways:

**Interactivity:** Increase student interest by presenting learning materials in an interactive format. Distance education: Enables the learning process to be carried out at a distance.

**Access to Resources:** Provides ac-

cess to a wide range of resources for students.

**Individual approach:** organization of training according to the needs of each student.

New approaches from the point of view of pedagogical psychology

Pedagogical psychology plays an important role in the development of innovative methods, because it implies the need to take into account the needs, motivations and individual characteristics of students. New approaches include:

**Differentiated Approach:** Treating each student differently based on his/her individual capabilities.

**Collaborative learning:** Using methods that encourage students to work in groups.

**Development of emotional intelligence:** Teachers should strengthen



the emotional connection with students.

**Self-Assessment:** Introducing methods that allow students to assess their own knowledge.

In conclusion, the use of innovative methods and modern technologies in education is forming new approaches in pedagogy and psychology.

This process not only strengthens the relationship between the teacher and students, but also improves the quality of education. By implementing innovative pedagogical solutions, we will be able to make the learning processes of the next generation more effective.

# Constitutional Metamorphosis: From Aspirational Text To Social Reality - A Kenyan Perspective On Transformative Constitutionalism”

Contd from page 18

cas requiring transformative intervention. International civil society networks provide valuable support and resources. Monitoring and evaluation by civil society enhances accountability. Finally, civil society advocacy helps maintain momentum for transformation.

The intersection of transformative constitutionalism with devolution presents unique opportunities and challenges. County governments must be empowered as agents of transformation at the local level. Intergovernmental relations should be structured to advance transformative objectives. Resource allocation must prioritize transformative initiatives at both national and county levels. County legislation should reflect transformative constitutional values. Local participation mechanisms must be strengthened to support transformation. Capacity building at the county level is essential for effective implementation. Monitoring and evaluation systems must track transformative progress at the county lev-

el. Finally, best practices in transformative governance should be shared across counties.

The advancement of socio-economic rights represents a critical test for transformative constitutionalism. Courts must develop innovative approaches to enforcing socio-economic rights. The principle of progressive realization should be interpreted to require meaningful progress. Minimum core obligations must be clearly defined and enforced. Resource allocation decisions should be subject to transformative scrutiny. Public participation in socio-economic rights implementation must be strengthened. Monitoring mechanisms for socio-economic rights realization need enhancement. International standards should inform domestic implementation. Finally, remedial approaches must ensure effective relief for socio-economic rights violations.

Gender justice presents a particular challenge and opportunity for transformative constitutionalism. Article 27's equality provisions must be interpreted to address structural gender discrimination. Gender-responsive budgeting should be constitutionally mandated. Affirmative action mea-

sures require robust judicial support. Traditional practices conflicting with gender equality must be constitutionally scrutinized. Gender mainstreaming should inform all aspects of constitutional implementation. Access to justice for gender-based violations must be enhanced. Gender equality in political representation requires continued attention. Finally, transformative approaches must address intersectional discrimination.

Environmental justice represents an emerging frontier for transformative constitutionalism. Article 42's environmental rights must be interpreted expansively to address contemporary challenges. Intergenerational equity should inform environmental decision-making. Public participation in environmental governance requires strengthening. Environmental impact assessment processes need constitutional reinforcement. Climate change adaptation and mitigation require transformative approaches. Indigenous environmental knowledge should be constitutionally protected. Environmental remedies must ensure effective ecological protection. Finally, sustainable development principles should guide transformative environmental jurisprudence.

Digital rights and technological advancement present new challenges for transformative constitutionalism. Constitutional privacy protections must evolve to address technological threats. Access to digital resources should be recognized as a constitutional right. Digital inclusion requires transformative interpretation of equality provisions. Artificial intelligence governance needs constitutional framework development. Cybersecurity requires constitutional protection mechanisms. Digital democracy should enhance transformative constitutionalism. Technology-enabled public participation needs constitutional support. Finally, digital rights enforcement requires innovative remedial approaches.

The future of transformative constitutionalism in Kenya depends on sustained commitment and innovation. Judicial leadership must continue to develop transformative jurisprudence. Institutional capacity for transformation requires continuous enhancement. Public support for transformative constitutionalism must be maintained through visible impact. International cooperation should support domestic transformation efforts. Theoretical understand-

ing of transformative constitutionalism needs ongoing development. Implementation mechanisms require regular review and improvement. Emerging challenges must be addressed through innovative approaches. Finally, the transformative promise of the 2010 Constitution must be fulfilled through persistent effort and dedication.

