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**THE PROPOSED DRAFT CONSTITUTION OF
TANZANIA (SEPTEMBER, 2014)**

An unofficial translation

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THE PROPOSED DRAFT CONSTITUTION

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PREAMBLE

WHEREAS we, the People of the United Republic of Tanzania, have firmly and solemnly resolved to build in our country a society founded on the principles of humility, freedom, justice, equality, fraternity, peace, togetherness and solidarity in all aspects of our lives;

AND WHEREAS, we believe that those principles can only be realised in a democratic society and one that observes good governance whose Executive is accountable to a Legislature composed of elected Members of Parliament and representative of the people, and an independent Judiciary which dispenses justice without any fear or favour, and thereby ensuring that all human rights are protected and preserved and that the duties of every person are faithfully discharged;

AND WHEREAS, the importance of presenting National Sovereignty and including fighting against any kind of destruction, embezzlement, and encouraging proper and sustainable use of our resources and natural resources together with protecting and preserving our environment for the future of the present and future generations;

AND WHEREAS, the necessity and benefit of nurturing, propagating and developing peace, unity, friendship and solidarity among Tanzanians, other Nations in Africa and in the World at large;

AND WHEREAS, the resolve to build Unity of the African Continent on the principle of a United States of Africa which is revealed by the Union of what used to be the Republic of Tanganyika and the Republic of the People of Zanzibar;

AND TAKING THE MATTER FURTHER, that intent which we have is important in order:

- (a) safeguard, establish and strengthen the Union of the countries of the Republic of Tanganyika and the Republic of the People of Zanzibar;
- (b) to build a Nation that is free and self-reliant;
- (c) to strengthen and establish rule of law;
- (d) to develop and establish ethics, accountability and transparency;
- (e) to build unity and solidarity which shall facilitate fulfilment of political, economic, social, and environmental objectives and safeguarding heritage in general;
- (f) to build and establish people's supremacy and sovereignty;
- (g) to build and establish observance of supremacy of Constitution; and
- (h) to strengthen and establish patriotism to the Nation among Tanzanians;

AND IN THAT REGARD, the heritage left to us by the Founders of our Nation of building a nation that has Unity of its People who do not discriminate against one another on the bases of

tribe, religion, colour, sex or any other type of discrimination;

AND IN THAT REGARD, the experience of more than fifty years of Independence and fifty years of the United Republic of Tanganyika and the Republic of the People of Zanzibar and the necessity of wider and transparent participation of the people in the preparation of the Constitution of the United Republic of Tanzania;

NOW, THEREFORE, THIS CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA WHICH WAS PROPOSED BY A SPECIAL CONSTITUENT ASSEMBLY has been authored by **US, THE CITIZENS OF THE UNITED REPUBLIC OF TANZANIA**, through **A REFERENDUM** for the purpose of building such a society and ensuring that the United Republic of Tanzania is governed by a Government that adheres to the principles of democracy and rule of law, self-reliance and a secular state.

THE PROPOSED DRAFT CONSTITUTION

CHAPTER ONE THE UNITED REPUBLIC OF TANZANIA

PART ONE NAME, BOUNDARIES, SYMBOLS, LANGUAGE, NATIONAL VALUES

The United Republic
of Tanzania

1.-(1) The United Republic of Tanzania is a Federation which is sovereign and has resulted from the Union of the two countries of the Republic of Tanganyika and the People's Republic of Zanzibar which before the agreement of the Articles of Union of 22 April 1964 were independent states.

(2) The United Republic is a democratic Federation which follows a multi-party political system, equality of human beings, self-reliance, rule of law and respect for human rights.

(3) The Articles of Union which has been referred to under sub article (1), is the main principle of the United Republic of Tanzania and this Constitution, as shall be amended, shall constitute part of the Agreement.

The Territory of the
United Republic

2.-(1) The Territory of the United Republic of Tanzania is:

(a) the entire inland area of the Tanzania including the area of the sea formerly known as the Republic of Tanganyika including other areas that will be added; and

(b) the entire Zanzibar area, including the area of the sea –formerly known as the People's Republic of Zanzibar including other areas that will be added.

(2) The President of the United Republic will have powers to divide the United Republic into provinces, districts and other areas and in Zanzibar, the President may delegate this authority to the President of Zanzibar.

(3) For the purposes of subsection (1), Parliament shall enact laws to classify and define the boundaries of the territory of the United Republic.

National Symbols
and Holidays

3.-(1) National Symbols and Holidays are:

- (a) National Flag;
- (b) National Anthem; and
- (c) National Logo,

as shall be identified by a law that shall be enacted by the National Assembly.

(2) The National Holidays shall be:

- (a) The Independence Day of Tanganyika, that shall be celebrated on 9 December;
 - (b) The Day of Revolution of Zanzibar, that shall be celebrated on 12 January;
 - (c) The Union Day of Tanganyika and Zanzibar, that shall be celebrated on 26 April; and
 - (d) other holidays that shall be identified by the Laws of the Land.
- (3) Each National Day shall be a public holiday.

National Language and
Sign Languages

4.-(1) The National Language of the United Republic shall be Kiswahili and shall be used in official national and governmental communications.

(2) Without prejudice to the provisions of Sub-article (1), the English language may be used as an official language of governmental communication should a need arise.

(3) According to this Article, sign language for the deaf and sign language for the deaf blind, shall be an official language of communication.

(4) The Government shall facilitate communication through alternative languages including sign languages and Braille in important public places and in mass media with national coverage for people with special needs.

National Values

5. The United Republic shall respect and observe the following National Values:

- (a) Kiswahili language;
- (b) Unity;
- (c) Dignity and Fraternity; and
- (d) Peace and Stability.

Principles of good governance

6.-(1) In exercise of its powers or any activities in accordance with this Constitution or the laws of the land, principles of good governance in this Article must be observed and followed by the institution of Government, an official of the Government or any person entrusted with:

- (a) using or interpreting this Constitution;
- (b) enacting, using or interpreting any law; and
- (c) making or implementing public policy decisions.

(2) Principles of good governance in the United Republic shall include:

- (a) integrity ;
- (b) democracy;
- (c) accountability;
- (d) rule of law;
- (e) public participation;
- (f) human rights;
- (g) gender equality;
- (h) national unity;
- (i) transparency;
- (j) patriotism

PART TWO

SOVEREIGNTY OF THE PEOPLE, ALLEGIANCE AND PRESERVATION OF THE CONSTITUTION

Sovereignty of the people

7.-(1) The people are the basis of all the state authority, and therefore:

- (a) The government shall assume authority and power from the people who through their unity and totality own and give this Constitution legitimacy;
- (b) The main objective of the Government shall be development and prosperity of the people;
- (c) The Government shall be accountable to the people; and
- (d) The people shall participate in Government duties according to the conditions of this Constitution.

(2) For the purpose of this Article, the Government of the United Republic and the Revolutionary Government of Zanzibar will receive a mandate from the people through democratic elections that will be conducted and managed by the organs that will be given powers by this Constitution and the Constitution of Zanzibar, as the case may be.

The People and the Government

8.-(1)The government and its agencies in the execution and implementation of its duties, shall be based on its objective of strengthening national unity and maintaining National integrity

(2) For the purpose of the condition in sub-article (1), the state and its organs are obligated to direct their policies and duties to ensure that:

- (a) dignity, respect and all other human rights are preserved and maintained with

- regard to Tanzanian culture and traditions and considering different agreements to which the United Republic consented;
- (b) the laws of the land are administered;
 - (c) the national wealth is developed, preserved and used for the benefit of all the people and also that one person is prohibited from exploiting another person;
 - (d) land, being the main resource of the nation, is protected, preserved and used for the benefit, advantage and prosperity of the present and future generations;
 - (e) national economic development is planned and developed proportionally and jointly in a way that shall benefit all the people;
 - (f) every person who is capable of working works, where work is any legal activity which provides a person with an income;
 - (g) national authority provides equal opportunities and rights to all people, women and men, without discrimination on the basis of colour, tribe, affinity, religion, or a person's status;
 - (h) all kinds of injustice, threats, discrimination, subjugation, graft, oppression or nepotism are removed from the country;
 - (i) the wealth of the national resources and natural resources is directed towards bringing about development, alleviation of poverty, ignorance and disease; and
 - (j) The country is governed through the principles of democracy and self-reliance.

Supremacy and Defence of the Constitution

- 9.**-(1) This Constitution shall be the supreme law in the United Republic according to the conditions set by this Constitution.
- (2) For the purposes of subsection (1), if the provisions of any law enacted by entities with authority to legislate vary with the provisions of this Constitution, the provisions of this law shall be null and void to the extent that it varies with the provisions of this Constitution.
- (3) Any person, entity, institution, community and organisation of the government or private authorities are obligated to observe and obey the conditions of this Constitution and the laws of the land.
- (4) Any law, culture, tradition or any decision by a state agency, a Government officer or individual is obligated to follow and comply with the conditions contained in this Constitution and any law, culture, tradition or decision that does not comply with or abide by the conditions set in this Constitution shall be null and void.
- (5) Government shall lay down procedures for distributing this Constitution to the people and include it in educational curricula to enable people to know, defend and respect it.

Preservation of Constitutional Rule

- 10.**-(1) No person or group of persons shall take charge of or hold state authority except in accordance with this Constitution.
- (2) Any act that breaches the condition of sub-article (1) is null and void and is treason as shall be elaborated in the laws of the land.

CHAPTER TWO FUNDAMENTAL OBJECTIVES, DIRECTIVE PRINCIPLES OF GOVERNMENT DUTIES AND NATIONAL POLICIES

PART ONE MAIN OBJECTIVES

Main Objectives

- 11.**-(1) The Main Objective of this Constitution is to safeguard, strengthen and sustain fraternity, peace, unity and prosperity of the citizens of the United Republic with regard to prosperity of the citizens and building a free Nation which cherishes democracy, good governance and self-reliance.
- (2) Without prejudice to the conditions of sub-article (1), the main objective shall be perpetuated and strengthened in all important aspects, including political, economic, social, cultural and environmental.
- (3) Parliament shall enact legislation that shall define the implementation of key objectives in accordance with this Constitution.

PART TWO POLITICAL OBJECTIVES

12.-(1) The objective of this political constitution is to maintain democracy and eliminate discrimination of all types.

(2) In order to ensure the implementation of this objective, the Government will take the necessary steps to:

- (a) make sure that it prevents and eliminates injustice, intimidation, discrimination, violence, corruption, oppression and privilege among citizens on the basis of ideology, the nature of the person, place of origin, descent, race, sex, religion or their belief;
- (b) ensuring peace and stability and to create a culture of honour, respect and maintain patriotism, peace, unity, compatibility, integration and political tolerance for the purpose of promoting social and economic development;
and
- (c) ensure the safety and welfare of people and their property.

PART THREE
ECONOMIC, SOCIAL AND CULTURAL OBJECTIVES

National
Economic
Objective

13.-(1) The economic objective of this Constitution is to build a modern economy that will enable citizens and achieve National self-reliance based on the use of scientific knowledge and technology in all aspects of production by encouraging innovation in agriculture, livestock and fisheries, industrial innovation and by building the key sectors of energy, communications and infrastructure.

(2) In order to ensure the implementation of this objective, Government will take the following steps:

(a) setting and implementing a strategic plan to provide a modern education emphasising creativity, science and technology from the level of primary and secondary education, technical and vocational training to university education as well as in economic activities and the development of the Nation as a whole;

(b) strengthening and capacity building of cooperatives in order to be effective instruments to spread knowledge, techniques and provide the best modern tools in agriculture, livestock and fisheries to increase productivity; to provide loans, and search and develop markets for their produce;

(c) stipulating procedures to build a medium and small scale manufacturing industries that will record and process agricultural products, livestock, fisheries, and minerals in order to add value and meet the needs of the domestic market and abroad;

(d) ensuring that farmers, herders and fishers have the land and resources for developing their activities in order to provide a better environment to encourage the private sector in the economy, planning and management of the balance of output and input prices;

(e) encouraging joint investment between citizens and non-citizens in economic infrastructure, consumptive of natural resources and National resources;

(f) ensure that public affairs are conducted in a way that National wealth is used for the benefit of all citizens to maintain similar environmental development and enable citizens to eliminate poverty; and

(g) establish a mechanism for monitoring and control of social services in order to ensure fair competition and quality of service provided in order to protect citizens.

National
Social
Objective

- 14.**-(1) The objective of this Constitution is to build a healthy social community of with the ability to participate in development activities in various fields.
- (2) In the implementation of this objective, the Government will take the necessary steps to :
- (a) ensure that human dignity is preserved and maintained in accordance with the customs, traditions and Regulations of the Universal Declaration of Human Rights and other international conventions adopted by Tanzania;
 - (b) ensure that both the Government and its public provide equal opportunities for all citizens, without discrimination;
 - (c) ensure that services and social protection is provided for the handicapped, the elderly, children and people with disabilities;
 - (d) facilitate access to and delivery of legal aid to citizens who are not able to afford lawyers;
 - (e) set the appropriate procedure for the successful implementation of the right of a person to acquire education and freedom of access to an equal opportunity to pursue education in the field they love up to the highest level according to their ability; and
 - (f) ensure access to quality health care for all people including safe sexual health.

National
Cultural
Objective

- 15.**-(1) The cultural objective of this Constitution is to promote, maintain and preserve the Swahili language, natural heritage and culture of the citizens.
- (2) In order to ensure the implementation of this objective, Government will take the necessary steps to:
- (a) protect and promote Kiswahili language;
 - (b) protect and preserve the natural heritage, ancient property and areas of historic importance to avoid damage, theft or migrating outside the country;
 - (c) protect, preserve and promote the culture of different communities;
 - (d) create a culture of co-existence, harmony, reconciliation, tolerance and respect for cultural and religious beliefs of each person; and
 - (e) create a conducive environment for artists to use the available opportunities and their talent in bringing about economic development and change in society.

PART FOUR
RESEARCH, DEVELOPMENT VISION AND ACTION
PLANS AND OBJECTIVES OF THE NATION

Research and
Development

- 16.** In setting National plans, the government will give priority to research and development activities for the purpose of obtaining information that will enable access to the economic development of the country.

National
Development
Vision

17.-(1) There will be a National Development Vision in various fields based on the rights and duties of all citizens to develop.

(2) In implementing subsection (1), Government Authorities will make arrangements to implement the National Development Vision.

Planning
Commission of
the United
Republic

18.-(1) There will be a Planning Commission for the United Republic that will be known as the “Planning Commission” which shall be the highest agency of planning and managing the implementation of economic and social development of the nation.

(2) Parliament shall enact legislation for the implementation of this Article.

Implementation of
the National
Objectives

19.-(1) National objectives outlined in this Constitution shall be the guide to the Government of the United Republic and for the citizens in the use or interpretation of the provisions of this Constitution or any other law or in the implementation of policy decisions for the purpose of building a better, independent and proactive community.

(2) The Government of the United Republic shall submit in Parliament once a year, information about the steps taken in the implementation of National Objectives.

Application of the
provisions of
Chapter Two

20.-(1) Without prejudice to the provisions of subsection (2), the Government, its agencies and all persons or any authority with administrative or legislative enforcement powers, or the administration of justice, shall have the duty and responsibility to uphold and enforce all provisions of this Chapter.

(2) The provisions of this chapter is not enforceable by any court. No court shall have power to decide whether or not an act or omission by a person or any court or law or any judgment complies with the provisions of this Chapter.

PART FIVE FOREIGN POLICY

Foreign Policy

21.-(1) The Foreign Policy of the United Republic aims to safeguard National interests and full state sovereignty and the policy shall be implemented with transparency in order to:

(a) develop regional and international cooperation;

(b) develop economic cooperation which brings productivity to the nation and its citizens;

(c) bring about economic development to African countries by participating in different stages of regional economic integration;

(d) respect international laws;

(e) observe international treaties and regional treaties which are beneficial to the United Republic and to resolve international conflicts through dialogue,

- resolutions, consensus and in the court;
- (f) increase observance of human rights and people’s freedom;
 - (g) fight against international criminal offenses; and
 - (h) respect freedom of other nations.
- (2) Parliament shall enact legislation, among other things, that will direct and oversee the implementation of the Foreign Policy.

**CHAPTER THREE
LAND, NATURAL RESOURCES AND ENVIRONMENT**

Land in the
United
Republic

- 22.**-(1) Land is the main resource for the development of economic and social welfare of the country and all its people. The Government of the United Republic shall provide excellent programs for sustainable use of land for the benefit of the present generation and future generations.
- (2) All land will be owned, used and managed as prescribed by a law enacted by Parliament to consider the following:
- (a) only Tanzanian citizens shall have the right to own land in Tanzania, and this right shall be protected in accordance with this Constitution;
 - (b) a person who is not a citizen of Tanzania shall have the chance of using the land for investment and other economic development and settlement;
 - (c) right to own, develop and preserve land for different groups of society including farmers, fishers, pastoralists and small groups will be observed and protected in accordance with this Article; and
 - (d) every woman shall have the right to acquire, own, use, develop and manage land on the same conditions as for a man.

Efficient use of
land

- 23.** Parliament shall enact legislation making provisions concerning the distribution of the efficient use of land for various groups of society.

Compensation

- 24.** Without prejudice to the provisions of Article 45 (2) of this Constitution, the Government will establish a legal mechanism for eligible compensation payments if an area or part of the land will be taken for the use of economic and social development

Natural Resources

- 25.** All National resources including mining, gas and oil are public property, and the Government of the United Republic or the Government of Zanzibar shall make provision to ensure it is used for the benefit of present and future generations.

Environment

- 26.** The Government will provide the enabling environment and specific strategies to:

- (a) ensure the sustainable use, management and conservation of the environment and natural resources for the benefit of the present and future generations;
- (b) management and protection of historic sites and ancient properties for the benefit of all citizens;
- (c) ensure that public institutions and civil society organisations are accountable to oversee the implementation of the legal requirements to protect and preserve the environment; and
- (d) ensure that the citizens of Tanzania are entitled to ownership of genetic resources of Tanzania for the benefit of the Nation.

**CHAPTER FOUR
ETHICS AND PROHIBITIONS IN PUBLIC LEADERSHIP AND
SERVICE**

**PART ONE
CODE OF ETHICS FOR PUBLIC LEADERSHIP**

Trust of
public
leadership

- 27.**-(1) Authority given to a leader in public service:
- (a) is a trust and he shall use that authority for discharging his responsibilities:
 - (i) by observing the conditions of this Constitution;
 - (ii) by respecting the people;
 - (iii) by upholding National integrity and protecting the dignity attached to the office which he serves; and
 - (iv) by promoting respect for the status of the office to the people;
 - (b) gives responsibility to a leader to serve the people.
- (2) Guarantees that a public leadership takes into account the following matters:
- (a) appointment on the basis of a person's behaviour, ability, qualifications or through free and fair election;
 - (b) clearly makes decisions without favouritism and ensures that decisions are not biased towards relationship, tribe, religion, graft or other unacceptable discriminatory criteria,
 - (c) discharge of impartial service and in accordance with public interest by showing:
 - (i) transparency, trustworthiness and honesty in executing public duties;
 - (ii) obligation to declare personal interest in order to avoid conflict of interests;
 - (d) accountability to the public in decision-making and actions; and
 - (e) integrity, discipline and hard work in providing service to the people.

Principles of
public leadership

- 28.**-(1) A public leader, when discharging either official or private duties or when cooperating with other people, shall ensure that

his conduct:

- (a) does not allow conflicts of interest between personal interests and public service interests;
 - (b) does not lower the status of the office which he is serving; or
 - (c) does not threaten public interest due to personal interest.
- (2) For the purpose of this Constitution, Parliament shall enact a law that shall oversee, among other things-
- (a) the interpretation of the value, standard, type and storage of gifts to the United Republic;
 - (b) conditions for opening foreign accounts for the public servant;
 - (c) conditions for public servant to declare his properties and their value as well as his debts including that of his spouse;
 - (d) conditions for not participating in any issue or activities in which he has interest, either himself, his spouse, child, acquaintance, friend, or any of his close relations.
 - (e) conditions for use of public resources;
 - (f) procedure for confiscation of public leaders' properties acquired illegally;
 - (g) procedures for holding responsible a public leader who violated leaders' code of ethics;
 - (h) development of curricula for Constitution, ethics and citizenship in schools and colleges; and
 - (i) undesired elements for civil servants.
- (3) Position of "public leader" as being used in this Section shall include elected or appointed leader according to regulations prescribed by the law of the land.

PART TWO PROHIBITIONS FOR PUBLIC LEADERSHIP

Observance of
Code of Ethics for
public leaders'

- 29.**-(1) Without prejudice to the conditions of this Constitution, any public leader is obligated to respect and obey the Code of Ethics for public leaders, including leadership prohibitions.
- (2) The Parliament shall enact the law that will classify:
- (a) A Code of Ethics which must be observed by public officials
 - (b) procedures for removing a public servant from office upon breaking the Code of Ethics and violating the values of public leadership;
 - (c) acts that public leaders are prohibited from doing; and
 - (d) the levels of the public leaders who fall under this Article.

Prohibited actions

30.-(1) No public servant employed on permanent terms shall take any other paid employment.

(2) A public servant is not allowed to contest or be appointed to positions of power in a political party or positions of political power of any kind under this Constitution.

(3) If a public servant decides to contest or accepts appointment to:

(a) a position of political power of any kind under this Constitution; or

(b) any capacity of leadership in a political party, the service of the public servant will be considered to cease as of the day he is nominated or appointed to a position of political power or leadership in a political party.