Human engagement with transformative constitutionalism requires strategic focus and sustained effort. Legal professionals must develop expertise in transformative approaches. Educational institutions should prioritize transformative constitutional education. Civil society organizations need support for transformative initiatives. Public awareness campaigns must highlight transformative successes. Research capacity for transformative constitutionalism requires enhancement. International networks should facilitate knowledge exchange. Monitoring and evaluation systems need ongoing refinement. Finally, the human dimension of constitutional transformation must remain central to all efforts.

*The writer is a lawyer and legal researcher*

# SPORTS NEWS

PHOTOS  
SCORES  
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BREAKING NEWS



**Sports >>** \*Some of Nairobi's major roads will be closed on Sunday to pave way for the 21st edition of the Standard Chartered Nairobi Marathon.

## Sections Of City Roads To Be Closed On Sunday For Nairobi Stanchart Marathon



*Kenyans participating at a past StanChart marathon. PHOTO:COURTESY*

Some of Nairobi's major roads will be closed on Sunday to pave way for the 21st edition of the Standard Chartered Nairobi Marathon.

The roads that are earmarked for temporary closure from October 26 at 11:00pm to 1:30pm on Sunday, October 27 include Southern Bypass and Lang'ata Road.

Parts of Ngong Road, Mombasa Road, Likoni Road, Lenana Road, and Waiyaki Way will also be inaccessible for the duration.

The race is poised to attract over 25,000 participants with over 200 elite athletes.

Addressing the media Wednesday, superintendent in charge of road traffic safety, Boniface Otieno, however provided an

alternative route that motorists should use during the temporary closure of the Southern Bypass.

"Alternative routes include Waiyaki Way to CBD, Lang'ata Road-City Stadium to CBD, Ngong' Road interchange (lower deck) as well as Dagoretti Road."

"It is our duty to inform the members of the public that we'll divert traffic and close the road, and give alternative routes," he added.

Peter Gitau, Standard Chartered COO and Chairman, said they hope to raise Ksh. 60million for the 'Future Makers' initiative — a programme invested in improving education and employability of the youth.

"We have registered 25,000 participants from 90 nationalities,

which is our highest ever in this marathon. We are very excited over Sunday's marathon and the preparations are advanced towards the same," he said.

The Marathon, Half Marathon, 10k and wheelchair races will start on Southern Bypass and finish in Uhuru Gardens.

The first event of the day, the wheelchair run, begins at 5:45 am, followed by: 42km (6:00 am); 21km (7:20 am); 10km (8:45 am) and 5km (10:00 am).

Winners of the full marathon will receive Ksh 2 million with second and third-place finishers pocketing Ksh 1million and Ksh 500,000 respectively.

Those in the half will collect Ksh 300,000 with second and third-place finishers receiving

Ksh 200,000 and Ksh 150,000 respectively.

Road Diversions Kikuyu to Mombasa Road — Use Waiyaki Way

Lenana to Kikuyu — Use Waiyaki Way through Naivasha Road or James Gichuru Road.

Lenana to Mombasa Road — Use Langata Road through Karen Road

Karen Shopping Centre to Mombasa Road — Use Langata Road

ICD to Kikuyu — Use Mombasa Road/Uhuru Highway

*Citizen Sport*

GET THE BEST OF WORLD

**Sports >>** \*Real Madrid duo Thibaut Courtois and Rodrygo are likely to miss the Clasico clash with La Liga leaders Barcelona on Saturday with injury problems.

# Madrid's Courtois And Rodrygo Set To Miss Clasico Injured



Soccer Football - Champions League - Quarter Final - Second Leg - Chelsea v Real Madrid - Stamford Bridge, London, Britain - April 18, 2023 Real Madrid's Thibaut Courtois during the warm up before the match REUTERS/Dylan Martinez.

Real Madrid duo Thibaut Courtois and Rodrygo are likely to miss the Clasico clash with La Liga leaders Barcelona on Saturday with injury problems. Los Blancos came from behind to beat Borussia Dortmund 5-2 in the Champions League on Tuesday but at the cost of losing goalkeeper Courtois.

“Courtois has been diagnosed with an adductor injury in his left leg,” said Madrid in a statement Wednesday, with Ukrainian stopper Andriy Lunin his usual replacement. Lunin stood in for Courtois earlier in the month after the Belgian suffered a minor hip injury. Rodrygo appeared hurt during the

final stages of the win over Dortmund and Madrid coach Ancelotti said the winger had a “muscular injury”.

Spanish media reported Wednesday Rodrygo is poised to miss the game against the league leaders with a hamstring issue.

The champions, second, trail Hansi Flick’s Barcelona by three

points.

AFP

# SPORTS NEWS



PHOTOS  
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BREAKING NEWS



# SPORTS AS THEY HAPPEN

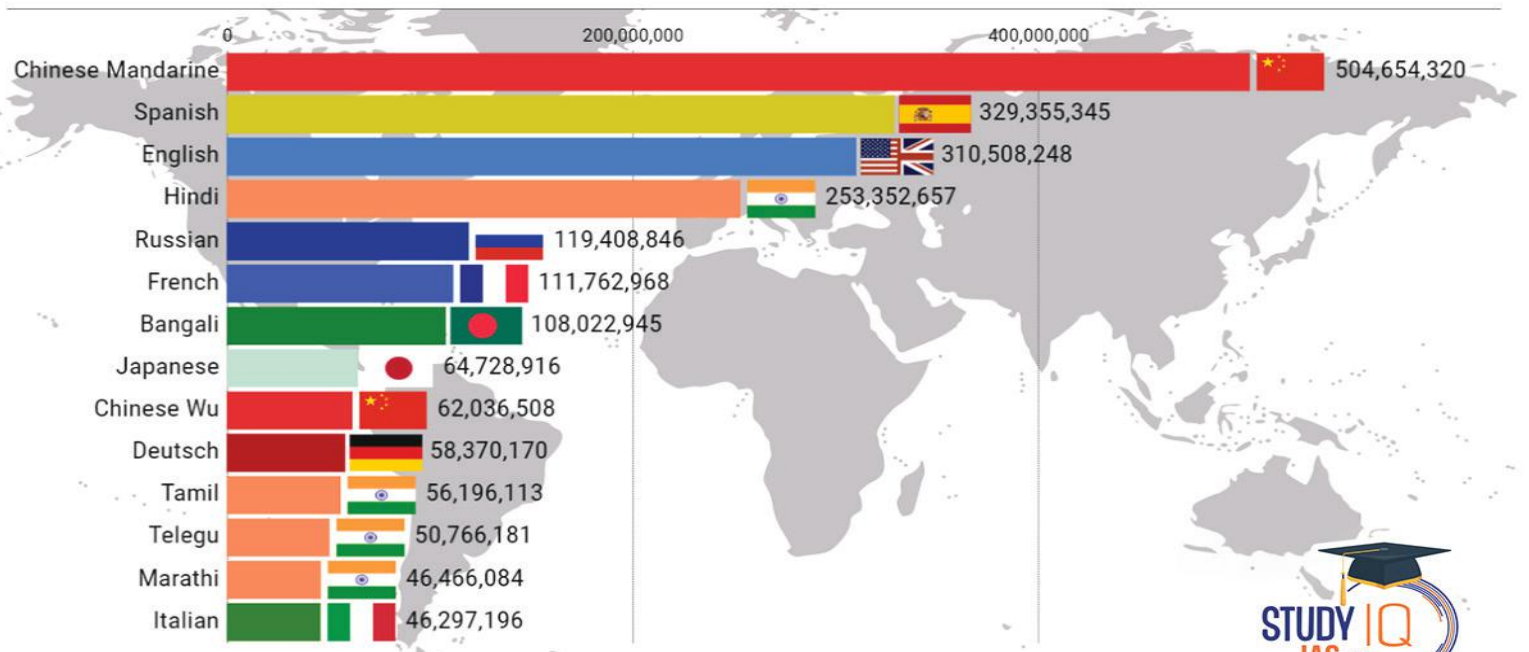


## The Language Is The Pride Of The Nation



By: Ashurov Ubaidullo Akramjon  
@themtkenyatimes

### LANGUAGES OF THE WORLD



#### Worth Noting:

The great person who wrote the words of the anthem of the Republic of Uzbekistan is Abdulla Oripov, who is one of the famous representatives of literature. Mutol Burkhanov composed the music of the national anthem of the Republic of Uzbekistan. He was very popular among human campazitors. All this information that you and we all know is just a drop from the ocean. My dear friends, everything we see and hear is created through only one language.