**CHAPTER FIVE
HUMAN RIGHTS AND THE RESPONSIBILITIES OF CITIZENS AND
NATIONAL AUTHORITIES**

**PART ONE
HUMAN RIGHTS**

Freedom, dignity
and equality of
human beings

31.-(1) All human beings are born free and equal.

(2) Every person is entitled to recognition and respect for his dignity.

The Right to Life

32. Every person has the right to live and the right to protection of his life by the Government and society in accordance with the laws of the land.

33.-(1) All persons are equal before the law and are entitled to protection and equality before the law.

(2) No person shall be discriminated against by any person, national authority or any other authority discharging its jurisdiction under any law or in executing a duty or responsibility of any national authority.

(3) No law enacted by any authority in the United Republic shall make any provision that is discriminatory either in itself or in its effect.

(4) The civic rights, duties and interests of every person and community shall be protected and determined by the courts of law or other state agencies established by or under the law of land.

(5) For the purpose of this Article, the word “discriminate” means to treat the needs, rights or other requirements of different persons on the bases of their nationality, tribe, place of origin, political views, colour, religion, sex, disability or station in life such that certain categories of people are regarded as weak or inferior and are subjected to restrictions or conditions whereas persons of other categories are treated differently or are accorded opportunities or advantage outside the prescribed necessary conditions.

(6) The expression “discriminate” as used in sub article (2), shall not be construed in a manner that shall prohibit the state authority from taking purposeful steps aimed at rectifying specific problems in the society.

(7) For the purposes of ensuring equality before the law, the state authority shall establish procedures which are appropriate and which take into account the principles that:

(a) when the rights and duties of any person need to be determined by the court of law or any other agency, that person shall be entitled to a fair hearing and to the right of appeal or other legal relief against the decision of the court or of the other agency concerned;

(b) no person charged with a criminal offence shall be treated as guilty of the offence until proven guilty of that offence by the court;

(c) no person shall be punished for any act which at the time of its commission was not an offence under the law;

(d) no person shall be punished with a penalty which is heavier than the penalty in force at the time when the offence was committed;

(e) for the purposes of preserving the right to equality of human beings, human dignity and privacy shall be protected in all activities pertaining to criminal investigations and process, and in any other matters for which a person is restrained by a state authority, or in the execution of a sentence; and

(f) no person shall be tortured, punished in an inhumane manner or punished in a manner that belittle or defame.

The right to not
being enslaved

34.-(1) Every person has the right to not being treated or made to work as a slave, not to be forced to work or humiliated, and on that ground no person shall:

- (a) be made or treated as a slave;
 - (b) be trafficked for the purpose of being sold or for the gains of another person.
- (2) The business of human trafficking is prohibited in the United Republic.

Personal freedom

35.-(1) Every person has the right to live as a free person.

(2) For the purpose of preserving the right to individual freedom and to live as a free person, no person shall be arrested, imprisoned, confined, detained, deported or otherwise deprived of his/her freedom, except:

- (a) under circumstances and in accordance with procedures prescribed by law; or
- (b) in the execution of a judgment or sentence given by the court following a decision in a legal proceeding or conviction for a criminal offence.

The right to privacy
and personal
security

36.-(1) Every person is entitled to respect and protection of his person, the privacy of his own person and his family and his home, as well as also protection of his residence and private communications.

(2) For the purpose of preserving the person's right in accordance with this article, the state authority shall lay down legal procedures regarding the circumstances, manner and extent to which the right to privacy, security of his/her person, his/her property and residence may be encroached upon without prejudice to the provisions of this Article.

Freedom of
movement

37.-(1) Every citizen has the right to freedom of movement in the United Republic and the right to live in any part of the United Republic, to leave and enter the country, and the right not to be forced to leave or be expelled from the United Republic.

(2) Any lawful act or any law which is intended to:

- (a) curtail a person's freedom of movement and to restrain or imprison him;
or
- (b) limit a person from exercising his freedom of movement so as to:
 - (i) execute a judgment or court order;
 - (ii) compel a person first to comply with any obligations arising under another law; or
 - (iii) protect public interest in general or preserve certain special interests or interests of a certain section of the public,

such an act or law shall not be construed as or held to be contradictory to the provisions of this Article.

Freedom of
expression

38.-(1) Every person:

- (a) has a freedom of:
 - (i) opinion and expression of his ideas;
 - (ii) communicating and also has the right of not being interfered with in his communication;
 - (iii) innovativeness and artistry, academic and scientific research;
- (b) has a right to be informed at all times of:
 - (i) various important events of life and activities of the citizens;
 - (ii) execution of the state authority of national policies and social development activities; and
 - (iii) other matters of social importance.

(2) The implementation of the rights stipulated in sub article (1), shall not include propaganda about war, enticement on the bases of colour, tribe, sexual discrimination, religion or any other affair that may negatively affect the Nation.

- 39.**-(1) Every person has the right and freedom to:
- (a) seek, receive and use news and information and disseminate that information; and
 - (b) establish news media and other means of information dissemination.
- (2) The mass media shall be free and shall also have:
- (a) the right to receive, use and disseminate the information which they get;
 - (b) the responsibility of:
 - (i) dissemination of accurate news and information to the people;
 - (ii) respecting and protecting human dignity, honour, freedom and esteem of the people against the information that they use, prepare and disseminate;
 - (iii) adhering to the professional code for journalism and broadcasting of news.
- (3) The government and its institutions shall have the responsibility of providing information to the public about Government activities and how they discharge their responsibility.
- (4) Parliament shall enact laws for regulating and protecting:
- (a) fairness, responsibility and freedom of the media and press information; and
 - (b) news and information for the purpose of safeguarding National security, peace, public ethics, justice, dignity and freedom of other people.

Freedom of faith and religion

40.-(1) Every person has freedom of expressing his opinion, faith and free will in matters of religion and has the freedom to change his religion, faith or remain secular.

(2) The work of spreading religion, performing religious rites shall be a free and voluntary action of the individual provided that it does not violate the laws of the land.

(3) The operational activities of religious communities shall fall outside the jurisdiction of the State.

(4) The protection of the rights stipulated in this Article shall be in accordance with the procedures made and specified by laws, which are important in a democratic society to ensure security, peace, ethics and societal and national unity, and shall be supervised in accordance with the procedures stipulated in the laws of the land.

(5) No person, group of people or religious institution shall use the freedom to preach religion for defaming other faiths and religions, propagating hatred or disharmony and chaos claiming to be fighting for a faith or religion.

(6) Religion or religious faith shall not be used in any way that shall divide the people, bring misunderstandings or disrupt peace among people.

(7) The term “religion” as used in this Article shall be construed as including reference to religious denominations, and similar expressions shall be construed to mean the same.

Freedom of association and cooperation with others

41. Every person is entitled to freely and peaceably assemble, associate and cooperate with other persons, provided there is no violation of the laws of the land, and for that purpose, express views publicly and to form and join associations or organisations formed for purposes of preserving or furthering his/her beliefs or any other interests.

Freedom to participate in public affairs

42.-(1) Every citizen of the United Republic is entitled to take part in matters pertaining to the governance of the country, either directly or through representatives freely elected by the people, in conformity with the procedures laid down by, or in accordance with, the laws of the land.

(2) Every citizen of the United Republic has the right and the freedom to participate fully in the process leading to decisions on matters affecting him/her, his/her well-being or the Nation.

The right to work

43.-(1) Every person has the right to work, whether self-employment or employment by others and to obtain the necessary employment.

(2) Every citizen is entitled to equal opportunity and has the right to equal terms to hold any office or discharge any function under the state authority.

The rights of employees and employers

- 44.**-(1) Every employee has the following rights:
- (a) to work without any kind of discrimination;
 - (b) to be remunerated justly according to the measure and qualification for the work;
 - (c) to establish and join workers' union at the work place;
 - (d) to participate in the activities of the workers' union; and
 - (e) find health and safety in the workplace.
- (2) Every employer has the right to freedom to join an association of employers, federations or industry federations.
- (3) Every employers' and employees' union shall have the right to:
- (a) make decisions about leadership, programmes and its activities; and
 - (b) establish, join and supervise their federation.
- (4) Every workers' union shall have the right to hold discussions with the employer and enter into schemes aimed at bettering their work lives.
- (5) Parliament shall enact a law that shall set conditions about employees' rights and procedures that enable employees to use their rights.

The right to own property

- 45.**-(1) Every person is entitled to own property, and has a right to the protection of his property held in accordance with the laws of the land.
- (2) Subject to the provisions of sub article (1), it shall be unlawful for any person to be deprived of his property for the purposes of nationalisation or any other purposes without the authority of law which makes provision for fair and adequate compensation and which shall be issued on time.
- (3) For the purpose of this Article, the right to ownership and protection of property shall not include property that has been proven to be acquired illegally.

The rights of the
accused and the
prisoner

- 46.**-(1) A person who is arrested or detained has the right to:
- (a) be informed in a language that he/she understands:
 - (i) of the reasons for his/her arrest;
 - (ii) of his/her right to not record any statement; and
 - (iii) of the consequences of recording a statement;
 - (b) communicate with his/her lawyer or any other person of help to him/her;
 - (c) not to be forced to give a confession which shall be used as evidence against him;
 - (d) be brought before a court as soon as possible as prescribed by the law;
 - (e) to be placed in an environment that is in accordance with human rights.
- (2) Someone who is serving a sentence, is entitled to:
- (a) to be placed in an environment that is in accordance with human rights.
 - (b) to get a copy of the proceedings of the trial after the case is concluded in court and a copy of the judgment for purposes of the appeal;
 - (c) communicate with his lawyer or any other person of help to him when appealing;
- (3) Parliament shall enact legislation which will stipulate the procedure that will enable:
- (a) the accused to get a copy of the charges against him;
 - (b) the accused or prisoner to appear in court to request bond in accordance to the law; and
 - (c) the prisoner to get a copy of the proceedings of the trial after the case is concluded in court.
- (4) For the preservation of the rights mentioned in this Article, the authorities of the country take into account the provisions of Article 33 (7) (e) of this Constitution.

The rights of detainees

47.-(1) A person arrested shall continue to have all the basic rights of a person which have been stipulated in this Constitution to the extent it is due in the context of arrest or detention.

(2) A person who is arrested or detained has the right to be told why he has been arrested or detained.

(3) A citizen of the United Republic shall not be extradited to any country to face trial or be interrogated without his/her consent, except in accordance with national laws and international agreements and obligations of the country in international relations.

Freedom and right to clean and safe environment

48.-(1) Every person resident in the United Republic has the right to live in a clean and safe environment.

(2) The right to live in a clean and safe environment includes the right of every citizen to use public spaces or various places that have been reserved for entertainment, delivery of educational services, medical services, for religious gatherings, cultural and economic activities.

(3) Any person who is resident in Tanzania is responsible for protecting the environment and informing the authorities of the land of activities or anything that is harmful or is likely to adversely affect the environment.

The right to education

49.-(1) Every person has a right to free quality primary education which prepares a pupil for further education or for being self-reliant;

(2) Every person has equal access to higher education provided that he has the relevant qualifications for that level of education.

(3) For the purposes of sub article (2), every person has the right to choose a profession or job he wants in accordance with his level of education or skills.

(4) The Government will ensure the existence of an education system focussed on the skills needs of the Nation.

The rights of children

- 50.**-(1) Every child has the right to:
- (a) have a name, citizenship and registration;
 - (b) express his views, be heard and be protected against impunity, cruelty, abuse, child labour and dehumanisation;
 - (c) an environment that encourages playing and learning
 - (d) be held in an appropriate environment, in the case of law offenders
 - (e) nutrition, health care, housing and an environment that contributes to physical, mental and moral growth;
 - (f) participate in activities related to his age; and
 - (g) to get care and protection from his parents, guardians or an authority of the land, without any discrimination.
- (2) It will be the duty of every parent, guardian, community and national authorities to ensure that children are taught values and ethics appropriate to their age.
- (3) For the purposes of this Article “child” means a person under the age of eighteen years.

The rights and responsibilities of the youth

- 51.**-(1) Every youth has the right to participate fully in development activities of the United Republic and the society in general, and to that end, the Government of the United Republic and the society shall ensure that the youth favourable circumstances to become good citizens who shall participate fully in political, economic, social and cultural affairs.
- (2) For the purposes of sub section (1), Parliament shall enact legislation governing, among other things, the establishment, composition, functions and operation of the National Youth Council.

The rights of persons with disabilities

- 52.** A person with disabilities has the right to:
- (a) be respected, recognised and treated in a way which does not lower his dignity including discrimination, bullying, violence and harmful traditional practices;
 - (b) get training in the use of special equipment to participate in social activities;
 - (c) have infrastructure and an environment which allow him/her to go wherever he pleases, use transport facilities and get information;
 - (d) use sign languages or written language with the aid of special equipment or other methods that are appropriate;
 - (e) find employment and work; and
 - (f) access to health services, safe motherhood, rehabilitation and integration.

Rights of minority groups in society

53. - (1) The authorities of the land in line with the country's resources and capabilities, shall make provisions of law that enables minority groups in society to:

- (a) participate in leadership in the country;
- (b) have special opportunities in education for economic and employment development; and
- (c) be given land where they traditionally live and source or produce food.

(2) The government and authorities of the land shall take deliberate steps to promote and sustain economic activities and put in place infrastructure for the delivery of housing, educational, water and medical services to the present and future generations of the minority groups in the society.

(3) For the purposes of this Article, "Minority Group" means a category of people whose livelihoods depend on natural vegetation and the environment around them for food, shelter and other necessities of life.

The rights of women

54. Every woman has the right to:

- (a) be respected, valued and their dignity recognised;
- (b) protection against discrimination, harassment, abuse, violence, sexual violence and harmful traditional practices;
- (c) participate in elections and all stages of decision-making without discrimination;
- (d) get employment opportunity and be paid the same salary as a man;
- (e) protection for her employment while she is pregnant and after delivery;
- (f) get quality medical services including safe reproductive health; and
- (g) own property
- (h)

The rights of the elderly

55. The authorities of the land shall put in place procedures for the elderly to:

- (a) participate in social development affairs;
- (b) further their lives according to their abilities including working;
- (c) have access to medical services;
- (d) protection from exploitation and violence including torture and murder;
- (e) providing infrastructure and a better environment which will enable travel by using public transport facilities at low cost; and
- (f) be cared for and receive assistance from their families, society and the authorities of the land.

Freedom of
profession, creativity,
discovery and arts

56. - (1) Every person shall have the freedom to engage in activities which promote and develop the arts, academics, creativity and innovation.

(2) Every person shall have the freedom to learn, teach, research and distribute research results based on the principles of academic and research.

(3) The Government will promote and develop research, creativity and innovation in the arts, science and technology by enacting legislation that:

(a) protects the copyrights, patents and the rights of creators, researchers and artists;

(b) will enable educational and research institutions and to use using their discovery to the benefit of the nation;

(c) shall govern the transfer of science and technology;

(d) will enable to promote human resources in terms of , science, technology and innovation;

(e) protect and govern the quality of the profession, research and the use of innovation and creativity; and

(f) will prescribe other matters pertaining to copyrights and patents.

PART TWO
RESPONSIBILITIES OF CITIZENS, SOCIETY AND THE
STATE AUTHORITIES AND THE LIMITATIONS OF
HUMAN RIGHTS

(a) Responsibilities of Citizens and Society to the Nation

Responsibilities of
Citizens and
society

- 57.**-(1) Every citizen has the responsibility to:
- (a) protect and defend the Constitution of the United Republic; and
 - (b) defend the United Republic and to participate in the defence of the Nation.
- (2) Every person has the responsibility to:
- (a) obey the Constitution and laws of the land;
 - (b) protect and respect National Values and the essential elements of identity and National heritage;
 - (c) pay taxes according to the law; and
 - (d) respect the rights, freedom and interests of others.

Duty to participate
in work

- 58.**-(1) Every person has the responsibility to:
- (a) participate responsibly and honestly in lawful and productive work; and
 - (b) observe work discipline and strive to attain the individual and collective production targets set by law.
- (2) Notwithstanding the provisions of sub article (1), there shall be no forced labour in the United Republic.
- (3) For the purposes of sub article (2), no work shall be deemed to be forced, cruel or humiliating labour, if such work is according to law:
- (a) work which has to be done pursuant to a judgment or order of a court;
 - (b) work which has to be done by members of any force in the discharge of their responsibilities;
 - (c) work which has to be done due to a state of emergency or any calamity which threatens the life or well-being of the society; or
 - (d) any work or service which forms part of:
 - (i) routine services for ensuring the well-being of the society;
 - (ii) compulsory National service in accordance with the laws of the land;
- or
- (iii) the National endeavour at the mobilisation of human resources for the enhancement of society and the National economy and to ensure development and national productivity.

Duty to safeguard public property

59.-(1) Every person has the duty to protect and preserve the natural resources of the United Republic, the property of the state authority, all property collectively owned by the people, and also to respect another person's property.

(2) All persons have the duty to:

(a) combat all forms of waste and squander, and to manage the National economy assiduously with the attitude of people who are masters of the destiny of their nation.

(b) provide information about the sabotage of National resources.

Fundamental rights and duties

60.-(1) Every person has the right to enjoy fundamental human rights and to enjoy the benefits accruing from the fulfilment by every person of his duty to society, as prescribed in this Constitution.

(2) Every person has the right to equal protection under the laws of the United Republic.

(3) Any person in the United Republic shall not have a right, status or special position on the basis of his/her lineage, sex, religion, tribe, tradition or heritage.

(4) It is hereby prohibited for any law to confer any right, status, or special position upon any citizen of the United Republic on the basis of lineage, sex, religion, tribe, tradition or heritage.

(5) In order that all persons may benefit from the rights and freedoms guaranteed by this Constitution, every person has the duty to conduct himself and his affairs in the manner that does not infringe upon the rights and freedoms of others or the public interest.

(b) Duties of the State Authorities

Protection of human rights

61.-(1) The Government and all authorities have the duty to observe and preserve human rights as principles of freedom as stipulated in this Constitution.

(2) The rights and freedom of every person as stipulated in this Constitution shall be respected, preserved and promoted by the authorities of the land, private institutions and every citizen.

62.-(1) In interpreting the provisions of this Chapter regarding Human Rights, the Judiciary or any other agency concerned with decision-making shall observe the following:

- (a) international laws and human rights; and
- (b) the rights and interests of the society in general.

(2) A person who believes that the provisions contained in this Chapter have been contravened by an authority, a decision-making body, or a law or any policy, against him, may file suit at the High Court by filling in a special application form in accordance with the laws of the land to demand justice.

(3) The Judiciary may, subject to sub article (1), provide explanations as it deems appropriate, impose sanctions, prohibitions or order the granting of anything that a person has been denied.

(4) A suit demanding constitutional rights in accordance with the provisions of this Article may be filed in Court by:

- (a) The Attorney General;
- (b) a person who represents himself or an association which represents its members;
- (c) a person who represents a person who cannot represent himself in accordance with the laws of the land; or
- (d) a person who represents a group of persons with similar goals or a society of persons whose rights have been violated.

(5) Where a suit is brought alleging that a law enacted or an action taken by the Government or other authority abrogates or denies the necessary rights, freedom and duties which will result from Article 31 to 56 of this Constitution, and the High Court is satisfied, then it will issue a declaration that the law or action concerned is invalid or contrary to the Constitution.

(6) If the High Court deems it to be appropriate and that the interests of the state or society justifies it, instead of declaring that such a law or such actions are invalid, the High Court shall have the power to decide or to provide opportunities for another authority concerned to fix the discrepancy in the impugned law or action within the time allocated by the Court, then that law or action will continue to be valid until the adjustments are completed or the time allocated for adjustments prescribed by the High Court has come to an end, whichever takes less time.

(c) Limitations upon Human Rights

Limitations upon
human rights

63. All the rights contained in this Chapter of the Constitution, where it is necessary to limit them, such limitations shall be applied transparently and democratically by observing dignity, equality, freedom and important qualifications, including:

- (a) the nature of the right;
- (b) the importance and reasons for setting limitations;
- (c) the nature and size of a particular limitation;
- (d) the relationship between the limitation and the reason for setting it;
- (e) simple ways of achieving the objectives of applying a particular limitation; or
- (f) the importance of safeguarding the security of the country.

Laws about rights,
freedom and
responsibilities

64. Without prejudice to the provisions of this Chapter, Parliament shall enact legislation, which among other things supervises the use and implementation of the rights, freedoms and responsibilities defined in this Chapter.

CHAPTER SIX
CITIZENSHIP OF THE UNITED REPUBLIC

Citizenship of the
United Republic

65.-(1) A person who, before this Constitution comes into operation, is a citizen of the United Republic shall continue to be a citizen of the United Republic.

(2) There are two types of citizenship of the United Republic, by birth and by registration.

Right to citizenship

66. Every citizen has the right to recognition of his citizenship and for these purposes, the state authority shall make provisions of the law which will enable citizens to get a certificate of birth, identity of his citizenship without bias and discrimination of any kind, and where applicable, documentation to enable travel.

Citizenship by birth

67.-(1) Every person who is born in Mainland Tanzania or Zanzibar shall be a citizen of the United Republic if, on the date of his birth, either of his parents is or was a citizen of the United Republic.

(2) Subject to the provisions of this Constitution, a person who was born outside Tanzania shall be a citizen of the United Republic by birth from the date he is born if his parents or either of his parents is a citizen of the United Republic.

(3) If either of the parents dies before that person is born, the citizenship of the dead person shall be recognised at the time of his death for the purposes of recognising the citizenship of that person after the death of the parent as though the dead person was alive at the time the person was born.

(4) If a child who has not attained the age of seven years is found in the United Republic and his parents are not known, then the child shall be considered a citizen of the United Republic by birth.