Maybe that's why Mir Alisher Navoi has been described as the sultan of the vocabulary. Now it's our turn to the top facts about the Uzbek language: 1) the Uzbek language is a three-branch of Turkic languages: Qarluq, Kipchak, Oghiz combined his jokes.

The language is the pride of the nation, people are born with the intention of achieving the freedom of their language, customs, culture and many other freedoms, and they are even ready to sacrifice their lives for those goals. Including their own. The country called Uzbekistan, like all people, has the freedom of its own language, culture, customs, and this kind of emotions that stir the heart of a person. In this, the movements began to speak their words and soon the country called Uzbekistan got its own national language.

The first steps for the nation of Uzbekistan were full of unforgettable moments.

The most important thing is the nation of Uzbekistan. On October 21, 1989, the Uzbek language was given the status of the state language.

In these days, there were no happier people on earth than Uzbekistan, the nation of Uzbekistan.

There are more than 7,000 languages on earth, and now the nation of Uzbekistan has managed to include Uzbek, its own language, among these languages. A new era will create a new era after the first steps for the nation of Uzbekistan. On July 2, 1991, the Republic of Uzbekistan got its coat of arms. The coat of arms of the Republic of Uzbekistan reflects the rich history, culture and

independence of the people of Uzbekistan.

The elements of the coat of arms of the Republic of Uzbekistan are the central sun, 4 circles around the sun, the lower part of the sun, half moon and half stars, half moon and stars, cotton and wheat branches, ribbons connecting the branches, and the main part of the coat of arms is blue. All these are the Republic of Uzbekistan. There is a lot of talk about the coat of arms. Shortly after the collapse of the USSR in 1991, 15 countries gained independence. They are: 1) Russian Federation, 2) Ukraine, 3) Belarus, 4) Georgia, 5) Azerbaijan, 6) Armenia, 7) Turkmenistan, 8) Uzbekistan, 9) Kazakhstan, 10) Kyrgyzstan, 11) Tajikistan, 12) Latvia, 13) Lithuania, 14) Estonia and lastly 15) Moldavia. The first among them was the state of Uzbekistan in 1991

On August 31, it will gain independence and enter its name among the independent countries. After the independence of Uzbekistan, many doors began to open wide for the nation of Uzbekistan. Among them, on November 18, 1991, the Republic of Uzbekistan got its own flag. Red: represents courage, life and glory. 12 white stars: 12 regions and the republic of Karakalpakstan.

On December 8, 1991, the Republic of Uzbekistan got its own Con-

stitution. At that time, there were only 23 articles in the Constitution. By now, the number of articles has reached 155. The news for the nation of Uzbekistan has not ended for a long time, because only 2 days later, Uzbekistan Another good news for the people of the nation was that on December 10, 1992, the Republic of Uzbekistan agreed to sign the decision on the national anthem.

The great person who wrote the words of the anthem of the Republic of Uzbekistan is Abdulla Oripov, who is one of the famous representatives of literature. Mutol Burkhanov composed the music of the national anthem of the Republic of Uzbekistan. He was very popular among human campazitors. All this information that you and we all know is just a drop from the ocean. My dear friends, everything we see and hear is created through only one language.

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About 70 universities around the world teach Uzbek language and literature.

The Uzbek language we speak now began to develop in the 20th century.

4) Throughout history, three different Uzbek scripts have been used. 5) It is the 2nd largest Uzbek language in terms of the number of speakers. 6) The Uzbek language is one of the 50 languages in the world. 7) More than 50 million people speak Uzbek. This is Uzbek. The more we describe, the more we praise, the less recognition we give about the language. Therefore, we should appreciate the Uzbek language. Thousands and millions of our great ancestors fought for this language and sacrificed their lives. Let us cherish this honorable duty for generations. At the end of my speech, I would like to finish with two sentences and 1 poem. No medicine can cure me My mother tongue suits my soul...

Well, let him be poor, let him be poor,

But dear and great to me

Even if the world does not sound like a thousand bars

My mother tongue is sacred to me.....

Language and literature are the window of life of every nation that shows its existence to the world

To lose the national language is to lose the spirit of the nation

(M. Behbudi).