(5) If the citizenship of the parents of the child who was granted citizenship under the provisions of sub section (4) shall be found to be not citizens of the United Republic, the citizenship of the child will cease.

(6) Without prejudice to the provisions of this Article, Parliament shall enact legislation to make provision:

- (a) for citizenship for people born of Tanzanian citizens abroad;
- (b) to restore citizenship of people who had their citizenship revoked after obtaining citizenship of another country; and
- (c) for other matters that will require the law to be enacted.

Citizenship by
registration

68.-(1) As soon as this Constitution comes into operation, a person who has been resident in United Republic and who has met all the requirements set out, may apply for citizenship of the United Republic.

(2) A person who is married to a citizen of the United Republic and who:

(a) remains in the marriage for a period of seven consecutive years; and

(b) has met the requirements outlined in the law in accordance with sub article (1),

can apply for citizenship of the United Republic by registration to be citizens

(3) If the marriage mentioned in sub article (2) breaks up, and if that person did not terminate his/her citizenship of Tanzania, he/she shall continue to be a citizen of the United Republic.

(4) A child, who is born into a marriage specified in sub article (2), shall continue to be a citizen of the United Republic by birth.

(5) A child who is under the age of eighteen years whose parents are not citizens of Tanzania, and who is adopted by a citizen of the United Republic, will through their adoption be a citizen of the United Republic by registration.

(6) Parliament shall enact legislation for, among others, supervising matters concerning the citizenship of the United Republic.

Special status of the
people who are
Tanzanians by
origin or descent

69. Without prejudice to the provisions contained in this Chapter, any person of Tanzanian origin or ancestry and who has ceased to be a citizen of the United Republic by obtaining citizenship of another country, when he/she is in the United Republic, will have a special status as prescribed by the laws of land.

CHAPTER SEVEN

STRUCTURE OF THE UNITED REPUBLIC

The Structure of the Union

70. The United Republic of Tanzania will have a two-government structure that is:

- (a) the Government of the United Republic; and
- (b) the Revolutionary Government of Zanzibar;

Discharge of duties of the National Authority

71. - (1) All operations of the National Authority in the United Republic will be implemented and controlled by two entities vested with executive powers, two agencies with jurisdiction of the administration of justice, and also two entities with jurisdiction to legislate and oversee implementation of public activities.

(2) The entities vested with the executive authority will be the Government of the United Republic and the Revolutionary Government of Zanzibar; the entities vested with the administration of justice shall be the Court of the United Republic and the High Court of Zanzibar, and the entities with the authority to legislate and oversee the implementation of the activities of the public service will be the Parliament and the Council of Representatives.

(3) For effective implementation of public affairs for the United Republic, and for the separation of powers on such transactions between the entities specified in this Article, there will be matters of the United Republic as listed in the First Schedule to this Constitution and non-Union affairs, which comprises all other matters of non-Union nature.

(4) Every entity mentioned in this Article shall be established and shall discharge its functions in accordance with the provisions of this Constitution.

The authority of the Government of the United Republic

72. The Government of the United Republic shall have the powers to implement all Union Affairs, as well as discharging non-Union affairs that concern the Mainland of Tanzania.

Authority of the Revolutionary Government of Zanzibar for non-Union affairs

73.-(1) The Government of Zanzibar will have the authority and right on non-Union affairs pertaining to Zanzibar.

(2) Without prejudice to the limits set by this Constitution, in exercising its powers under sub section (1), the Revolutionary Government of Zanzibar will have the ability and freedom to establish a relationship or partnership with any regional or international community or institution.

(3) If, in exercising its powers and duties in accordance to this Article, the Revolutionary Government of Zanzibar requires support from the United Republic Government for the success of a relationship or

partnership with regional or international communities or institutions, the Government of the United Republic will have the same relationship or partnership by complying with the provisions of this Constitution and the laws enacted by Parliament.

(4) For the purposes of this Article, Parliament shall enact legislation to classify and clarify:

(a) responsibilities and limits of implementation of powers of the Government of the United Republic and the Revolutionary Government of Zanzibar concerning the regional and international relationship and partnership;

(b) procedure for dealing with the damage caused by regional or international relationship and partnership;

(c) procedure for exploration and acquisition of loans and grants from that relationship and partnership;

(d) procedure or provisions to break or strengthen the relationship or partnership;

(e) procedure for communication and consultation between the Government of the United Republic and the Revolutionary Government of Zanzibar, about regional or international relationship or partnership;

(f) procedure for implementing the provisions of this Article; and

(g) other matters concerning regional or international relationship or partnership under this Article.

Relationship
between the
Government of the
United Republic
and the
Revolutionary
Government of
Zanzibar

74.- (1) In implementing its responsibilities in various areas, the Government of the United Republic of Tanzania will focus on the collaboration and consultation with the Revolutionary Government of Zanzibar for the purpose of promoting and protecting national interests and the development of citizens.

(2) For the purpose of promoting unity and integration, the Revolutionary Government of Zanzibar and of the United Republic Government can consult and collaborate in matters relating to leadership, governance, representation and judicial entities.

(3) Functionality of the Government of the United Republic, the Revolutionary Government of Zanzibar or any agency of the government will be implemented based on the unity of the United Republic and the duty to promote nationalism.

(4) Without prejudice to the provisions of this Article, the Government of the United Republic, by special agreement between her and the Revolutionary Government of Zanzibar, can implement anything under the jurisdiction of the Revolutionary Government of Zanzibar in accordance with that agreement.

Duty of the senior
leaders to protect
the Union

75.-(1) Without prejudice to the responsibilities of every citizen as specified by this Constitution, all senior leaders with executive authority in the United Republic mentioned in sub article (3) shall have the responsibility, in the discharge of the duties prescribed by this Constitution, to make sure that they defend, protect, strengthen and maintain the United Republic of Tanzania.

(2) For the purposes of the provisions of sub article (1) each of the principal leaders mentioned in sub article (3), before assuming office, shall swear that he/she shall defend and maintain the Union in accordance with this Constitution.

(3) The principal leaders to whom these provisions apply are:

- (a) the President of the United Republic;
- (b) the Vice-President of the United Republic;
- (c) the President of Zanzibar.
- (d) the Prime Minister of the United Republic; and
- (e) the Vice-President of Zanzibar

CHAPTER EIGHT THE GOVERNMENT OF THE UNITED REPUBLIC

PART ONE GOVERNMENT, PRESIDENT AND VICE-PRESIDENT

(a) The Government

The Government of
the United Republic

76.-(1) There shall be a Government of the United Republic which shall consist of the President, the Vice-President and the Cabinet.

(2) Without prejudice to the provisions of Article 71 the authority of the Government of the United Republic shall vest in the President himself, or by delegating such authority to any persons with authority in the public service of the United Republic.

(3) The provisions contained in this Article shall not be construed as:

- (a) transferring to the President any powers which by law have been conferred to a person or authority other than the President;
- (b) preventing Parliament from conferring power upon any person or authority other than the President; or
- (c) preventing the Court to exercise any statutory appointment to the person or persons holding office in the Courts of the United Republic.

(b) The President

The President of the
United Republic

77.-(1) There shall be a President of the United Republic.

(2) The President of the United Republic shall be the Head of State, the Head of Government and the Commander-in-Chief of the Armed Forces and shall be:

- (a) the symbol and image of the United Republic and its people; and
- (b) the symbol of the unity and freedom of the country and its authority.

Powers and Duties
of the President

78.-(1) The President shall exercise the authority of the Head of State, Head of Government and Commander-in-Chief in accordance with this Constitution and shall have such powers and duties as will be stipulated in the laws that shall be enacted by the Parliament.

(2) The President shall have the authority to execute other functions which by its nature should be executed by the Head of State, the Head of Government or Commander in Chief, which has not been specified in this Constitution and which does not violate the Constitution and laws that shall be enacted by the Parliament.

Discharge of
Presidential duties

79.-(1) In the discharge of the duties of President pursuant to this Chapter, the President has authority to institute or revoke leadership positions in the Service of the Government of the United Republic.

(2) The President shall have authority to appoint persons responsible for formulating policies for Government departments and institutions and chief executives responsible for supervising and implementing the policies of such departments and institutions in the service of the Government of the United Republic positions that are mentioned in this Constitution or the laws that shall be enacted by the Parliament shall be mentioned in accordance with the appointments made by the President.

(3) The authority to appoint any other persons who are neither leaders nor chief executives to positions in the public service in the United Republic, and the powers to promote them, to demote them, to dismiss them, to suspend them and the powers to maintain the discipline of persons who hold certain positions shall be the responsibility of the specific authorities tasked with discipline and appointment in accordance with this provisional Constitution.

(4) The provisions of sub article (2) shall not be construed to prohibit the President to take steps of maintaining the discipline of public servants and the public service in the Government of the United Republic.

Observance of advice by the President

80. In performing his duties in accordance with the Constitution and Law, the President shall be independent in the performance of his duties and functions and shall not be obliged to follow or comply with the advice given by anyone or any authority unless he is required by this Constitution or any other law to act according to the advice given to him by any person or authority.

Failure of the President to discharge his/her duties

81.-(1) Where the Cabinet finds that the President is unable to discharge his duties by reason of physical or mental infirmity, it may submit to the Chief Justice a resolution requesting him to certify that the President by reason of physical or mental infirmity is unable to discharge his duties.

(2) Upon receiving a resolution which has been submitted in accordance with sub article (1), the Chief Justice shall appoint a medical board of not less than three persons from among specialists who are legally recognised and the board shall inquire into the matter and advise the Chief Justice accordingly.

(3) The Chief Justice may, after considering the medical evidence, present to the Speaker a certificate certifying that the President, due to physical or mental infirmity, is unable to discharge his/her duties; and if the Chief Justice does not rescind that certificate within seven days for the reason that the President's condition has improved and he has resumed work, then it shall be deemed that the office of the President is vacant, and the provisions contained in Article 82(1)(d) shall apply.

Filling the position of President before the end of his tenure of office

82.-(1) Where the office of President becomes vacant by reason of:

- (a) death of the President;
- (b) resignation of the President;
- (c) loss of electoral qualifications for the position of the office of the President;
- (d) inability to perform his functions due to physical infirmity;
- (e) The President is charged in the Parliament and removed from office in accordance with this Constitution;

then the First Vice-President shall be sworn in for the remainder of the period of five years, and in accordance with the provisions set out in Article 89.

(2) Upon being sworn in and assuming power in accordance with the sub article (1), and otherwise, for a period of not more than fourteen days from the date he was sworn in:

- (a) the President was nominated by a political party, after consultation with his political party; or
- (b) the President was elected as an independent candidate, after consultation with the Independent Electoral Commission,

he shall suggest the name of the person who will be First Vice-President and the appointment shall be confirmed by Parliament for the majority votes of all the Members of Parliament.

Discharge of duties and functions of President while absent

- 83.**-(1) Where the office of President becomes vacant, in accordance with:
- (a) the conditions contained in Article 81;
 - (b) the conditions contained in Article 94;
 - (c) the duties and functions of President shall be discharged by one of the following in the order specified-
 - (i) the First Vice-President, or if his office is also vacant or if he is also absent or ill, then;
 - (ii) the Prime Minister.
- (2) Where any of the persons set out in sub article (1) is discharging the duties and functions of President by reason that a person who precedes him on the above list is absent, then that person shall cease to discharge the duties and functions once that person returns to the work.
- (3) No person who is discharging the duties and functions of President, in anyway, shall perform the following functions:
- (a) to appoint or remove any leader who has been appointed by the President in accordance with the Constitution; or
 - (b) any other matter stipulated by the President in the letter delegating his duties and functions to such a person.
- (4) For the purposes of sub articles (2) and (3), the President shall delegate his duties and functions by writing a letter to which he shall append his signature.

(c) Election of the President

Election of the President

- 84.**-(1) The President shall be elected by the citizens in accordance with the provisions of this Constitution and the laws of the land.
- (2) The office of President shall be vacant and the election of the President shall be held after the expiration of his tenure of office in accordance with this Constitution

Qualifications of
President

85.-(1) A person shall be eligible to be elected as President of the United Republic if:

- (a) he is a citizen of the United Republic by birth in accordance with this Constitution and the laws enacted by the Parliament;
 - (b) he is of sound mind;
 - (c) both of his parents are citizens of the United Republic by birth;
 - (d) he has attained the age of forty years;
 - (e) he is a holder of at least a first degree from a university recognised by the accreditation authority, or have the knowledge and experience of leadership at the national level that will enable him to manage the office of President;
 - (f) he is a member of, and a candidate nominated, by a political party or he is an independent candidate.
- (2) A person shall not be qualified to run for the presidency if the person-
- (a) has any interest in a contract to the Government of any kind in respect of the special restrictions in accordance to the law, or if he has violated such restrictions;
 - (b) has been a citizen of another country; or
 - (c) has been convicted by the body mandated for the offense of tax evasion or any criminal offense.

Procedures for the
election of
President

86.-(1) In Presidential election, every political party that intends to participate in the Presidential election shall, in accordance with the laws of the land, submit to the Independent Electoral Commission the name of a person who is nominated as candidate of the Presidential election.

(2) If he is an independent candidate, based on the qualifications specified in the laws that shall be enacted by the Parliament, he shall submit his name to the Independent Electoral Commission.

(3) The names of the candidates for the Presidential elections shall be submitted to the Independent Electoral Commission on a date and time appointed in accordance with the laws of the land.

(4) Where on the date and time appointed for the purpose of submission of the names of the candidates, only the name of one candidate is validly submitted, the Independent Electoral Commission shall present his name to the electorate who shall vote either for or against the candidate in accordance with the procedures specified in this Constitution and the laws of the land.

(5) The election of the President of the United Republic shall be held on a date to be appointed by the Independent Electoral Commission in accordance with the laws of the land.

(6) Any presidential candidate shall be declared a duly elected President if he has obtained more than fifty percent of the total valid votes cast for the position of the President.

(7) Where no presidential candidate has fulfilled the provisions of sub article (6), another presidential election shall be held within sixty days involving the two top candidates and the candidate who receives more votes

than fifty percent shall be declared the winner of the presidency.

(8) All other matters relating to the procedure for the election of the President shall be as stipulated in legislation that shall be enacted by Parliament for that purpose.

Petitions against
credibility of
Presidential
election

87.-(1) Subject to the provisions of sub article (2), any candidate of a Presidential election who has misgivings about the election, may file a petition at the High Court to challenge the declaration of a particular candidate as President-elect by the Independent Electoral Commission.

(2) The petition challenging the results of a Presidential election shall be submitted to the High Court within seven days from the date the results of the Presidential election were declared.

(3) The High Court shall hear the petition challenging the results of a Presidential election and deliver judgment within fourteen days from the date the petitions were filed in accordance with sub article (2) and its decision shall be final.

(4) For the purposes of sub article (3), the High Court may deliver judgment and declare the candidate President without providing reasons in respect of the judgment and the reasons shall be provided within thirty days from the date the judgment was made.

(5) Where the High Court decides that the results of the Presidential election are void, the Presidential election shall be repeated within sixty days from the date the judgment was delivered.

Oath and Tenure of
office of President

88.-(1) The President-elect shall be sworn in by the Chief Justice or, in his absence, the Deputy Chief Justice and shall assume the office of President after being declared to have been elected as President by the Independent Electoral Commission or confirmation by the High Court.

(2) Unless otherwise stipulated, the President shall assume the position of the office of President for a period of five years from the day he was sworn in as President.

(3) The President shall hold the office of President until:

(a) the day the President-elect takes the oath of office;

(b) the day he dies while in office;

(c) the day he resigns from office; or

(d) the day he ceases to discharge the duties and functions of President in accordance with the provisions of this Constitution.

Right to re-election

89.-(1) A person who is the President can be re-elected to the position of the office of President for a further period of five years.

(2) A person shall not be allowed to run for and be elected more than two terms in the position as President.

(3) Without prejudice to the provisions of this Constitution, a person who has served as President of Zanzibar shall not be disqualified from the contest and may be elected as President of the United Republic.

(4) If the First Vice President assumes the role of President in accordance with the provisions of Article 82 for a period of less than three years, he /she will be allowed to contest the position of President for two terms, but if he assumed the role of the President for a period of three years or more he/she will be allowed to contest the position of President for only one term.

(d) Specific Provisions concerning the Powers of the President

Power to declare
war

90.-(1) Pursuant to the provisions of this Article, the President shall have the power to declare the existence of a state of war between the United Republic and any other country or any group upon receiving a resolution from the Parliament.

(2) Notwithstanding the provisions of sub article (1), where the United Republic has been invaded or any group has waged a war within the United Republic, then the President may, after consultation with the National Defence and Security Council, declare the existence of a state of war within the United Republic.

(3) After making the declaration in accordance with sub article (2), the President shall inform the Parliament by submitting a copy of such a declaration to the Speaker of the National Assembly who shall, within fourteen days from the date of the declaration, convene a meeting to inform the Members of Parliament of the declaration of war made by the

President.

91.-(1) Without prejudice to the provisions of this Constitution or a law, the President may, after consultation with the National Defence and Security Council, declare a state of emergency or invasion of a certain area or the whole of the United Republic.

(2) The President shall only declare a state of emergency if:

- (a) the United Republic is at war;
- (b) there is possibility that the United Republic is in danger of being attacked and thus may be at war;
- (c) there is real lack of peace in the society or lack of security of the society in the United Republic or in any part of the United Republic to the extent that it is necessary to take specific steps so as to restore peace and security;
- (d) there is a serious threat which jeopardises peace in the society and may destroy the security of the citizens of the United Republic or of any of its parts, which, unless specific steps are taken, cannot be avoided;
- (e) a devastating event is about to take place or a devastating disaster threatens the society or a section of the society in the United Republic; or
- (f) there is any other of danger that threatens the security of the nation.

(3) If it is declared that a state of emergency exists in the United Republic or part of the United Republic, the President shall submit a copy of such declaration to the Speaker of the National Assembly, who, within fourteen days from the date of the declaration, shall convene a meeting to inform the Members of Parliament of the declaration made by the President.

(4) The National Assembly may enact a law to impose conditions regarding the time and procedures for Government officials in the areas concerned to use the powers vested in them by this Article regarding any of the areas or any of the states specified in paragraphs (c), (d) and (e) of sub article (2) whilst it does not affect other areas, for the purpose of clarifying the discharge of the authority of Government in times of emergency.

(5) The declaration of the state of emergency made by the President in accordance with this Article shall cease to exist if it is revoked by the President.

(6) To avoid doubt in the interpretation or application of the provisions of this Article, the provisions concerning the declaration of a state of emergency as stated in this Article, shall only be applied in that part of the United Republic where a state of emergency has been declared.

Prerogative of
mercy by the
President

92.-(1) In his capacity as President of the Nation, he has the power to:

- (a) grant a pardon to any person convicted by a Court of law of any offence against the United Republic, specific conditions as shall be specified by an Act of Parliament; or
- (b) commute a death penalty to a life sentence

(2) The provisions of this Article shall apply to any person who has been convicted while he is in Zanzibar and to punishments administered in Zanzibar pursuant to the law enacted by Parliament and used in Zanzibar; in addition, such provisions shall apply to any person who has been convicted in Mainland Tanzania in accordance with a law.

(3) For the purposes of this Article, there shall be a National Advisory Committee which shall advise the President on prorogation of mercy to any person who has been convicted by a court of a law and who is serving a sentence.

(4) Pursuant to this Article, the procedure for exercising the powers, composition and responsibilities of running the entity concerned with issues of amnesty of prisoners, will be defined by law.

Protection against
prosecution of
President

93.-(1) While he is still in office, the President shall not be prosecuted and no person shall take him to court for any criminal offence.

(2) While the President is in office in accordance with this Constitution, it shall be prohibited for any person to sue the President for commission or omission of anything prior to or after assuming the office of President, unless the President is saved notice thirty days before the case is filed in accordance with the procedure specified by an Act of Parliament, and such notice shall provide information regarding the source of the case, the name and place of residence of the plaintiff.

(3) Except where the President ceases to hold the office of the President if a vote of no confidence in him is taken, it shall not be lawful for any person to sue a person who has been holding the office of President for a criminal or civil offence which he committed while he was still in office.

94.-(1) Parliament may pass a resolution for the purpose of removing the President from office if a motion to impeach him is passed pursuant to the provisions of this Article.

(2) Without prejudice to the other provisions of this Article, no motion aimed at removing the President from office shall be presented unless it is claimed that the President has committed one of the following:

- (a) has greatly contravened the provisions of this Constitution;
- (b) has committed serious criminal offences;
- (c) prevented in any way an inquiry into his conduct in accordance with this Article;
- (d) corruption;
- (e) his behaviour tarnishes the office of President of the United Republic;
- (f) ignores or refuses to implement a lawful decision or orders given by the Judiciary; or
- (g) has behaved in such manner as to contravene the code of conduct or leadership ethics.

(3) Parliament shall not pass a resolution seeking to impeach the President, except if-

- (a) such motion is given within twelve months from the date a motion of that kind was given and rejected by Parliament; and
- (b) written information, which is supported and signed by over twenty five per cent of all the Members of Parliament, is submitted to the Speaker fourteen days prior to the presentation of the motion seeking to impeach the President in Parliament.

(4) The written information to be presented in Parliament in accordance with sub article (3) (b) shall clarify the offences which the President has committed, and shall suggest that a Commission of Inquiry inquire into the allegations which have been made against the President shall be formed.

(5) At any time after receiving the written information signed by the Members of Parliament and after being satisfied that the Constitutional provisions relating to the proposal to impeach the President have been followed, the Speaker shall ask a person to present this motion to the National Assembly and then the Speaker shall ask the Members of Parliament to, without discussion, vote over a motion to form a Commission of Inquiry.

(6) Where the motion to form a Commission of Inquiry is supported by not less than seventy five percent of all the Members of Parliament, the Speaker shall announce the names of the members of the Commission of Inquiry.

(7) The Commission of Inquiry, for the purpose of this Article, shall consist of the following:

- (a) the Chief Justice of the United Republic, who shall be the Chairman of the Commission;
- (b) the Chief Justice of Zanzibar who shall be the Vice Chairman; and
- (c) Five other members from the National Assembly of the United Republic, who shall be appointed by the Speaker in accordance to the representation of both side of the Union.

(8) Within seven days from the date the Commission of Inquiry was formed, the Commission shall inquire into and analyze the charges levelled against the President, including affording the President an opportunity to defend himself, pursuant to the procedure specified by the Standing Orders of the Assembly.

(9) As soon as possible, but never the less within a period of not more than ninety days, the Commission of Inquiry shall submit its report to the Speaker.

(10) After the Speaker has received the report from the Commission of Inquiry, the report shall be tabled in Parliament in accordance with the procedure specified by the standing orders of the Assembly.

(11) After the presentation of the report of the Commission of Inquiry, the Assembly shall discuss the report and afford the President an opportunity to defend himself, and then, by votes of not less than seventy five per cent of all the Members of Parliament, the Assembly shall pass a resolution indicating whether the charges levelled against the President have been confirmed or not.

(12) Where the National Assembly has passed a resolution which shows that the charges against the President have been confirmed and that he cannot continue to hold the office of President, the Speaker shall inform the President of the resolution and he shall cease to be President and the Vice-President shall take the oath of office as President at once.

(13) Where the President ceases to hold the office of President due to the confirmation of the charges against him, he shall lose his right to:

- (a) hold any position of power in the country; and
- (b) pension, remuneration or allowances given to the President or any person who has been President in accordance with the Constitution or laws.

Salaries and allowances of the President

95.-(1) The President shall be paid a salary and other allowances as shall be specified by the Secretariat for Public Service and on retirement shall be entitled to receive a pension and other allowances which shall be a charge upon the Consolidated Fund.

(2) The salary and any allowances payable to the President shall not be lowered while the President is still in office in accordance with this Constitution.

(3) Parliament shall enact legislation for the implementation of the provisions of this Article.

(e) The Vice-President

The Vice-President of the United Republic

96. There shall be three Vice-Presidents who shall be:

- (a) First Vice-President;
- (b) President of Zanzibar who will be Second Vice-President; and
- (c) Prime Minister who shall be the Third Vice-President.

Election the First
Vice-President

97.-(1) A person shall not be nominated to contest or hold the post of the First Vice-President of the United Republic, except if he is qualified to be elected as President.

(2) Without prejudice to the provisions of Article 85, the First Vice-President shall be elected along with the President, after being nominated by his political party or by an independent Presidential candidate at the time when a presidential candidate is nominated and they shall be elected together.

(3) Any political party or any person who intends to run for President as an independent candidate shall not be precluded from nominating any person to contest the post of the First Vice-President solely on the grounds that at that time that person is holding the office of President of Zanzibar.

(4) Where a Presidential Candidate has been elected then the First Vice-President shall have been so elected.

(5) A person shall be nominated to contest the post of the First Vice-President on condition that if a presidential candidate for President of the United Republic hails from one part of the United Republic, then the First Vice-President shall be a person from the other part of the United Republic.

(6) In the exercise of his powers, the First Vice-President shall discharge any duties assigned by the President.

Duties of the First
Vice-President

98. The First Vice-President shall be the Principal Assistant of the President in all matters relating to the United Republic in general and shall:

- (a) perform all the duties which the President has assigned him;
- (b) exercise the functions of the office of President if the President is not in office or is absent in compliance with the provisions in 83(3); and
- (c) be the Chairman of the Commission for Supervision and Coordination of Union Matters.

Tenure of
Office of the
First Vice-
President

99.-(1) The First Vice-President shall assume office at the same time as the President assumes office after the President is sworn in.

(2) The First Vice-President shall hold that office until:

- (a) he dies in office;
- (b) he resigns;
- (c) he is sworn in as President when the office of President becomes vacant;
- (d) when another President shall be sworn in take the jurisdiction of the president and his/her deputy;
- (e) he is removed from office after being impeached by the National Assembly subject to the provisions of this Constitution; or
- (f) he otherwise ceases to hold the office of the First Vice-President pursuant to the provisions of this Constitution.

Impeachment of the
First Vice-President
by Parliament

100.-(1) Parliament shall have the powers to impeach the First Vice-President in accordance with the procedure for impeaching the President subject to this Constitution, and a motion to impeach the First Vice-President shall be presented if:

(a) The President has submitted notice to the Speaker explaining that the First Vice-President has resigned or failed to exercise the functions of the First Vice-President;

(b) He behaves in a way that tarnishes the office of the First Vice-President of the United Republic or the post of the First Vice-President is vacant; or

(c) He is accused of having committed any one of the offences which may cause the First Vice-President to be impeached by Parliament in accordance with to this Constitution,

except, if there shall be no other similar motion within twelve months from the time the motion was raised and rejected by the National Assembly.

(2) The other provisions which are used to impeach the President shall be applied to remove the First Vice-President from office.

(3) All the provisions contained in Article 93 shall also be applied to matters concerning the First Vice-President, except that the First Vice-President, who has been removed from office in accordance with sub article (1), shall not be qualified to be President, First Vice-President, or the President of Zanzibar.

(4) Where the First Vice-President ceases to hold the office of First Vice-President due to the confirmation of the charges against him, he shall lose his right to pension, remuneration or allowances given to the First Vice-President or any person who has been First Vice-President in accordance with this Constitution or the laws.

Election of the First
Vice-President when
the office is vacant

101. If the office of the First Vice-President is vacant due to the provisions contained in Article 99 and 100, then as soon as possible and in less than fourteen days from the death or after ceasing to hold office, the President shall appoint a person who shall be the First Vice-President and the appointment shall be confirmed by Parliament with a majority of all Members of Parliament.

Oath of the First
Vice-President

102. The First Vice-President, before assuming office shall be sworn in by the Chief Justice of the United Republic or the Deputy Chief-Justice if Chief-Justice is absent, an oath of allegiance and any other oath relating to his functions as First Vice-President which shall be prescribed by an Act.

Second Vice-
President

103.-(1) Second Vice-President of the United Republic who is the President of Zanzibar, as well as other responsibilities outlined in the Constitution of Zanzibar, shall take over the office of Second Vice-President immediately after the inauguration by the President.

(2) A person shall qualify to be the Second Vice-President only if he is the President of Zanzibar in accordance with the Constitution of Zanzibar.

(3) If the office of the Second Vice-President is open due to any reason, the vacancy shall be filled in accordance with the provisions of the Constitution of Zanzibar.

Third Vice-
President

104.-(1) Third Vice-President of the Union who is the Prime Minister, along with other duties specified in this Constitution, shall hold office after being sworn in by the President.

(2) A person shall qualify to be the Third Vice-President only if he is the Prime Minister in accordance with this Constitution.

(3) If the office of the Third Vice-President is vacant due to the provisions of this Constitution, the position shall be filled in accordance with the provisions of this Constitution.

PART TWO
THE PRIME MINISTER AND THE CABINET OF THE GOVERNMENT OF THE UNITED REPUBLIC

(a) The Prime Minister

The Prime Minister
of The United
Republic

105.-(1) There shall be a Prime Minister of the United Republic who shall be appointed by the President in accordance with the provisions of this Article and who before assuming office, shall take an oath before the President namely the oath relating to the office Prime Minister.

(2) As early as possible and in any event within fourteen days after assuming his office, the President shall appoint a Member of Parliament elected from the constituency where a political party has a majority in Parliament or, if no political party has a majority of Members of Parliament in the Assembly, someone who is likely to be get support of a Parliamentary majority, to become Prime Minister of the United Republic, and he shall not assume office until his appointment is approved by the National Assembly through a resolution supported by the votes of the majority of Members of Parliament.

(3) Without prejudice to other provisions of this Constitution, the Prime Minister shall hold the office of Prime Minister until:

- (a) the day the President-elect shall take an oath of office;
- (b) the day he dies while in office;
- (c) the day he resigns;
- (d) the day the President shall elect another Member of Parliament to be the Prime Minister; or
- (e) he ceases to hold the office of Prime Minister in accordance with the other provisions of this Constitution.

Duties and
Powers of the
Prime Minister

106.-(1) The Prime Minister shall have authority over the control, management and execution of day-to-day functions and activities of the Government of the United Republic.

(2) The Prime Minister shall be the Leader of Government business in Parliament.

(3) In discharging his functions, the Prime Minister shall implement, facilitate and oversee the implementation of any other matters which the President shall direct so.

Accountability of the
Government

107. Without prejudice to the provisions of this Constitution, the Prime Minister shall be answerable to the President on the implementation of his mandate.

(2) The Government of the United Republic under the authority of the President shall be able to make decisions about policy in general, and Ministers, under the leadership of Prime Minister, shall be collectively responsible in Parliament on the implementation of the activities of the Government of the United Republic.

Vote of no confidence in the Prime Minister

108.-(1) Notwithstanding the provisions of Article 105 of this Constitution, Parliament may pass a vote of no confidence in the Prime Minister suggesting that the motion be submitted and passed in accordance with the provisions of this Article.

(2) Without prejudice to other provisions of this Article, any motion for a vote of no confidence in the Prime Minister shall not hold in the Parliament when:

(a) It does not relate to the performance of the functions of the Prime Minister in accordance with Article 106 of the Constitution, or no claims that the Prime Minister has violated ethics rules relating to public officials;

(b) less than six months since he was appointed; or

(c) less than nine months since a similar motion was moved in Parliament and failed.

(3) Motion to impeach the Prime Minister shall not be passed by Parliament unless:

(a) a written statement signed and supported by not less than twenty-five percent of all Members of Parliament shall be submitted to the Speaker, at least fourteen days before the day it is intended to be submitted in Parliament;

(b) the Speaker is reasonably satisfied that the provisions of the Constitution regarding the motion were met.

(4) Motion for a vote of no confidence in the Prime Minister shall be approved only if it is supported by more than fifty percent of all Members of Parliament.

(5) If the motion for a vote of no confidence in the Prime Minister is supported by the Parliamentary majority, the Speaker shall submit the resolution to the President, and as soon as possible, and in any event within two days since Parliament passed resolution of the motion for a vote of no confidence in the Prime Minister, the Prime Minister will be required to resign, and the President shall appoint another Member of Parliament to be the Prime Minister.

(b) The Cabinet

The Cabinet

109.-(1) There shall be a Cabinet of the United Republic which shall consist of the following members:

(a) The President;

(b) The First Vice-President;

(c) The President of Zanzibar who is the First [sic] Vice-President

(d) The Prime Minister who is the Third Vice-President; and

(e) All the Ministers of the Government of United Republic.

(2) The President shall preside over meetings of the Cabinet, and if the President is absent, the meeting will be chaired by the First Vice-President, and if both are absent, the Prime Minister shall preside over the Meetings.

(3) The Attorney General shall attend the meetings of the Cabinet and shall have all rights of a member of those sessions, but shall have no right to vote.

Appointment of
Ministers and
Deputy Ministers

110.-(1) There shall be Ministers of the United Republic who shall be appointed by the President in consultation with the Vice-President.

(2) For the purposes of sub article (1), the number of Ministers of the United Republic shall not exceed thirty.

(3) The responsibility of the Ministers shall be as may be specified by the President in the Letter of Appointment.

(4) With the Ministers listed in sub-section (1), the President may, after consultation with the Prime Minister, appoint Deputy Ministers depending on the needs of the Government.

(5) Deputy Ministers shall assist Ministers in the implementation of responsibilities and shall not be members of the Cabinet.

(6) The Government of the United Republic shall ensure that the Ministries comply with the authority of the Government in accordance to this Constitution.

Qualifications of
Ministers and
Deputy Ministers

111.-(1) A person shall be appointed as Minister or Deputy Minister of the United Republic provided that:

(a) he is a citizen of the United Republic by birth;

(b) he holds a degree from a university recognised by the accreditation authority of the land or any other related qualifications;

(c) is a professional or experienced; and

(d) he is a Member of the National Assembly of the United Republic.

(2) A person who has been convicted of embezzlement of public property or dishonesty, whether in the Government of the United Republic or the Revolutionary Government of Zanzibar, shall not qualify to be appointed as a Minister or Deputy Minister in the Government of the United Republic.

Oath, tenure of
office and
conditions of
service of a
Minister and
Deputy Minister

112.-(1) A Minister or Deputy Minister shall not discharge his functions until he has been sworn in by the President and has taken any oath which shall be prescribed by the laws of the land.

(2) The tenure of office of a Minister or his Deputy shall commence from the date of inauguration of a Minister or his Deputy.

(3) A Minister or Deputy Minister shall discharge his functions, except if:

(a) he resigns or dies;

(b) the President revokes his appointment;

(c) The President-elect assumes the office of President; or

(d) if the person ceases to be a member of parliament in accordance with this Constitution.

(c) *The Attorney General of the Government*

113.-(1) There shall be an Attorney General of the Government of the United Republic who, in this Constitution, shall be referred to as the “Attorney General” who shall be appointed by the President.

(2) A person who is qualified to be appointed as the Attorney General shall be:

- (a) a citizen of the United Republic by birth;
- (b) a holder of a degree from a university recognised by an accreditation authority recognised by the laws of the land;
- (c) competent in legal matters and qualified to be an advocate in the High Court of Zanzibar or High Court of Tanzania;
- (d) a senior servant in the public service of the United Republic;
- (e) he has possessed such qualifications for not less than fifteen years; and
- (f) his behaviour is not suspect in the eyes of the public.

(3) The Attorney General shall be the principal adviser to the Government of the United Republic on legal matters and, in that capacity, shall be responsible for advising the Government of the United Republic on matters of law, and for discharging any other functions pertaining to law or connected with law which are referred to or assigned to him by the President, also shall discharge other duties or functions which shall be entrusted to him by this Constitution or any other law.

(4) The Attorney General shall be a Member of Parliament based on his position and shall hold office until:

- (a) his appointment is revoked by the President; or
- (b) immediately before the President-elect takes office of the President, and shall be paid a salary, allowances and other payments pursuant to an Act of Parliament.

(5) In the discharge of his functions in accordance to this Article, the Attorney General shall have the right to appear and be heard in all Courts of the United Republic.

(6) The Attorney General shall not assume the position of power of the Attorney General until he takes an oath of allegiance and fidelity and any other oath before the President concerning his job performance as may be prescribed by law.

(7) The Attorney General, unless he resigns from office earlier, shall continue to hold office until the President appoints the next Attorney General.

Deputy Attorney
General

114.-(1) There shall be a Deputy Attorney General who shall be appointed by the President from among qualified persons identified in sub-section (2) of Article 113.

(2) The Deputy Attorney General shall execute other tasks as directed by the Attorney General of the Government and shall be the accounting officer of the Office of the Attorney General of the Government.

(3) Notwithstanding the provisions of this Article, a person who is qualified to be Deputy Attorney General of the Government shall be a person who has consistently met the qualifications identified in Article 113 (2) for a period of not less than ten years.

(d) Director of Public Prosecutions

Director of Public
Prosecutions

115.-(1) There shall be a Director of Public Prosecutions who shall be appointed by the President, from among public servants qualified for stewardship or someone who is registered as an advocate and has practised as such consistently for a period of ten years.

(2) The Director of Public Prosecutions shall be able to:

(a) file and execute criminal prosecution against any person in any Court other than a Court Martial for an offense he is accused of committing;

(b) take on and execute criminal prosecution initiated by any person or authority;

(c) terminate any prosecution stage before the delivery of the judgment of the on-going proceedings on the criminal offense being conducted by the Director of Public Prosecutions, an individual or any authority.

(3) Director of Public Prosecutions may leave office due to:

(c) death;

(d) resignation;

(e) failure to perform his/her duties due to health reasons; and

(f) removal due to bad conduct and work performance.

(3) Parliament shall enact legislation that shall explain:

(a) the terms and implementation process of the authority of the Director of Public Prosecutions under this Constitution;

(b) terms and procedure for removal of the Director of Public Prosecutions from office; and

(c) other matters concerning the Director of Public Prosecution

(e) Chief Secretary

Chief Secretary

116.-(1) There shall be a Chief Secretary who shall be appointed by the President from amongst senior Government officers appointed as Public Servants.

(2) The Chief Secretary shall be a Secretary to the Cabinet, a Chairman of the meetings of the Special Committee of Permanent Secretaries, Secretary to the Council of the National Security and the Principal of Public Service.

(3) In his capacity as Secretary to the Cabinet, the Chief Secretary shall be the Executive Officer in the office of the Cabinet and shall discharge the following functions, in compliance with the general or specific directions issued to him by the President, including:

(a) to work out a programme for Cabinet meetings and prepare activities for the Cabinet;

(b) to record minutes and maintain a record of the meetings;

(c) to notify and explain the decisions of the Cabinet to every person or public institution concerned with any such decision; and

(d) to discharge any other duties and functions as shall be directed by the President.

(4) As Head of the Public Service, the Secretary-General shall have jurisdiction to issue directions from time to time with regard to matters of public service.

(5) In his position as the Secretary of the National Security Council, the Secretary-General shall be the Chief Coordinator of the Secretariat of the National Security Council.

(6) The Secretary-General shall not hold office until he is sworn before the President, the oath of allegiance and fidelity or any other oath concerning the performance of his duties as may be prescribed by law.

(7) For the purposes of this Article, the phrase “Senior Officer has been nominated” means a person who holds the position of Secretary-General or has the qualifications for being the Secretary-General or other related position.

(f) Implementation of the Functions of the Cabinet

Secretariat for the
Cabinet

117.-(1) There shall be a Secretariat for the Cabinet which shall serve the Cabinet, as the Special Committee of Permanent Secretaries and discharge other functions as shall be assigned to it by the Cabinet.

(2) Parliament Assembly may enact legislation concerning the procedure for the discharge of functions of the Secretariat for the Cabinet.

(g) Provincial Commissioners

Provincial
Commissioners

118.-(1) There will be a Provincial Commissioner for each province in the United Republic who, without prejudice to sub article (3), shall be a leader in the Government of the United Republic.

(2) The Provincial Commissioners in the Mainland of Tanzania shall be appointed by the President after consultation with the Prime Minister.

(3) Provincial Commissioners in Zanzibar shall be appointed by the President of Zanzibar.

(4) Without prejudice to the provisions of sub article (5), each Provincial Commissioner shall be responsible for managing the implementation of the work and activities of the Government of the United Republic in the Province assigned to him and for that purpose, shall perform all duties and functions specified by law, or pursuant to law as a function or activity of the Provincial Commissioner and shall have all the authority as specified in Law enacted by Parliament.

(5) Alongside his duties and functions specified in the preceding provisions of this Article, the Provincial Commissioner of any province in Zanzibar shall perform the duties and functions of the Revolutionary Government of Zanzibar assigned to him by the President of Zanzibar, and in accordance with the Constitution of Zanzibar of 1984 or any law enacted by the House of Representatives.

**PART THREE
PUBLIC AUTHORITY**

Local Government

119.-(1) There shall be Local Government in every province, municipality, district, town and village in the United Republic which shall be of types and names specified by an Act of Parliament or by the Council of Representatives.

(2) The purpose of the existence of Local Government is to devolve power to the people to give them the right and authority to participate in the planning and implementation of development activities in their area and across the country as a whole.

(3) Parliament or the House of Representatives, as the case may be, shall enact laws, among other things, to create the structures of councils and their members, election procedures, powers, duties and functions of Local Government.

Local Government
Authorities

120. Without prejudice to the provisions of this Constitution, Local Government, in conformity with the provisions of national law shall have the authority to execute the following functions:

(a) ensure the protection and security of citizens and their property in their areas;

(b) provide better service to the citizens of the area;

(c) involve citizens in planning, decision making and implementing their development plans; and

(d) strengthening and using democracy for the accelerated development of the country.

Leadership in
Local Government

121. Leadership in Local Government will represent the citizens, and Local Government officials shall assume office through the process of election or appointment under an Act of Parliament or the House of Representatives.

CHAPTER NINE
COORDINATION OF THE RELATIONSHIPS OF PARTNERS OF THE UNION

Commission for
Coordination of
the relationships
of partners of the
Union

122.-(1) There shall be a Commission responsible for supervising the procedure for maintaining relationships which shall be known as the “Union Affairs Commission”.

(2) The Commission for Government Relations and Procedure shall consist of the following members:

- (a) The First Vice-President who shall be its Chairman;
- (b) The Prime Minister of the United Republic;
- (c) The Leader of Government affairs in the House of Representatives; and
- (d) Ministers in charge of the affairs of the Union.

(3) The Chairman of the Union Affairs Commission may invite any person who shall be considered appropriate to clarify to the Commission any matter before reaching a decision.

123.- (1) The Union Affairs Commission shall have a special role to facilitate coordination and cooperation in implementing the provisions of this Constitution, policies, laws, programs and strategies between the Government of the United Republic and the Revolutionary Government of Zanzibar and also will be a special instrument:

(a) to put in place good and sustainable procedures for consultation and cooperation between the Government of the United Republic and the Revolutionary Government of Zanzibar;

(b) to create an enabling environment for the purpose of planning, managing and execution of Union and Non-union matters in the interest and for the wellbeing of all citizens;

(c) recommend and oversee the process that shall enable the representation of both sides in various areas and issues for the purpose of promoting unity and solidarity in the implementation of Union Matters;

(d) promote and facilitate coordination and cooperation between the Government of the United Republic and the Revolutionary Government of Zanzibar in non-Union Affairs to ensure similar levels of service delivery to all citizens;

(e) coordinate matters of national interest; and

(f) manage the representation of both sides of the Union in terms of employment in the service of the United Republic.

(2) For the purposes of sub article (1) (f), the Commission of Union Matters shall prescribe procedures that shall enable the appointment of leaders and staff in institutions or ministries of the Union.

(3) The National Assembly may enact legislation for:

(a) procedures of implementation of the functions of the Commission;

(b) the establishment, composition and functions of the Secretariat of the Union Matters Commission; and

(c) all other matters regarding Union Matters Commission.

CHAPTER TEN
THE PARLIAMENT OF THE UNITED REPUBLIC

PART ONE
THE STRUCTURE AND POWERS OF THE
PARLIAMENT

Parliament

124.-(1) There shall be a Parliament that shall constitute two parts; the President and Members of Parliament.

(2) The Members of Parliament shall be as follows:

(a) the Members of Parliament who have been elected through their constituencies that shall be presided over by the Independent Electoral Commission;

(b) five members of parliament who shall be appointed by the President from amongst persons who qualify to be elected as members of parliament;

(c) not less than ten members of parliament who shall be appointed by the President from amongst persons who qualify to be elected as members of parliament;

(d) The speaker if he had not been elected from amongst the Members of the Parliament; and

(e) The Attorney General of the Government

(3) Members of Parliament listed in sub article (2) (a) shall assume the office by being voted in by the people in accordance with the provisions of this Constitution and the laws enacted by Parliament.

(4) Without prejudice to the provisions of this Article, the basis of representation in sub article (2) (a), shall be equal representation of female and male parliamentarians.

(5) Without prejudice to the provisions of sub article (2), the number of all the members of the parliament of the United Republic elected or appointed shall not exceed three hundred and sixty.

(6) Parliament shall enact legislation that shall classify the procedure of implementation of the provisions of this Article.

Duration of
Parliament

125.-(1) Subject to the provisions of this Constitution, the duration of each Parliament shall be five years.

(2) For the purposes of sub article (1), the expression “Duration of Parliament” means the whole period commencing from the date the New Parliament was first summoned after general elections and ending on the date of dissolution of that parliament for the purpose of enabling the holding of another ordinary general election.

Authority of
Parliament

126.- (1) The President as part of the National Assembly shall exercise all powers vested in him by this Constitution.

(2) The second part of the National Assembly is the principal entity of the United Republic with the responsibility, on behalf of citizens, to manage the Government of the United Republic and all its agencies in the discharge of its functions under this Constitution.

(3) In the discharge of its functions, Parliament shall have the following responsibilities:

(a) to enact laws where implementation requires legislation;

(b) to discuss and give advice on all matters of interest to the Nation and the Tanzanian people;

(c) to ask any question to any Minister concerning public affairs in the United Republic which are within his authority;

(d) to deliberate upon and authorise budgets for Ministries, institutions and Governmental organizations;

(e) to deliberate the performance of each Ministry during the annual Budget sessions of the National Assembly.

(f) to deliberate upon and authorise any long or short plan which is intended to be implemented by the Government in the United Republic;

(g) to deliberate and ratify all international treaties and agreements to which the United Republic is a party and the provisions of which require ratification; and

(h) to confirm the proposed appointment of officials in accordance with this Constitution and the Law.

Limitations of
Parliamentary
powers

127.-(1) In the exercise of the authority of supervising the Government in accordance with this Constitution, the responsibility of Parliament shall be to advise the Government, and where Parliament is not satisfied with the Government's steps in implementing the advice, then Parliament shall have the right to hold the Government accountable in accordance with the authority vested in it by this Constitution.

(2) For the purposes of sub article (1), Parliament shall not take any action which traditionally is the responsibility of the Government, and shall not give advice regarding any matter connected to the performance of Government and public servants.

Nevertheless, the Parliament shall preside over any matter that is in the docket of the responsible Minister.

128.-(1) Legislative power over all matters concerning Mainland Tanzania shall be vested in the Parliament.

(2) Any authority to enact the law in Zanzibar over all non-Union matters shall be vested in the House of Representatives.

(3) If any law enacted by the House of Representatives in Zanzibar involves anything that is under the authority of Parliament, the law shall be null and void, and also if any law enacted by Parliament refers to anything that is under the authority of the House of Representatives, the legislation shall be null and void.

(4) Any law enacted by Parliament on any matter shall not be used in Zanzibar except in accordance with the following provisions:

(a) That law shall have expressly stated that it will apply to Mainland Tanzania and Zanzibar as well or it replaces, amend or repeal laws in force in Zanzibar;

(b) That law should be replacing or amending or repealing the law that was previously applied to Mainland Tanzania also in accordance with the Agreement of Union of Tanganyika and Zanzibar, 1964, or pursuant to any law which expressly stated that it shall be utilised in the Mainland Tanzania as well as Zanzibar; or

(c) Such law should relate to the Union Matters, and whenever Tanzania is mentioned in any Law shall be construed that the same rules will apply to the United Republic in accordance with the definition contained in the provisions of this Article.

(5) Without prejudice to the application of the Constitution of Zanzibar in accordance with this Constitution about all non-Union Matters of Zanzibar, this Constitution shall have the force of law in the whole of the United Republic and if any other law violates the provisions contained in this Constitution, the Constitution shall have power, and that other law, to the extent that it violates the Constitution, shall be void.

The process of
changing the
Constitution

129. - (1) Parliament may enact a law for changing any provisions of this Constitution in accordance with the following principles:

(a) A Bill of law for changing the provisions of this Constitution or any other provisions of the law relating to any matter except matters pertaining to paragraph (b) or (c), shall be adopted with support of the majority of the votes of all Members of Parliament;

(b) A Bill for changing any provisions of this Constitution or any provisions of any law relating to any of the matters referred to in Appendix Two, shall be adopted only if it is supported by the votes of legislators who are not less than two thirds of all Members of Parliament of Mainland Tanzania and two thirds of all Members of Parliament in Zanzibar;

(c) A Bill of Law for changing any provisions relating to any one of the matters mentioned in Appendix Three at the end of this Constitution, shall be adopted only if it is supported by more than half of the valid votes casted by the citizens of the Tanzania Mainland, and more than half of the valid votes casted by the citizens of Tanzania Zanzibar in a referendum that shall be conducted and managed by the Independent Electoral Commission in accordance with the law.

(2) For the purpose of interpreting the provisions of sub article (1) to change the provisions of this Constitution means to rectify or revise these provisions to delete and set other provisions instead or emphasise or change the use of such provisions.

Procedure for
legislating

130.-(1) Parliament shall use its authority to enact laws by debating and passing a bill of law which shall be signed by the President.

(2) Without prejudice to the provisions of sub article (3), a Bill of Law may be written by the Government, a Parliamentary Committee or a group of Members of Parliament.

(3) At the time of preparing a Bill of Law, the Government of the United Republic, a Parliamentary Committee, a group of Members of Parliament, shall ensure that it involves the people so as to obtain their opinions and suggestions on that bill.

(4) Without prejudice to the provisions of Article 129, a bill shall be considered to have been enacted by Parliament if it is backed by majority votes of all Members of Parliament.

(5) Parliament shall enact standing orders which shall specify the procedure for:

(a) tabling, debating and passing a Bill of Law; and

(b) proper implementation of the provisions of sub article (3).

Procedure for
enacting
legislation
concerning
financial matters

131.-(1) Parliament shall not deal with any matter among the matters contained in this Article, except if the President has proposed that the matter should be dealt with by Parliament and that proposition must have been submitted to Parliament and the Cabinet.

(2) Matters relevant to this Article include the following:

(a) a bill to enact a law providing for any of the following:

(i) to levy a tax or to alter taxation otherwise than by reduction;

(ii) to direct that payment or expenditure be a charge upon the Consolidated Fund or any other Government fund or alter the amount otherwise than reduction;

(b) to direct that payment or expenditure be a charge upon the Consolidated Fund or any other Government accounts but in the knowledge that such accounts were not intended for such payment or expenditure, or to direct that payment or expenditure from such accounts be increased;

(c) to cancel or write off any debt payable to the Government of the United Republic; or

(d) a motion or any amendment of a motion for the purpose of any of the matters referred to in paragraph (a) of this sub article.

Authority of the
Head of the State
with regard to a
Bill of Law

132.- (1) Subject to other provisions contained in this Constitution, Parliament shall exercise its powers to enact a law in accordance with the procedure of reviewing and approving bills, and the bill shall not become law until passed by Parliament and approved by the President in accordance with the provisions of this Article.

(2) A Bill of Law which has been submitted to the President for certification shall be signed by the President within a period of not more than thirty days from the date the Bill was submitted and received by the Secretary to the Cabinet.

(3) After a Bill is presented to the President for his assent, the President may either assent to the Bill or withhold his assent, and in the event that the President withholds his assent to a Bill, he shall return it to the National Assembly together with a statement of his reasons for withholding his assent to the Bill.

(4) After a Bill is returned to the National Assembly by the President pursuant to the provisions of this Article, it shall not be presented again to the President for his assent before the expiration of six months since it was returned to the Parliament.

(5) If at the last stage in the National Assembly before it is again presented to the President, it is supported by the votes of not less than two-thirds of all the Members of Parliament, then that Bill may be submitted much earlier to the President.

(6) If a Bill is returned to the National Assembly by the President, and it is then supported in the National Assembly by not less than two-thirds of all Members of Parliament and it is presented a second time to the President for assent, then the President shall be obliged to assent to the bill within sixty days of its being presented to him, and if sixty days pass since the bill was presented to the President a second time, it shall be regarded that it has been accepted by the President unless he dissolves the Parliament.

Approval of the
Government
Budget

133.-(1) If the National Assembly is not satisfied with Government budget proposals, Parliament may return the proposal with particular recommendations and the weaknesses noticed.

(2) The Government shall be obliged to work on the recommendations provided by Parliament as much as possible and then table the proposal a second time, including explanations on the incorporation of the recommendations of Parliament and if Parliament rejects the proposal a second time, then the President shall dissolve the Parliament and request a General Election.

PART TWO MEMBERS OF PARLIAMENT

Election of
Members of
Parliament

134.-(1) After the five years of Parliament have expired, there shall be an election of Members of Parliament in the constituencies as shall be announced by the Independent Electoral Commission subject to the law.

(2) There shall be a parliamentary election in a Constituency if a Parliamentary seat has become vacant by reason other than expiration of the duration of Parliament.

(3) If the date on which the duration of Parliament expires has been announced or is known, there shall not be a by-election of the member of Parliament in accordance to the sub article (2) within twelve months before that date.

Qualifications of
Members of
Parliament

135.-(1) Without prejudice to the provisions of this Article, any person shall qualify to be elected or appointed as a Member of Parliament if he/she:

(a) is a citizen of the United Republic who has attained the age of twenty one at the time of contesting;

(b) can read and write in Kiswahili or English; and

(c) is a member proposed by a political party or independent candidate.

(2) A person shall not be qualify to be elected or appointed as a Member of Parliament

if:

(a) he has been judged by the Medical Board to be of unsound mind;

(b) such a person has been convicted by any court in the United Republic and sentenced to death or to a term in jail exceeding six months for an offence involving evasion to pay tax.

(c) within a period of five years preceding the date of a general election such a person has been convicted for an offence involving dishonesty or breaking the laws concerning public leaders' ethics.

(3) Parliament may enact a law making provisions disqualifying a person from being elected

a person shall not be elected to be a member of parliament representing a constituency if such a person holds an office whose functions involve the conduct or supervision over the election of members of parliament or registration of voters for election of members of Parliament.

(4) For the purposes of giving an opportunity to appeal to any person:

(a) who has been formally certified to be of unsound mind;

(b) convicted and sentenced to death or imprisoned; or

(c) who has been found guilty of any of the offences specified under the law in terms of sub article (2),

the authority of the land shall prescribe legal conditions providing that the

judgment being appealed by that person shall have no effect for the purposes of the provisions of sub article (2) until the expiration of the period specified in such law.

Procedure for election of members of parliament

136.-(1) Members of Parliament, who are representing constituencies, shall be elected by the voters in accordance with the provisions to this Constitution, and the law in the provisions of this Constitution, which imposes conditions on the election of the Members of Parliament.

(2) The candidates in Constituencies shall be required to submit their names to the Independent Electoral Commission pursuant to the procedure prescribed by a law.

Oath and provisions for duties of the Member of Parliament

137.-(1) Each Member of Parliament shall take an oath of loyalty by the Speaker in National Assembly before he/she may take part in activities of the Parliament, but a member of Parliament may participate in the election of Speaker before taking that oath.

(2) Member of Parliament shall hold office in accordance with this Constitution, and will earn salary, allowances and other payments in accordance with law.

Disqualification of a Member of Parliament

138.-(1) A Member of Parliament shall cease to be a Member of Parliament and shall vacate his seat upon the occurrence of any of the following matters:

(a) where anything happens which, had he not been a Member of Parliament, would have disqualified him from election or appointment in accordance with the provisions of this Constitution;

(b) where a Member of Parliament fails to attend one meeting of the National Assembly without the permission of the Speaker;

(c) where it is established that he has contravened the provisions of the law concerning public leaders' ethics;

(d) where he fails to discharge his duties as Member of Parliament for six consecutive months due to being in detention;

(e) in case he fails to submit a declaration about his qualifications to be elected a Member of Parliament or fails to submit a formal declaration of property in accordance with the provisions of this Constitution within the period prescribed for that purpose by the laws of the land;

(f) in case he resigns;

(g) he will resign from office voluntarily or cancel membership of his political party, if he is expelled or denied his party membership of the political party;

(h) if a Member of Parliament who was an independent candidate, shall join any political party;

(i) is removed in accordance with the provisions of this Constitution; or

(j) dies.

(2) Member of Parliament may file a petition in court against a decision

concerning the results of his/her mental illness or resist eviction or revocation of their membership of a political party if found guilty of an offense referred to in sub-section (1).

Decision of a matter whether a person is a Member of Parliament

139.-(1) Each suite to decide:

(a) whether a Parliamentary election was credible or not; or
(b) whether a Member of Parliament has ceased to be a Member of Parliament and there is a vacancy in Parliament or not, shall be filed and heard at the High Court.

(2) Parliament may enact a law imposing conditions on the following matters:

- (a) persons who are qualified to file suit at the High Court for the purpose of getting a judgment on any matter subject to this Article;
- (b) reasons and times of filing a suit of that kind, procedures for filing suit and the provisions which are to be complied with for every case of that type; and
- (c) to specify the authority of the High Court over that kind of case.

Formal declaration by members of Parliament concerning his ethics

140.-(1) Every Member of Parliament, before the expiration of thirty days from the date he assumes office shall present to the Commission for Leadership Accountability and Ethics two copies of a special declaration concerning property and debt in accordance with the provisions of this Constitution.

(2) The special declaration mentioned in sub article (1), shall detail matter of ethics written in a special format which shall be specified by the laws of the land.

PART THREE LEADERSHIP IN PARLIAMENT

Speaker and his duties

141.-(1) There shall be a Speaker of the National Assembly who shall be elected by the Members of Parliament from amongst persons who are Members of Parliament or has qualifications to be a Member of the National Parliament and shall be the Leader of the National Assembly and shall represent the National Assembly in media and in all other institutions and meetings.

(2) A Minister, Deputy Minister or a person holding any other office prescribed by a law for the purposes of this Article, shall not be eligible for the office of Speaker.

(3) Any person elected Speaker shall be required, before the expiration of fifteen days of his election, to submit to the President a formal declaration that he has not lost the qualifications for election in terms of the provisions of this Constitution and the declaration shall be made in a special form prescribed in accordance with a law enacted by Parliament.

Cessation of Speaker's functions

142.-(1) The Speaker shall cease to be Speaker and shall vacate his office upon the occurrence of any of the following:

(a) if anything happens which, had he not been Speaker, would disqualify such a person from election, or make him lose the qualifications for being elected Speaker;

(b) that person is removed from the office of Speaker by a Resolution of the National Assembly supported by not less than two-thirds of all Members of Parliament;

(c) that person fails to submit a formal declaration concerning his property and debts in accordance with this Constitution;

(d) if that person is convicted of the offence of perjury contrary to the provisions of the penal code concerning any formal declaration submitted in accordance with the provisions of this Constitution;

(e) that person fails to submit a declaration of his property and debts in accordance with this Constitution before the expiration of the period stipulated for that;

(f) it is proved that that person has contravened the provisions of the law concerning public leaders' ethics;

(g) he resigns; or

(h) dies.

(2) No other business shall be conducted in the National Assembly while the office of the Speaker is vacant, other than the election of the Speaker.

Deputy speaker

143.-(1) There shall be a Deputy Speaker of the National Assembly who shall be elected by Members of Parliament from amongst them.

(2) A Member of Parliament or a person holding any other office prescribed by the law for the purpose of this Article shall not be elected Deputy Speaker.

(3) Members of Parliament shall elect a Deputy Speaker on the following occasions:

(a) when the National Assembly meets for the first time following General Elections or as soon as possible thereafter; and

(b) at the first sitting of the National Assembly after the office of Deputy Speaker falls vacant for any reason not connected with the dissolution of Parliament or as soon as possible after that sitting.

(4) The Deputy Speaker shall cease to be Deputy Speaker upon the occurrence of any of the following events specified in Article 142(1).

Qualifications of the Speaker and Deputy Speaker

144. A person shall qualify to be elected Speaker or Deputy Speaker if at the time of contesting, he shall have attained the age of forty years.

Procedure for electing and taking the oath of Speaker and Deputy Speaker

145.-(1) An election for electing the Speaker shall be held at any time during the First Meeting of the New National Assembly, and in any first sitting immediately after the occurrence of a vacancy in the office of the Speaker.

(2) There shall be an election of a Deputy Speaker at any time during the First Meeting of the New Parliament as well as in the first session of the next Parliament immediately after the vacancy in the office of Deputy Speaker

(3) The election of a Speaker as well as that of Deputy Speaker shall be by secret ballot and shall be conducted in accordance with the procedure prescribed by the standing orders of the National Assembly.

(4) The Speaker and the Deputy Speaker shall be elected on condition that, if the Speaker comes from one part of the United Republic, the Deputy Speaker shall come from the other part of the United Republic.

(5) Save where he resigns, the Speaker and the Deputy Speaker shall be in office for not more than two terms of five years each.

(6) Any person who shall be elected Speaker or Deputy Speaker shall be required to, before starting to perform his functions, take the oath of allegiance.

Clerk of the
National Assembly

146.-(1) There shall be a Clerk of the National Assembly who shall be appointed by the President from amongst three names from the office of the Government of the United Republic and which shall be proposed by the Board of the National Assembly.

(2) The Clerk of the National Assembly shall be the Chief Executive in the office of the National Assembly, and shall be responsible for the efficient discharge of the business of Parliament in conformity with the provisions of this Constitution and of the law.

The Secretariat of
the Parliament

147.-(1) There shall be a Secretariat of the National Assembly which shall consist of servants from both parts of the United Republic, depending on the National grades in the public service based on the requirements of the functions of the National Assembly as shall be determined by the Board of the Office of the Parliament.

(2) The Secretariat of the National Assembly, under the leadership of the Clerk of the National Assembly, shall discharge all duties and functions prescribed or as may be necessary for the purpose of ensuring the efficient discharge of the duties of the National Assembly, Members of Parliament and the functions of Parliament.

PART FOUR PROCEDURES FOR THE ACTIVITIES OF THE NATIONAL ASSEMBLY

Standing orders of
the National
Assembly

148. Subject to the provisions of this Constitution, the National Assembly shall make standing orders for the purpose of prescribing procedures for the conduct of its business.

President
Addressing
Parliament

149.-(1) The President shall address the New National Assembly at its first meeting and officially inaugurate it.

(2) Subject to the provisions of sub article (1), the President may at any time address the National Assembly or send to the House a communication which shall be read by the Prime Minister.

Meetings of the
National Assembly

150.-(1) The National Assembly shall hold its meetings at the place where it is customary to hold such meetings or at any other place in the United Republic as the Speaker may designate for that purpose.

(2) The first meeting of the new Parliament in the term of the Assembly shall be convened by the President of the United Republic and shall commence on the day that Parliament directed that it shall meet, and each subsequent sitting will start on any day that shall be appointed by the Parliament or any day that will be agreed upon in accordance with the standing orders of Parliament.

(3) The President may at any time summon a meeting of the National

Assembly pursuant to the provisions of this Constitution.

Presiding over the sittings of the National Assembly

151. Every sitting of the National Assembly shall be presided over by any one of the following persons:

- (a) the Speaker;
- (b) if the Speaker is absent, the Deputy Speaker; or
- (c) if both the Speaker and the Deputy Speaker are absent, any Member of Parliament who has been elected by the Members of Parliament for that purpose.

Quorum at sittings of the National Assembly

152.-(1) The quorum at every sitting of the National Assembly shall be half of all the Members of Parliament, except where it is stipulated otherwise in this Constitution.

(2) Every motion which shall be submitted for decision in the National Assembly shall be determined by a majority of votes of the members present and voting, except for specific conditions imposed upon the matters under this Constitution.

Standing Committees

153.-(1) The National Assembly may establish various Standing Committees as it may deem appropriate for the better discharge of its functions.

(2) The Standing Orders of the National Assembly may provide for the composition and functions of the Standing Committees established pursuant to the provisions of this Article.

PART FIVE POWERS AND PRIVILEGES OF THE PARLIAMENT

Freedom to debate in the National Assembly

154.-(1) There shall be freedom to give opinions, debate and make suggestions in the National Assembly, and that freedom shall not be breached or questioned by any entity in the United Republic, or in any Court or elsewhere outside the House.

(2) Without prejudice to the provisions of this Constitution or other legal provisions involved, or any Member shall not be charged or filed any suite as a result of anything he has said or done in the Parliament or failed an application, a bill of law, motion or otherwise in Parliament.

(3) Parliament may enact a law making provisions to enable the court and the law to preserve and enforce freedom of opinion, debate and procedure of business in the National Assembly which in accordance to this Article it is under this Constitution.

PART SIX
PARLIAMENTARY SERVICE COMMISSION AND PARLIAMENT FUND

(a) Parliamentary Service Commission

Parliamentary
Service Commission

155.-(1) There shall be a Parliamentary Service Commission that shall consist of the following Members of Parliament:

- (a) The Speaker of the National Assembly who shall be the Chairman;
 - (b) The Deputy Speaker who shall be the Vice-Chairman;
 - (c) Minister in charge of Parliament;
 - (d) Five Members of the Parliament of the United Republic, based on the representation of the two sides of the Union; and
 - (e) The leader of the Opposition in Parliament.
- (2) The Parliamentary Secretary shall be the Secretary of the Parliamentary Service Commission.
- (3) The Commission may invite any other person with specific expertise to attend any sitting of the Commission, except such person shall not be entitled to vote.
- (4) Parliament may enact legislation that among other matters shall explain how to elect the members of the Parliamentary Service Commission as well as the Commission's functions.

The duties of the
Parliamentary
Service Commission

156.-(1) The Parliamentary Service Commission shall be responsible for developing, facilitating and ensuring the implementation of the duties and functions of Parliament effectively and transparently.

- (2) Parliament shall enact legislation making provisions for the execution of the functions of Parliamentary Service Commission.

(b) The Parliament Fund

The Parliament Fund

157.-(1) There shall be a Parliament Fund of the United Republic, which shall be under the supervision of the Parliament Secretary.

(2) The Parliament Fund will be used for financing operational activities, as well as other important activities in the implementation of the functions of Parliament.

(3) The Government will ensure that, in every financial year budget, it allows sufficient reserves depending on the circumstances, and such money that will be deposited in the Parliament Fund.

(4) Parliament shall enact legislation making provisions concerning the conduct of the Parliament Fund.

CHAPTER ELEVEN

**REVOLUTIONARY GOVERNMENT OF ZANZIBAR, ZANZIBAR
REVOLUTIONARY COUNCIL AND HOUSE OF REPRESENTATIVES OF
ZANZIBAR**

PART ONE

(a) The Revolutionary Government of Zanzibar

The Revolutionary
Government of
Zanzibar and its
Jurisdiction

158.-(1) There shall be the Government of Zanzibar known as “The Revolutionary Government of Zanzibar,” which will have authority in Zanzibar over all non-Union matters in accordance with the provisions of this Constitution.

(2) Without prejudice to the provisions contained in this article and in the following articles in this Chapter, the Revolutionary Government of Zanzibar will be formed and implement its functions in accordance with the provisions of this Constitution and the Constitution of Zanzibar of 1984.

(b) The President of Zanzibar

The President of
Zanzibar and
his/her Jurisdiction

159.-(1) There shall be the President of Zanzibar, who shall be the Head of the Revolutionary Government of Zanzibar and Chairman of the Zanzibar Revolutionary Council who shall be elected in accordance with the Constitution of Zanzibar of 1984.

(2) The president of Zanzibar before assuming his office shall swear in front of the Chief Justice of Zanzibar the oath to protect and defend the Constitution of the United Republic, and other oaths in accordance with the Constitution of Zanzibar concerned with the execution of his functions, then he shall hold and discharge those powers in accordance with this Constitution and the Constitution of Zanzibar of 1984.

(c) *The Revolutionary Council of Zanzibar*

The Revolutionary
Council of Zanzibar
and its duties

160.-(1) There shall be a Zanzibar Revolutionary Council which shall consist of the type and number of the members of parliament prescribed in accordance with the provisions of the Constitution of Zanzibar of 1984.

(2) Without prejudice to the powers of the Chairman of the Revolutionary Council as President of the Revolutionary Government of Zanzibar, the Revolutionary Council shall be the principal entity to help and advise the President of Zanzibar concerning the issues of the Revolutionary Government of Zanzibar and coordinate the implementation of the activities of the Government of Zanzibar and the execution of his authority over the activities of the Revolutionary Government of Zanzibar about all non-Union Matters, in accordance with the provisions of this Constitution and the Constitution of Zanzibar of 1984.

PART TWO
THE HOUSE OF REPRESENTATIVES OF ZANZIBAR

The House of
Representatives of
Zanzibar

161.-(1) There shall be a House of Representatives of Zanzibar as shall be created in accordance with the Constitution of Zanzibar of 1984.
(2) All legislative powers to enact the law in Zanzibar over all non-Union Matters shall be vested in the House of Representatives of Zanzibar.

CHAPTER TWELVE
THE JUDICIARY OF THE UNITED REPUBLIC

PART ONE
PRINCIPLES OF EXERCISING RIGHTS AND FREEDOM OF THE JUDICIARY

Establishment of
the Judiciary of the
United Republic

162.-(1) There shall be a Judiciary of the United Republic.
(2) The Judiciary of the United Republic in accordance with this Constitution and any other law shall implement its mandate through the High Court and the Court of Appeal.
(3) The Judiciary of the United Republic shall be the authority mandated with the final jurisdiction dispensing justice in the United Republic.

Principles of
dispensation of
Justice

163. In the determination of civil and criminal proceedings in accordance with the law, the Court of the United Republic shall follow the following principles:
(a) do justice to all without any discrimination;
(b) not delay dispensation of justice without good reason;
(c) provide compensation to persons who suffered from the mistakes of others, and in accordance with specific legislation for this purpose;
(d) promote reconciliation between the parties involved in conflict; and
(e) exercise justice without being bounded by the technical provisions that may hinder justice.

164.- (1) In exercising the jurisdiction of the dispensation of justice, all the Courts shall be guided by the provisions of this Constitution and shall not be interfered with or controlled, pressurised or instructed by any person or entity.

(2) The position of the office of the High Court Judge, the Court of Appeal or the High Court of the United Republic shall not be deleted at any time if someone holds that position at that time.

(3) Salaries and other remuneration of Judges of the High Court, the Court of Appeal and the High Court of the United Republic shall be paid from the Consolidated Fund.

(4) Salary and other remuneration payable to a Judge of the High Court, the Court of Appeal or the High Court of the United Republic shall not be transformed for withdrawing the benefit stand of the respective Judge.

(5) Payment of retirement benefits to a Judge of the High Court, the Court of Appeal or the High Court of the United Republic shall not be transformed for the benefit stand of the respective Judge in his entire life.

(6) The Judge of the High Court, The Court of Appeal, or the High Court of the United Republic or the High Court of Zanzibar shall not be charged for anything he committed or omitted in good faith in the implementation of the dispensation of justice in accordance with this Constitution and the law.

PART TWO THE STRUCTURE OF THE JUDICIARY

(a) The Judiciary of the United Republic

The structure of the Judiciary

165.-(1) Without prejudice to any of the aforementioned provisions in this section, the Structure of the Judiciary in the United Republic shall be as follows:

- (a) The High Court;
- (b) The Court of Appeal; and
- (c) The High Court of the United Republic.

(2) Without prejudice to the provisions of this Constitution or any other law enacted by Parliament, if any law enacted by Parliament which applies to the Mainland Tanzania and Zanzibar as well as any authority granted by the High Court of the United Republic, then the High Court may exercise those powers much just the same way it shall be implemented by the High Court of the United Republic.

(b) The High Court of the United Republic

The High Court

166. There shall be a High Court of the United Republic which shall be known as the “High Court” which shall consist of:

- (a) A Chief Justice of the United Republic who shall be the President of the High Court;
- (b) A Deputy Chief Justice of the United Republic who shall be the Vice-President of the High Court; and
- (c) Other Judges of the Supreme Court who shall not be less than seven.

Quorum at the sittings of High Court

167.-(1) The quorum at every sitting of the High Court shall be five Judges of the High Court.

(2) In every appeal, whether a matter requires the decision by the High Court shall be decided on the basis of the majority opinion of the Judges of the High Court hearing the appeal.

Jurisdiction of the High Court

168.-(1) The High Court shall be the highest level for hearing appeals in the United Republic and shall be:

- (a) the first and only entity;
 - (i) to hear and decide petitions contesting the results of the Presidential Election of the United Republic;
 - (ii) to hear and decide matters brought to it by the Government of the United Republic or the Revolutionary Government of Zanzibar regarding the interpretation or implementation of this Constitution;
- (b) to hear and decide appeals from the Court of Appeal;
- (c) to provide advice to the Government of the United Republic or the Revolutionary Government of Zanzibar where necessary; and
- (d) to hear and decide any matter which shall be brought to it in accordance with this Constitution or any other law which bestows jurisdiction upon that Court.

(2) The Court of Appeal, the High Court of the United Republic and the High Court of Zanzibar, shall be bound by the decisions of the High Court.

(3) Notwithstanding the provisions of sub article (2), the High Court shall not be bound by its previous decision.

(4) Parliament may enact legislation which shall impose more conditions on the running of the High Court.

(5) The High Court shall prepare principles for the discharge of its functions.

Authority of the
Judges of the
High Court

169.-(1) Any Judge of the High Court shall have authority to hear and decide any matter in the High Court.

(2) Without prejudice to sub article (1), if a Judge of the High Court, before his appointment, was a Judge of the Court of Appeal or the High Court of the United Republic or the High Court of Zanzibar, such a Judge may continue to discharge his duties at his former Court until he has completed his preparations and delivered judgment or until he has completed any other functions concerning a case which he began hearing before his appointment as a Judge of the High Court.

(3) Subject to the provisions of sub article (2), it shall be lawful for a Judge of the High Court to deliver judgment or any other decision concerned by exercising and declaring the position he held before his appointment as a Judge of the High Court, and in case that judgment or that decision is rejected through an appeal which has been lodged at the High Court, then that Judge shall have no jurisdiction of hearing that appeal.

(c) Appointment of the Judges of the High Court

Appointment of the
Chief Justice

170.-(1) The Chief Justice shall be appointed by the President from amongst the three names suggested by the Judicial Service Commission.

(2) The Chief Justice shall be the Principal of the Judiciary in the United Republic.

(3) A person shall qualify to be appointed Chief Justice if he has attained the age of forty five years or more, and is upstanding, honest, has good conduct and:

(a) is a citizen of the United Republic by birth;

(b) holds a degree in law from a university recognised by the accreditation authority in the United Republic;

(c) has worked as a Judge in the Court of Appeal, High Court of the United Republic or the High Court of Zanzibar; or

(d) has worked as a public servant in the United Republic or an academic with qualifications to practice as an advocate and he has possessed such qualifications for not less than twenty years.

Appointment of
the Deputy Chief
Justice

171.-(1) The Deputy Chief Justice shall be appointed by the President from amongst the names submitted to the President by the Judicial Service Commission.

(2) A person shall be appointed as Deputy Chief Justice if he possesses the qualifications which have been specified under Article 170.

(3) The Deputy Chief Justice shall be the Principal Assistant of the Chief Justice in the discharge of his functions.

Appointment of
Judges of the High
Court

172.-(1) The Judge of the High Court shall be appointed by the President from amongst the names submitted to him by the Judicial Service Commission.

(2) A person shall qualify to be appointed Judge of the High Court if he is the Judge of the Court of Appeal and:

(a) a citizen of the United Republic by birth who is upstanding, honest, has good conduct;

(b) holds a degree in law from a university recognised by the accreditation authority in the United Republic; and

(i) has worked as a Judge in the Court of Appeal or the High Court; or

(ii) is a public servant or an academic with qualifications to practice as an advocate and he has possessed such qualifications for not less than fifteen years.

Oaths of office of
the Judges of the
High Court

173. Chief Justice, Deputy Chief Justice or the Judge of the High Court shall hold power only once he has been sworn in by the President and has taken the oath of allegiance and such other oaths that concern the execution of his duties as shall be prescribed by the law.

Tenure of office
of the Chief
justice of the High
Court Judge

174.-(1) The Chief Justice shall retire from the functions of his office after attaining the age of seventy, except if:

(a) he resigns;

(b) he fails to discharge his functions due to illness;

(c) he dies; or

(d) he is removed from office in accordance with this Constitution.

(2) The provisions of sub article (1) shall also apply to the Deputy Chief Justice and the Judge of the High Court.

(3) Without prejudice to sub articles (1) and (2), the Chief Justice, the Deputy Chief Justice and a Justice of the High Court who has attained the age of retirement shall continue to discharge his duties until he completes preparations and deliver judgment or until he completes any other functions concerning a case which he began hearing before his retirement.

(4) Without prejudice to the provisions of sub article (3), the Chief Justice or Deputy Chief Justice who has attained retirement age, will leave the position of office, unless he shall continue to implement activities not completed while in office of the Judge of the High Court until he concludes the business.

175.-(1) Whenever:

- (a) the office of Chief Justice is vacant;
 - (b) the Chief Justice is absent from the United Republic; or
 - (c) the Chief Justice, for any reason, fails to discharge his duties specified in this Constitution,
 - (d) the Deputy Chief Justice shall perform the duties of the Chief Justice until another Chief Justice is appointed or until the Chief Justice who was absent or was unable to discharge his duties re-assumes duty.
- (2) In the event that an office of Judge of the High Court is vacant or that any Judge of the High Court is appointed as a Deputy Chief Justice or if the Judge of the High Court is for any reason unable to exercise his office, or if the Chief Justice advises the President that the state of business then conducted in the High Court requires the appointment of an Acting Judge of the High Court, then the President may appoint an Acting Justice of the High Court from amongst persons holding qualifications for appointment as Justice of the High Court as may be recommended by the Judicial Service Commission.
- (3) A person appointed as Acting Justice of the High Court shall continue to hold the office of Acting Judge of the High Court for any period of time specified at the time of his appointment.
- (4) Without prejudice to the provisions of sub article (2), a person appointed Acting Judge of the High Court shall continue to work as Acting Judge of High Court for as long as may be necessary to enable him to prepare and deliver judgment or until he completes any other tasks in relation to appeals or any other proceedings which were commenced before the expiration of such period, or the revocation of his appointment.
- (5) For the purpose of this Article, an Acting Judge of the High Court shall have full power of a Judge of the High Court and shall discharge all duties of the Judge of the High Court, and the quorum of Justice of High Court mentioned in Article 167 shall not be invalid merely on the grounds that only that one or more than one Judge of the High Court at any sitting is an Acting Judge of the High Court.

176.-(1) A Judge of the High Court may be removed from the Court for reason of inability to perform the functions of his office either due to illness or for any other reason, or for misbehaviour which breaches the code of ethics applicable to the functions of a Judge or the code of ethics for public leaders, and shall not be removed from office except in accordance with the provisions of sub-article (2).

(2) In the event that the President thinks that the removal of a Judge from office needs to be investigated, then under such circumstances, the procedure shall be as follows:

(a) The President may, after consultation with the Chief Justice, suspend that Judge;

(b) The President shall form a Commission which shall consist of a Chairman and not less than two other Members of Parliament and at least half of such members shall be Judges of the High Court or the Court of Appeal from any country which is a member of the Commonwealth; and

(c) The Commission shall inquire into the entire matter and submit a report to the President concerning the description of that matter and shall advise the President if the Judge concerned should be removed from office in accordance with the provisions of this Article for being unable to discharge his duties on grounds of illness or any other reasons, or for misbehaviour.

(3) A Judge, who is suspended pursuant to the provisions of sub article (2), shall continue to be paid his salary and other allowances until that Judge is removed from office by the President under the provisions of sub article (4).

(4) If the Commission which has been formed, pursuant to the provisions of sub article (2) advises the President that the Judge whose behaviour has been inquired into by that Commission should be removed from office for being unable to perform his functions on grounds of illness or any other reasons or misconduct, then the President shall remove that Judge and his tenure shall have ceased accordingly.

(5) If the Commission which has been formed, pursuant to the provisions of sub article (2) advises the President that the Judge whose behaviour has been inquired into by that Commission should not be removed from office, the President may revoke that decision, and under any circumstances the decision to remove that Judge shall be void.

(6) The provisions of this Article shall not apply to the persons appointed to act as judges.

(d) The Court of Appeal of the United Republic

The Court of Appeal

177.-(1) There shall be a Court Appeal of the United Republic, which shall be known as the “Court of Appeal” and which shall consist of:

- (a) A Chairman of the Court of Appeal;
- (b) The Vice-Chairman of the Court of Appeal; and
- (c) Other Judges, not less than seventeen.

(2) The Judge of the Court of Appeal shall be appointed on the basis of the qualifications specified in this Constitution and based on proportional representation from the two parts of the United Republic.

(3) Parliament shall enact the law that shall prescribe provisions concerning the procedure for submitting an appeal to the Court of Appeal.

The quorum at a sitting of the Court of Appeal

178.-(1) The quorum at every meeting of the Court of Appeal shall be the three Judges of the Court of Appeal.

(2) In every appeal, a matter which requires the decision by the Court of Appeal shall be decided on the basis of the majority opinion of the Judges of the Court of the Appeal hearing the appeal.

(3) The judge of the Court of Appeal may exercise any power vested in the Court of Appeal which does not include a decision on the appeal, except that:

(a) in criminal appeals, if the Judge of the Court of Appeal requested to execute those powers issues a decision with which the applicant is not satisfied , then the applicant shall be entitled to demand that his application is heard by The Court of Appeal; or

(b) in the appeal of the litigation, the Court of Appeal may revoke or change the decree, order or decision of any other kind granted by a Judge of the Court of Appeal in accordance with the provisions of this Article.

Jurisdiction of the Court of Appeal

179.-(1) The Court of Appeal shall have the jurisdiction:

(a) to hear and decide every appeal which is presented before the Court of Appeal resulting from any judgment or decision of the High Court of the United Republic or the High Court of Zanzibar or any lower level Court which is bestowed with special authority of hearing the appeal that normally is heard by the Supreme Court;

(b) to review the decisions of the High Court of the United Republic or the High Court of Zanzibar or any other lower level Court which is bestowed with special authority of hearing the appeal that normally is heard by the Supreme Court; and

(c) other jurisdictions as shall be prescribed by legislation to be enacted by Parliament.

(2) The Court of Appeal shall work out principles for the discharge of its functions.

(3) The National Assembly may enact a law which shall impose other conditions concerning the running of the Court of Appeal.

Jurisdiction of
Judges
of the Court of
Appeal

180.-(1) A judge of the Court of Appeal shall have power to hear and determine any appeal in the Court of Appeal.

(2) Without prejudice to the provisions of sub article (1), where a Judge of Appeal, before his appointment, was a Judge of the High Court of the United Republic or a Judge of the High Court of Zanzibar, that Judge may continue to discharge his functions at his former Court until he completes preparation and delivery of a decision or until he completes any other business in connection with matters which he had started hearing before his appointment as a Judge of the Court Appeal.

(3) Subject to the provisions of sub article (2), it shall be lawful for a Judge of the Court of Appeal to deliver judgment or any other decisions concerned in the exercise of the jurisdiction he had before he was appointed Judge of the Court of Appeal provided that where ultimately that judgment or decision is challenged by way of appeal to the Court of Appeal, then in such circumstances that Judge of the Court of Appeal shall not have jurisdiction to hear that appeal.

(e) Appointment of Judges of the Court of Appeal

Appointment of the
Chairman of the of
the Court of Appeal

181.-(1) The Chairman of the Court of Appeal shall be appointed by the President from amongst the names of the persons nominated by the Judicial Services Commission.

(2) The Chairman of the Court of Appeal shall be the Principal and assistant of the Chief Justice in the discharge of the functions in the Court of Appeal, and in that capacity, the Chairman of the Court of Appeal shall discharge the duties and functions which shall be assigned to him from time to time by the Chief Justice.

(3) A person may be appointed as the Chairman of the Court of Appeal if he possesses the following qualifications:

(a) he is a citizen of the United Republic by birth who is upstanding, has good behaviour and is honest;

(b) holds a degree in law from a university recognised by the accreditation authority in the United Republic; and

(i) he has worked as a judge in the Supreme Court of the United Republic or the High Court of Zanzibar; or

(ii) possesses qualifications for being registered as an advocate, and he has possessed such qualifications for not less than ten years.

Appointment of the Vice-Chairman of the Court of Appeal

182.-(1) The Vice-Chairman of the Court of Appeal shall be appointed by the President from amongst the three names of persons who have been nominated by the Judicial Services Commission and shall be the Chief Assistant of the Chairman of the Court of Appeal.
(2) A person may be appointed the Vice-Chairman of the Court of Appeal if he has the qualifications specified in the Article 181(3).

Appointment of Judges of the Court of Appeal

183.-(1) The Judges of the Court of Appeal shall be appointed by the President from amongst of the nominees recommended by the Judicial Services Commission.
(2) A person may be appointed the Judge of the Court of Appeal if he possesses the qualifications specified in Article 181(3).

Oath of office of Judges of the Court of Appeal

184. The Chairman of the Court of Appeal, **or** the Vice-Chairman or a Judge of the Court of Appeal shall assume office soon after being sworn in by the President and taking and subscribing to the oath of allegiance and any other oath connected with the discharge of duties as may be prescribed by an act of parliament.

Tenure of office of the Chairman, Vice-Chairman and the Judge of the Court of Appeal

185.-(1) The Chairman or the Vice-Chairman of the Court of Appeal shall discharge his functions until he attains the age of seventy years, except if:
(a) he resigns;
(b) his office falls vacant on grounds of illness;
(c) he is removed from the office of Chairman of the Court of Appeal in accordance with this Constitution; or
(d) he dies.
(2) The judge who has attained the age of retirement shall continue to hold the office after attaining that age to prepare and deliver judgment or until he completes any other activity associated with the proceedings which he started hearing before he attained the age of retirement.
(3) Without prejudice of the provisions of sub articles (2), it shall be lawful for a Judge of the Court of Appeal who has attained the age of retirement, to leave the office of the Chairman or Vice-Chairman of the Court of Appeal, except he will continue to implement the tasks not completed while still in the office of the Judge of the Court of Appeal until he completes those activities.

Procedures for acting in as Chairman of the Court of Appeal

186.-(1) If it happens that:

(a) the office of the Chairperson of the Court of Appeal is vacant;
(b) The Chairperson of the Court of Appeal is outside the United Republic; or

(c) The Chairperson of the Court of Appeal for whatever reason fails to discharge his duties in accordance to this Constitution, The Vice-Chairperson shall discharge the duties of the Chairperson of the Court of Appeal until another proper Chairperson of the Court of Appeal has been appointed or until the Chairperson of the Court of Appeal who has been outside the country or has been unable to discharge his duties due to illness has come back to office.

(2) If in the interest of the efficiency of the work of the Court of Appeal an Acting Judge of the Court of Appeal needs to be appointed, the Judicial Services Commission advises the President to appoint an Acting Judge of the Court of Appeal.

(3) If the President finds merit in the advice given to him by the Judicial Services Commission, he shall appoint an Acting Judge of the Court of Appeal from amongst individuals who have the qualifications required of Judges of the Court of Appeal.

(4) A person appointed to the position of Acting Judge of the Court of Appeal shall work as Acting Judge of the Court of Appeal for the duration of time specified during his appointment, or if the length of time is not mentioned, then it shall be until the appointment is revoked by the President.

(5) Notwithstanding the provisions of sub article (4), a person who has been appointed Acting Judge of the Court of Appeal shall continue to work as Acting Judge of the Court of Appeal until he has finished preparing and issued a ruling or until he has finished any responsibility related to an appeal or other kinds of hearings which he had started to hear before the expiration of his/her term to office or his appointment is cancelled.

(6) For the purpose of this Article, the Acting Judge of the Court of Appeal shall have the full powers of the Judge of the Court of Appeal, and shall carry out all responsibilities of a Judge of the Court of Appeal.

Procedures relating to the discipline of Judges of the Court of Appeal

187. In accordance with this Constitution, the provisions regarding the procedure for dealing with disciplinary actions regarding the Judge of the Court of Appeal shall be as laid out in Article 176 which makes provision for and provides a mechanism to discipline a Judge of the High Court.

(f) The High Court of the United Republic

High Court of the
United Republic
and its Jurisdiction

188.-(1) There shall be a High Court of the United Republic, referred to as the “High Court”, and its authority shall be as specified in this Constitution or in any other law.

(2) If this Constitution or any other law does not expressly provide that a particular kind of an appeal shall be heard first in a specific Court, then the High Court will have jurisdiction in every matter of that kind.

(3) Likewise, the High Court shall have jurisdiction to deal with any matter which according to legal traditions in Tanzania, is usually dealt by a High Court:

Notwithstanding, the provisions of this sub article shall apply without prejudice to the authority of the Court of Appeal of the United Republic as stipulated in this Constitution or in any other law.

Appointment of
High Court Judge

189.-(1) Without prejudice to the provisions of sub article (2), a person may only be appointed as the Judge of the High Court if he has special qualifications, as defined in sub article (2), and must have had those qualifications for a period of not less than ten years.

(2) For the purposes of sub article (3), (9) and (10) of this Article, the “special qualifications” means a person who has a law degree from a university recognised by law and:

(a) he has been a judge;

(b) he has worked in public service, whilst having the qualifications of an attorney or private advocate;

(c) is qualified to be registered as an advocate; or

(d) has had those qualifications consistently for a period of ten years.

(3) If the President is satisfied that although the person with qualifications has not held one of these qualifications for a period of ten years, but the person has the ability, skill and is suitable in every other way for appointment as a Judge of the High Court and there is merit in the appointment, then the President may revoke the ten year requirement and after consultation with the Judicial Services Commission, the President may appoint that person as a Judge of the High Court.

(4) In event that the office of any Judge is vacant or if any Judge is appointed as the Acting Judge, or if he fails to discharge his duties for any reason, or if the Chief Justice advises the President that the functions of the High Court demands an appointment of an Acting Judge, the President may, after consultation with the Chief Justice as usual, appoint an Acting Justice from amongst persons with specific qualifications:

Except that:

(a) person shall not be disqualified for appointment in accordance with the provisions of this sub article only because he has attained the age specified in sub article (1) of Article 190 of this Constitution;

(b) for the purpose of appointing an Acting Judge in accordance with the

provisions of this sub article, the President may revoke the requirement to have had special qualifications for a period of ten years for the same reasons as those mentioned in sub article (3) of this Article.

(5) Any person who shall be appointed as the Acting Judge in accordance with the provisions of sub article (4), shall continue to function as the Acting Judge for any period specified at the time of his appointment or, if no period is specified, until his appointment is revoked by the President, but notwithstanding that, if his term of office has expired that person can continue to work as an Acting Judge until he has finished preparing and delivered judgment or until he completes any other activity associated with the proceedings which he had already begun hearing before his tenure of office elapses or before the revocation of his appointment.

(6) There shall be a Judge of the Court, who in the following articles of this Constitution shall be referred to as “Presiding Judge”, and other Judges of the High Court, not less than thirty, appointed by the President after consultation with the Judicial Services Commission.

(7) Without prejudice to the provisions of this Constitution or any other law concerning the powers of the Chief Justice referred to in Article 170, the Presiding Judge shall be the special assistant to the Chief Justice in the performance of work in the High Court and all other courts subordinate to it, and in that office the Presiding Judge shall perform the duties and functions assigned to him or as directed from time to time by the Chief Justice, and for the purposes of this Article, the Presiding Judge shall be the head of the High Court.

(8) Besides his normal authority as a Judge of the High Court, like other Judges of the High Court, the Presiding Judge shall also have the authority to implement tasks and activities incidental to the jurisdiction of the High Court in accordance with the provisions of this Constitution or any other law or in accordance with the applicable laws of Tanzania expected to be implemented by the Head of the High Court:

Provided that the provisions of this sub article shall not apply for the execution of functions or activities that are in accordance with the provisions of this Constitution or any other law or in accordance with the legal traditions applied in Tanzania mentioned specifically or commonly understood to be the function or activities to be implemented only by the Chief Justice.

(9) For the avoidance of doubt in the interpretation or application of the provisions of sub article (7) and (8), it is hereby declared that unless the provisions of this Constitution or any other law has been addressed otherwise, the Chief Justice will be able to provide to the Presiding Judge regular orders or instructions about the performance of his duties and functions as the Chief of the High Court; similarly, the Chief Justice shall be able to delegate to the Presiding Judge some of his powers of leadership and management on the implementation of the work in the High Court and all other courts subordinate to it, and whenever necessary, the Chief Justice himself can directly perform any of his functions presided over by the

Presiding Judge.

(10) In the event that the office of the Presiding Judge falls vacant or that the Presiding Judge is unable to fulfil his duties for whatever reason, then these functions shall be discharged by one of the Judges appointed by the President for that purpose, and the Judge shall execute those functions until another Presiding Judge is appointed and assume the office of the Presiding Judge or until the Judge himself, who was unable to discharge his duties resumes work.

Tenure of office of
the High Court
Judge

190.-(1) Every Judge of the High Court shall be forced to quit his job when he reaches the age of sixty-five, but the provisions of this sub article shall apply without prejudice to the provisions in this Article.

(2) Any Judge of the High Court may retire from office in the civil service of the United Republic at any time after attaining the age of sixty years, unless the President directs that he should not retire and if the President directs so, then that Judge shall not be eligible to retire until the expiration of the period specified by the President in this regard

(3) If the President considers that for the public benefit a Judge who has attained the age of sixty-five years should continue in office, and the Judge agrees in writing to continue working, then the President may direct that the judge continues to work for any period specified by the President.

(4) Notwithstanding that the Judge has attained the age at which he is forced to retire in accordance with the provisions of this Article, a person who works as a Judge of the High Court may continue working after age until he has finished preparing and delivered judgment or until he completes any other tasks associated with counsel that he started hearing before he reached the retirement age.

191.-(1) The procedure for addressing discipline of a Judge, apart from the reasons set out in sub article (2), shall be as directed by the laws enacted by Parliament.

(2) The Judge of the High Court of the United Republic may only be removed from office because of inability to perform his functions either due to illness or other reasons, or for misconduct that contravenes the code of ethics of the office the Judge or the law relating to public administration ethics, and shall not be removed from office except in accordance with the provisions of sub article (4).

(3) If the President considers that the removal of the Judge in office needs to be investigated, then the procedure will be as follows:

(a) The President may, after consultation with the Chief Justice, suspend such a Judge;

(b) The President shall appoint a Commission which shall have a Chairman and not less than two other Members of Parliament, and the Chairman and at least half of the other members of the Commission shall be persons who are Judges of the High Court or the Court of Appeal from any country within the Commonwealth; and

(c) The Commission shall inquire into the whole matter and submit a report to the President regarding the details of this appeal and advise the President whether the Judge in question should be removed from office in accordance with the provisions of this Article for inability to work due to illness or any other cause or for misbehaviour.

(4) If the Commission appointed under the provisions of sub article (3), advises the President that the Judge whose conduct has been investigated by the Commission be removed from office for inability to work due to illness or any other cause or for misbehaviour, the President shall remove such a Judge from office and the services of such Judge shall have ceased.

(5) If the issue of removal of a Judge from office has been referred to the Commission for investigation under the provisions of sub article (3), the President may suspend the concerned Judge, and the President may at any time rescind the decision to suspend such Judge, and in any event such decision shall lapse if the Commission advises the President that such Judge should not be removed from office.

(6) The provisions of this Article shall apply without prejudice to the provisions of sub article (10) of Article 189.

Oath of office of the Judge of the High Court of the United Republic

192. The Judge of the High Court of the United Republic shall hold the office once sworn in by the President, by taking the oath of allegiance and any other oath relating to the execution of his duties as may be prescribed in accordance with the law.

(g) *The High Court of Zanzibar*

The High Court of Zanzibar

193.-(1) There shall be a High Court of Zanzibar that will be established in accordance with the Constitution of Zanzibar.

(2) For the purposes of this Chapter of this Constitution, it is hereby declared that the provisions of this Chapter do not prevent the continuance or establishment, in accordance with the applicable laws in Zanzibar, to the High Court of Zanzibar or courts subordinate to High Court of Zanzibar.

Jurisdiction of the High Court of Zanzibar

194.-(1) Without prejudice to the provisions of Article 139, the jurisdiction of the High Court of Zanzibar shall be as prescribed by applicable laws in Zanzibar.

(2) Without prejudice to the provisions of this Constitution or any other law enacted by Parliament, if any law enacted by Parliament which applies to Mainland Tanzania as well as Zanzibar has granted any authority to the High Court of the United Republic, then the High Court of Zanzibar may exercise those powers at the same level which the High Court of the United Republic can implement.

(h) *Supervision of the Duties of the Judiciary*

Registrar of the court

195.-(1) There shall be a Court Registrar of the United Republic who shall be called “Chief Registrar of the Judiciary”, who shall be appointed by the President following recommendation by Judicial Services Commission.

(2) A person shall not be appointed to the position of Chief Registrar of the Court except if:

- (a) he is a citizen of the United Republic by birth, is morally upright, of good character, and honest; and
- (b) has a law degree from the College of higher education recognised by the authorities dealing with higher education in the United Republic; and
- (i) he has worked as a magistrate, in the Courts of the United Republic; or
- (ii) he has been a public servant in the United Republic, and has had these qualifications consistently for a period of ten years.

Responsibilities of the Chief Registrar of the Court

196.-(1) The Chief Registrar of the Court shall have the following functions:

- (a) to supervise the execution of judicial responsibilities;
 - (b) to coordinate judicial Affairs; and
 - (c) other responsibilities as shall be assigned to him by the Chief Justice.
- (2) In implementing his responsibilities, the Chief Registrar of the Court of Tanzania shall be accountable to the Chief Justice.

Chief Executive of the Judicial Office

197.-(1) There shall be a Chief Executive of the Judicial Office who shall be appointed by the President from among three names of public servants following recommendation by the Judicial Services Commission.

(2) A person shall not be appointed to the position of the Chief Executive of the Judicial Office except if the person:

- (a) is a senior public servant;
- (b) is a professional and is experienced in administration and financial matters; and
- (c) is morally upright and of good character in the society.

Responsibilities of the Chief Executive of the Judicial Office

198.-(1) The Chief Executive of the Judicial Office shall have the following responsibilities:

- (a) Secretary to the Judicial Services Commission;
 - (b) Accounting Officer of the Judiciary;
 - (c) general overseer of the Judiciary Fund;
 - (d) general overseer of administration of the Judiciary; and
 - (e) other responsibilities as shall be assigned by the Chief Justice.
- (2) In implementing his responsibilities, the Chief Executive of the Judicial Office shall be answerable to the Chief Justice.

PART THREE

JUDICIAL SERVICE COMMISSION AND JUDICIARY FUND

(a) Judicial Service Commission

The Judicial Service Commission

199.-(1) There shall be a Judicial Service Commission that shall comprise eleven members who shall be appointed by the President as follows:

- (a) The Chief Justice who shall be the Chairman;
 - (b) The Attorney General;
 - (c) The Chairman of the Court of Appeal;
 - (d) The Chief Justice of Zanzibar;
 - (e) A Justice of the High Court
 - (f) A Justice of Appeal;
 - (g) Presiding Judge;
 - (h) A Representative of the Tanganyika Law Society;
 - (i) A Representative of the Zanzibar Law Society
 - (j) Two deans of faculties of law, one from Mainland Tanzania and one from Zanzibar who shall be recommended by the Higher Education Board; and
 - (k) The Chief Judiciary Executive who shall be the Secretary.
- (2) The Judicial Services Commission may invite any other person who has specific expertise to participate in any meeting of the Commission, except that such a person shall not have a voting right.
- (3) The Judicial Services Commission shall put in place procedures for its sittings.

Responsibilities of
the Judicial
Service
Commission

200.-(1) The Judicial Service Commission has an obligation to safeguard and facilitate freedom and accountability of the Judiciary and ensure successful and transparent dispensation of

(2) The Judicial Service Commission shall have the responsibilities of:

(a) recommending to the President the names of people to be appointed as Chief Justice, Deputy Chief Justice, The Chairman of the Court of Appeal, Vice-Chairman of the Court of Appeal, Judges of the High Court, Court of Appeal and Judges of the High Court;

(b) reviewing and proposing conditions of service for Judges and other Registrars in the Judiciary, including issues of their discipline and benefits;

(c) proposing to the Government improvements in the Judiciary in order to enhance efficiency in the dispensation of justice; and

(d) implementing any responsibility that it shall be assigned according to this Constitution or other laws.

(3) In implementing its duties, the Commission may delegate its powers to different committees which shall be set up in accordance to the law.

(4) Without prejudice to the provisions of sub article (2) (b), the recommendations of interest to Judges, magistrates and other staff of the Court shall be submitted to the entity mandated to supervise the interests of public servants.

(5) Parliament may enact a law which shall make provisions relating to implementation of the duties of the Judicial Services Commission.

Membership of
political parties

201. It is prohibited for a Judge of the High Court, Judge of the Court of Appeal or a Court Registrar of any grade to be a member of any political party, save only that he shall have the right to vote to elect leaders in representative bodies.

(b)The Judiciary Fund

The Judiciary Fund

202.-(1) There shall be a Judiciary Fund of the United Republic under the custodianship of the Chief Executive of the Judicial Office.

(2) The Judiciary Fund of the United Republic shall be used for funding administrative costs and the running of the activities of the Judiciary of the United Republic and other important activities in the execution of the responsibilities of the Judiciary.

(3) The Government shall ensure that in every Governmental annual financial budget, a sufficient amount of money is allocated and deposited into the Judiciary Fund of the United Republic.

(4) Parliament shall enact a law to make provisions for the administration of the Judiciary Fund of the United Republic.

CHAPTER THIRTEEN
THE PUBLIC SERVICE IN THE UNITED REPUBLIC

Main Principles of
Public Service

203.-(1) Public service in the United Republic shall be based on the following values and principles:

- (a) public service is a trust from the people and so a servant is obligated to serve the people with diligence, commitment and humility;
- (b) dispense service to the public justly, equally and without favouritism; and
- (c) make sure that people shall be appointed to different position on the basis of educational qualifications, profession, knowledge, skills and their experience in the respective field and offer opportunity to the disabled.

(2) The values and principles of public service mentioned in this Article shall be observed and used in appointments for filling leadership posts in:

- (a) authority in all state institutions;
- (b) all Government institutions and departments; and
- (c) all Government corporations.

(3) Parliament shall enact laws stipulating the terms for implementing the service principles mentioned under sub article (1).

Recruitment and
selection of a
leader and public
servant in the
institutions of the
Union

204.-(1) Without affecting the terms and provisions of this Constitution, recruitment and appointment of leaders in the United Republic shall be based on proportionality of parties to the Union, taking into account professionalism and level of education in the respective fields.

(2) Without prejudice to the provisions of sub article (1), the appointment of a leader and servant in institutions or ministries of the Union shall be made in accordance with representation of the two parties of the Union, gender equality and people with disabilities.

205.-(1) There shall be a Public Service Commission that shall comprise the Chairman, Vice-Chairman and five other members who shall be appointed by the President.

(2) In appointing members of the Public Service Commission, the President shall abide by the procedures for public service stipulated in Article 203 of this Constitution.

(3) Qualifications for the Chairman, Vice-Chairman and Member of the Public Service Commission shall be as follows:

- (a) a citizen of the United Republic by birth;
- (b) a college degree of higher education recognised by law;
- (c) public service experience, wide knowledge in matters of service, administration and community affairs for a period of not less ten years, except for the Chairman and Vice-Chairman who should have the same experience but for a minimum period of fifteen years; and
- (d) respect, professionalism, honesty, integrity and blameless character and conduct.

The Secretary of
the Public Service
Commission

206.-(1) There shall be a Secretary to the Public Service Commission appointed by the President from among civil servants in the United Republic.

(2) The Secretary of the Public Services Commission shall be the Head of the Public Service Secretariat, Chief Executive and implementing daily duties of the Commission.

Powers and Duties
of the Public
Service
Commission

207.-(1) The Public Service Commission shall be a supreme body in the Public Service with authority to oversee and coordinate all matters regarding Public Service.

(2) The responsibilities of the Public Service Commission shall be:

(a) to advise the President about the appointment of leaders to different position in accordance to this Constitution;

(b) encourage the implementation of the principles of public service;

(c) to attend to appeals submitted by public servants against decisions by different disciplinary authorities in public service; and

(d) to execute any other responsibilities as shall be identified by a law regarding public service issues;

(3) Parliament shall enact legislation that shall specify a directive to set the provisions of implementation of the duties of the Public Service Commission.

Salaries Commission

208.-(1) There shall be a Salaries Commission which will address remuneration and welfare of public servants.

(2) Parliament shall enact legislation making provisions concerning the structure, responsibilities and other matters concerning the implementation of the Salaries Commission.

CHAPTER FOURTEEN
ELECTIONS IN REPRESENTATIVE AGENCIES AND POLITICAL PARTIES

PART ONE
REPRESENTATION OF THE PEOPLE

Participation in
elections and
referendums

209.-(1) Every citizen of the United Republic of Tanzania having attained the age of eighteen years or more who is of sound mind has the right to vote and the right to be registered for election or referendum.

(2) For the purpose of sub article (1), an electoral authority shall observe the following principles:

(a) that citizens use their political right in accordance with this Constitution;

(b) people with physical disabilities are given the right of representation;

(c) the right of everyone to cast one ballot in pursuing representation and equality in voting; and

(d) that the election is free and -

(i) voting is secret;

(ii) does not use force, threats, enticement, or bribe;

(iii) has had no pronouncements which indicate tribalism, provincialism, religious bias, scandal or discriminate against people with disabilities or minority groups in the society;

(iv) is conducted and overseen by an independent body; and

(v) is conducted without favouritism or bias towards any side, which is proactive and which reflects accountability of the administrators.

(3) In implementation of the provisions in sub articles (1) and (2), national authority shall put in place a legal procedure which shall enable:

(a) authorities overseeing elections to announce constituencies for the purpose of parliamentary election;

(b) nomination of candidates;

(c) continuous registration of voters;

(d) to run conduct and supervise elections and referendums; and

(e) set in place procedures to ensure that elections are simple, transparent, and consider people with special needs.

(4) For the purposes of sub article (2) and in accordance with provision for opposing the outcome of a Presidential election, a presidential candidate has the right to file a petition in court to challenge the election results, which he believes have breached or violated provisions of this Constitution.

(5) Parliament shall enact legislation making provisions concerning the implementation of the provisions of this Article.

Independent
candidates

210.-(1) Without prejudice to the provisions of Article 85 and Article 135, a person shall have the right to stand as an independent candidate in an election overseen by the Independent Electoral Commission.

(2) Parliament shall enact legislation making provisions for an

independent candidate regarding -

- (a) The number of voters required for the level of the position he is contesting;
- (b) the period prior to election day that he shall have ceased to be a member of any political party;
- (c) prohibition to join a political party during the time he serves leader after the election;
- (d) procedure to identify internal and external sources of revenue to finance election campaigns;
- (e) procedure to identify criteria and qualifications for leaders on the national level;
- (f) keep an open election manifesto showing the operation of state programs;
- (g) make provisions restricting policies that divide the Nation; and
- (h) other provisions as appropriate.

PART TWO
INDEPENDENT ELECTORAL COMMISSION

(a) The Independent Electoral Commission

211.-(1) There shall be an Independent Electoral Commission of the United Republic which shall be called “Independent Electoral Commission”.

(2) The Independent Electoral Commission shall comprise a Chairman, Deputy Chairman and seven other members who shall be appointed by the President after being recommended by the Nomination Committee.

(3) The Chairman, the Deputy Chairman and members of the Independent Electoral Commission shall be in power immediately after being confirmed by Parliament.

(4) Appointment of Chairman and Vice-Chairman of the Independent Electoral Commission shall be made on the basis that, if the Chairman is appointed from one part of the United Republic, the Vice Chairman shall be appointed from the other part of the United Republic.

(5) The Chairman and the Deputy Chairman of the Electoral Commission shall have the following attributes:

(a) a citizen by birth, with at least one of his parents being a citizen of the United Republic;

(b) a person who has held the position of a Judge of the High Court, High Court or the High Court and has held that position for a period of not less than five years.

(c) a person who is honest, diligent, and of character that is not doubted by society;

(d) a person who is not a leader of, or has not held any political post in any political party; and

(e) a person who never been found guilty of any criminal offence.

(6) A Member of the Independent Electoral Commission shall have the following attributes:

(a) a citizen by birth with at least one of his parents being a citizen of the United Republic by birth;

(b) a person who is honest, diligent, and of character that is not doubted by society;

(c) a person who is not a leader of, or has not held any political post in any political party;

(d) hold a university degree which has been accredited according to the laws of the land: and

(e) a person who has never been found guilty of any criminal offence.

(7) For the purpose of this Article, the following persons shall be eligible as Members of the Independent Electoral Commission:

(a) a Member of the Parliament of the United Republic, a Representative of the House of Representatives; or

(b) a person who is a public servant.

(8) The appointment of Members of the Independent Electoral Commission shall be based on proportionality of the Parties of the United Republic.

Appointments
Committee

212.-(1) There shall be an Appointment Committee for the appointment of the Chairman, Vice-Chairman and Members of the Independent Electoral Commission which shall have the following Composition:

- (a) Chief Justice of the United Republic who shall be the Chairman;
- (b) Chief Justice of Zanzibar who shall be the Vice-Chairman;
- (c) Speaker of the Parliament of the United Republic;
- (d) Speaker of the Council of Representatives of Zanzibar;
- (e) Presiding Judge; and
- (f) Chairman of the Leadership Ethics Commission.

(2) The Director of the Independent Electoral Commission shall be the Secretary to the Appointments Committee.

(3) The Appointments Committee shall have the responsibility of receiving and reviewing the names of the people who have applied to be members of the Independent Electoral Commission in regard to procedures that shall be identified by a law.

(4) Subject to the provisions of sub article (3), the Electoral Commission, immediately after examining the names of the applicants who have applied for the position of Members of the Independent Electoral Commission, shall recommend to the President the names of the people suitable to be appointed members of the Independent Electoral Commission.

(5) The President shall appoint the Chairman, Deputy Chairman and Members of the Independent Electoral Commission from among the names submitted by the Appointments Committee.

(6) Parliament shall enact a law that, among other things, shall put in place conditions about the oath to be taken by the Chairman, Deputy Chairman and other Members of the Independent Electoral Commission.

Cessation of tenure
of a representative
of the Independent
Electoral
Commission

213.-(1) A Member of the Independent Electoral Commission shall be in power for the period of five years, and may be reappointed once for another period of five years.

(2) A person shall cease to be a Member of the Independent Electoral Commission if any of the following events occurs:

- (a) resignation;
- (b) not being able to execute his responsibilities on health grounds;
- (c) being removed for violating the Code of Ethics for Public Leaders;
- (d) being found guilty of an offense where the punishment is imprisonment for a period exceeding seven days;
- (e) no longer meeting the requirements for a member; or
- (f) death.

(3) For the purpose of proper implementation of the responsibilities of the Commission, there shall be a code of ethics as shall be specified by a law.

(4) Should a need for removing a Member of the Independent Electoral Committee for violating the ethics for principle leaders in the public service ensue, the President shall appoint a Committee that shall comprise of:

- (a) Judge of the Court of Appeal who shall be the Chairman;
- (b) The Commissioner of the Human Rights Commission;
- (c) A Member of the Commission of Ethics and Accountability; and
- (d) Advocates, one from Mainland Tanzania and one from Zanzibar, who shall be proposed by the Tanganyika Law Society and the Zanzibar Law Society,

and that Committee shall inquire into the matter and then give recommendations to the President.

(6) If, after the inquiry, the Committee proposes that the member be removed from the office, the President shall remove such a member from office however, if the Committee recommends that the member should not be removed from office, the motion of removal of the member ceases.

(7) The Committee shall put in place a procedure for the inquiry.

214.-(1) The Independent Electoral Commission shall have the responsibilities of:

- (a) supervision and running of all activities related to the election of President and Members of Parliament in the United Republic;
- (b) supervision and running of opinion poll;
- (c) supervision and coordination of voters' registration in the United Republic;
- (d) distribute and announce the Parliamentary constituencies of the Parliament of the United Republic; and
- (e) announce the results of the Presidential and Parliamentary elections, or the results of the referendum.

(2) The Independent Electoral Commission of the United Republic shall also have the responsibility of educating voters during elections or opinion poll and coordinate supervisors, civil society organizations, institutions, communities and groups of people who shall do the educating.

(3) The Independent Electoral Commission also has the responsibility of ensuring:

- (a) the freedom of the people to use their right to elect a candidate through political parties or as independent candidate;
- (b) observation of polling procedures of one person one vote considering equal representation; and
- (c) a free and fair election.

(4) The Independent Electoral Commission may execute its responsibilities irrespective of whether that among members there is a vacant position of authority among its members or that one member is absent, but every decision made by the Independent Electoral Commission must be seconded by a majority of all the Members of the Independent Electoral Commission.

(5) In executing its responsibilities according to the provisions of this Constitution, the Independent Electoral Commission shall not be obligated to abide by orders or instructions by anybody or any Government department, or opinions of any political party.

(6) In exercising its powers according to this Constitution, the Independent Electoral Commission shall frequently consult with the Electoral Commission of Zanzibar.

(7) People who are involved with elections are prohibited from joining any political party, except that each one of them shall have the right to vote to choose representatives or vote in a referendum.

(8) For the purposes of sub article (7), the persons concerned with conducting elections are:

- (a) The Chairman of the Commission;
- (b) The Vice-Chairman of the Commission;
- (c) All Members of the Commission;

- (d) The Director of Elections and all other employees of the Commission;
- (e) all supervisors of elections.

Electoral petitions

215.-(1) The Independent Electoral Commission shall address electoral complaints concerning nominations of candidates timely.

(2) Petitions contesting Parliamentary elections shall be filed at the High Court once the Independent Electoral Commission declares the election results, and not after the time prescribed by the laws of the land.

(b) The Director of Elections

Appointment of
the Director of
Elections

216.-(1) There shall be a Director of Elections appointed by the President after being nominated by the Public Service Commission.

(2) The Director of Elections shall have the following qualifications:

(a) a citizen of by birth and at least one of his parents is a citizen of the United Republic by birth;

(b) should be honest, have a good reputation and whose behaviours are above reproach;

(c) a person who has never held a position of high office in a political party;

(d) have a university degree of an institution of higher education recognised by law; and

(e) a person who has not been convicted for any criminal offense.

Responsibilities of the
Director of Elections

217.-(1) The Director of Elections shall supervise and perform the day-to-day functions of the Independent Electoral Commission relating to Electoral issues, registration of voters and conducting referendums.

(2) The Director of Elections shall discharge his duties in accordance with the procedures prescribed by the laws concerning electoral issues and referendums.

(3) The Director of Elections shall discharge his duties with the assistance of a number of persons who are civil servants as necessary.

(4) In performing their duties, the Director of Elections shall be answerable to the Independent Electoral Commission.

PART THREE
REGISTRATION AND MANAGEMENT OF
POLITICAL PARTIES

(a) Political Parties

Registration of
Political Parties

218.-(1) A Political Party shall conduct political activities if registered in accordance to the law.

(2) It shall not be lawful for any political party according to its constitution or policy to:

(a) aim at promoting or furthering the interests of:

(i) a faith or religious group;

(ii) any tribal group, place of origin, race or gender;

(iii) only in a particular area of the United Republic;

(b) advocate for the break-up of the United Republic;

(c) accept or advocate the use of force or violent confrontations as means of attaining its political goals;

(d) advocate or intend to conduct its political activities in only one part of the United Republic; or

(e) not allow its elected leadership to focus on people with disabilities and the representation of both sides of the Union through democracy.

(3) Without contravening the laws of the land, it shall be unlawful for any person to be compelled to join any association or for any political party to be refused registration solely on grounds of the ideology or philosophy of the party.

(4) Parliament may enact legislation which makes provision for ensuring that political parties operate within the limits and adhere to the provisions set out in sub article (2) concerning the freedom and the right of the persons to associate and assemble.

(5) All matters concerning registration and the conduct of political parties in the country shall be dealt with in accordance with the provisions of this Constitution.

Appointment of
the Registrar of
Political Parties

(b) The Registrar of Political Parties

219.-(1) There shall be a Registrar of Political Parties appointed by the President from among a list of three people nominated by the Public Services Commission.

(2) The Registrar of Political Parties shall have the following qualifications:

- (a) a citizen of the United Republic by birth;
- (b) should be honest, reputable and whose conduct is above reproach;
- (c) be a person who has never held a position of high office in a political party; and
- (d) Have a college degree of higher education recognised by law.

Deputy Registrar
of Political Parties

220.-(1) There shall be a Deputy Registrar of Political Parties appointed by the President from among the list of three people nominated by the Public Services Commission.

(2) The person shall be appointed as the Deputy Registrar of Political Parties if he possesses the qualifications in the Article 219 (2).

(3) The Deputy Registrar of Political Parties shall be the principal assistant to the Registrar of Political Parties in carrying out his duties.

Role of the
Registrar and
Deputy Registrar
of Political Parties

221.-(1) A Registrar of Political Parties shall be concerned:

(a) with supervising and performing the functions of registration of political parties in accordance with the provisions of this Constitution;

(b) prepare and publish an annual report of the financial audit of each political party; and

(c) manage the funds of the political parties.

(2) The Deputy Registrar of Political Parties shall discharge their duties in accordance with this Constitution and following procedures prescribed by the laws that shall be enacted by the Parliament.

CHAPTER FIFTEEN RESPONSIBLE INSTITUTIONS

PART ONE THE COMMISSION FOR PUBLIC LEADERSHIP ETHICS

Commission for
Public Leadership
Ethics

222.-(1) There shall be a Commission called “The Commission for Public Leadership Ethics” which shall consist of a Chairman and a Vice-Chairman and not more than seven other members.

(2) The Chairman and the Vice-Chairman of the Commission for Public Leadership Ethics shall be appointed by the President after being nominated by the Public Service Commission.

(3) The Chairman and the Vice-Chairman shall not assume office until their appointment is confirmed by the President

(4) The Chairman of the Commission shall have the following qualifications:

(a) a citizen of the United Republic by birth, where at least one of his parents is a citizen of the United Republic by birth;

(b) a holder of a university degree from a university recognised by the accreditation authority in accordance to the law;

(c) a person who has worked as a civil servant for not less than fifteen years;

(d) a person who is respectable, competent, ethical and whose conduct above reproach; and

(e) a person who has not been convicted for any criminal offense.

(5) The qualifications of the Vice-Chairman shall be as stipulated under sub-article (4).

Appointment and qualifications of a Member

223.-(1) A member of the Commission of Public Leadership Ethics shall be appointed by the President after the recommendation of the Appointments Committee.

(2) The qualifications for a Member of the Commission of Public Leadership Ethics shall be as follows:

- (a) a citizen of the United Republic by birth;
- (b) a holder of a university degree from a university recognised by the accreditation authority in accordance with the law;
- (c) a person who has worked as a civil servant for not less ten years;
- (d) a person who is respectable, competent, ethical and whose conduct is above reproach;
- (e) a person who has not been convicted for any criminal offense.

Appointment Committee

224. There shall be an Appointments Committee which shall consist of the following:

- (a) The Chief Justice of the United Republic;
- (b) The Chief Justice of Zanzibar;
- (c) The Presiding Judge;
- (d) The Attorney General of the Government of the United Republic; and
- (e) The Attorney General of the Revolutionary Government of Zanzibar.

Functions of the Commission

225.-(1) The functions of the Commission for Public Leadership Ethics shall be to follow up and to inquire into the conduct of public leaders for the purpose of protecting the code of ethics and ensuring that public leaders adhere to the code, and that the code is adhered to, protected and respected in Government, Parliament, the Judiciary, and in all other institutions and public organizations.

(2) Without prejudice to all the provisions of sub article (1), the specific functions of the Commission shall be:

- (a) to uphold ethics and accountability in public service;
 - (b) to inquire into the conduct of a public servant or a public leader and to take action against a public servant or public leader where necessary; and
 - (c) overseeing the law regarding the ethics of the public officials.
- (3) Parliament shall enact legislation for the implementation of the provisions of this Article.

Tenure of office of
Members of the
Commission

226.-(1) Each of the members shall hold office for a period of three years or a period of less than three years as prescribed in the letter of appointment, provided that the appointment of Members of the Commission is structured in such a way that they do not shall start or finish their term at the same time.

(2) Without prejudice to the provisions of sub article (1), the Chairman, Vice-Chairman or Member of the Commission may be re-appointed for one more term of three years only.

(3) The Chairman, the Vice-Chairman and the Members of the Commission shall not be allowed to be nominated, appointed or to serve another function in a different office.

Independence of the
Commission

227.-(1) The Commission shall be independent and in that sense, shall not be interfered with by any person or authority in the discharge of its duties.

(2) Parliament shall enact legislation making provisions concerning:

- (a) procedures for the implementation of the duties of the Commission;
- (b) preparation and reporting of the Commission;
- (c) the procedure for making suggestions and decisions of the Commission;
- (d) removal from office of Members of the Commission;
- (e) employees of the Commission; and
- (f) other important issues concerning the Commission.

Provision of
equipment and
resources

228. The Government shall ensure that the Commission for Public Leadership and Ethics is provided with funds, equipment and enough human resources to execute its duties and functions effectively.

PART TWO
THE COMMISSION OF HUMAN RIGHTS AND GOOD GOVERNANCE

Commission for
Human Rights and
Good Governance

229.-(1) There shall be a Commission called a “Commission for Human Rights and Good Governance” which shall consist of a Chairman, a Vice-Chairman and not more than seven Commissioners.

(2) The Chairman, the Vice-Chairman and the Commissioners of the Commission for Human Rights and Good Governance shall be appointed by the President after being nominated by the Appointments Committee.

(3) The Chairman and the Vice-Chairman shall assume office after being approved by the President.

The qualifications of
the Chairman, Vice-
Chairman and
Commissioner of the
Commission:

230.-(1) The qualifications of the Chairman and Vice-Chairman of The Commission of Human Rights and Good Governance shall be as follows:

(a) a citizen of the United Republic by birth;

(b) a person with a law degree from a college of higher education recognised by the law;

(c) person with respect for human rights;

(d) a person with experience of public service, especially in matters of human rights, governance or social affairs for not less than ten years; and

(e) a person who is respectable, competent, honest, and whose conduct is above reproach.

(2) The qualifications of a Commissioner shall be as follows:

(a) a citizen of the United Republic by birth and at least one of his parents is a citizen of the United Republic by birth;

(b) someone with a degree from a college of higher education recognised by the law;

(c) a person with a law degree from a college of higher education recognised by the law;

(d) a person with experience of public service, especially in matters of human rights, governance or social affairs for not less than ten years; and

(e) a person who is respectable, competent, honest, and whose conduct is above reproach

Appointment
Committee

231.-(1) There shall be an Appointments Committee for the Chairman, Vice-Chairman and Commissioners of the Commission of the Human Rights and Good Governance which shall consist of the following members:

(a) Chief Justice of the United Republic who shall be the Chairman;

(b) Chief Justice of Zanzibar who shall be the Vice Chairman;

(c) The Speaker of the Parliament of the United Republic;

(d) The Speaker of the House of Representatives of Zanzibar; and

(e) The Deputy Attorney General who shall be the Secretary.

(2) The Appointment Committee shall be responsible for receiving and analyzing the names of people who applied to be the Chairman, Vice-Chairman and Commissioner of the Commission of Human Rights and Good Governance, in accordance with the procedure prescribed by the law.

(3) There will be a Commission Secretariat headed by an Executive Secretary who shall be appointed by the President from a list of the names of three persons nominated by the Commission of Human Rights and Good Governance.

232.-(1) The duties and functions of the Commission for Human Rights and Good Governance shall be as follows:

- (a) to sensitise the public about preservation of human rights and duties to the public in accordance with the Constitution and the laws of the land;
- (b) promote, protect and monitor implementation of gender equality and comparison in general in National development;
- (c) to receive complaints in relation to violation of human rights in general;
- (d) to conduct inquiry on matters relating to infringement of human rights and violation of principles of good governance and make suggestions that shall facilitate the correction of the existing problems;
- (e) to conduct research, to impart or disseminate to the public education in respect of human rights and good governance;
- (f) to institute proceedings in court in order to prevent violation of human rights or to restore a right that was caused by an infringement of human rights, or violation of principles of good governance;
- (g) inquire into the conduct of any person or any institution concerned in relation to the ordinary performance of his duties or functions or abuse of the authority of his office;
- (h) to advise the Government and other public institutions in respect of human rights and good governance; and
- (i) to take necessary action in order to promote and enhance reconciliation among persons and various institutions appearing or being brought before the Commission.

(2) Without prejudice to the other provisions of this Article, Parliament may legislate in accordance with the provisions of this Chapter for providing provisions on the authority of the Commission, the procedure for conducting its business and the legal provisions they shall have to enable discharge of their duties without violating the law.

(3) For the purpose of discharging its functions, the Commission shall not investigate the following issues:

- (a) any matter which is before the court or other body of the judicial;
- (b) any matter relating to the relationship or cooperation between the Government and the Government of any other foreign country or international organization;
- (c) matters concerning the powers of the President to award remission or
- (d) any other matter mentioned by any legislation.

Tenure of office of the Chairman, Vice-Chairman and Commissioner of the Commission

233.-(1) The Chairman, the Vice-Chairman and the Commissioner of the Commission shall serve for two terms of three years each as prescribed in the appointment letter, given that appointment of the Commissioners of the Commission shall be done in such manner that their terms in office shall not begin or end at the same time.

(2) Without prejudice to the provisions of sub article (1), the Chairman, Vice-Chairman or the Commissioner of the Commission may be re-appointed for another term of three years.

(3) Any person appointed as Commissioner of the Commission shall immediately resign from office in any political party or any other office as specified in accordance with the Act of Parliament.

Removal from office of the Chairman, Vice Chairman or the Commissioner of the Commission

234.-(1) The Chairman, Vice-Chairman or the Commissioner of the Commission may be removed from office due to:

- (a) inability to discharge his duties because of ill health;
- (b) not adhering to the code of conduct for public servants;
- (c) not adhering to code of ethics for Public Leadership;
- (d) incompetence;
- (e) misconduct; or
- (f) conviction of criminal offenses related to immoral or dishonest conduct.

(2) The Chairman, Vice-Chairman or the Commissioner of the Commission shall not be removed from office except in accordance with the provisions of sub article (3) and (4).

(3) If the President is satisfied that the removal of the Chairman, Vice-Chairman or the Commissioner of the Commission needs to be investigated, then the President shall form a Special Committee to investigate that issue.

(4) A Special Committee created by the President shall investigate the issue and make recommendations to the President for decision.

Independence of the Commission

235.-(1) The Commission shall be independent, and therefore shall not be interfered with by any person or any authority in discharging its duties.
(2) Parliament shall enact legislation which shall impose conditions on:
(a) The procedure for the discharge of the duties of the Commission;
(b) preparation and submission of the Commission's reports;
(c) procedure for submission of the Commission's recommendations and decisions;
(d) members of the Commission; and
(e) all other important issues of the Commission.

Provision of materials and resources

236. The Government shall ensure that the Commission for Human Rights and Good Governance is provided with enough funds, materials and human resources as circumstances require to execute its duties and functions effectively.

PART THREE

THE CONTROLLER AND AUDITOR-GENERAL OF THE UNITED REPUBLIC

Appointment of the Controller and Auditor-General

237.-(1) There shall be a Controller and Auditor-General of the United Republic who shall be appointed by the President.
(2) The Controller and Auditor-General of the Government shall be appointed from a list of three names of civil servants proposed by the Public Services Commission.
(3) The Controller and Auditor-General of the United Republic shall not assume office until after he has been confirmed by the President.

Qualifications of the Controller and Auditor-General of the Government

238. A person appointed as the Controller and Auditor-General shall have the qualifications below:
(a) a citizen of the United Republic by birth
(b) a holder of a graduate degree in accounts and must be registered with a relevant authority;
(c) has fifteen years' experience in auditing the accounts of the Government;
(d) a person who has not been convicted for any criminal offense; and
(e) a person who is respectable, competent, honest and who does not practise nepotism.

239.-(1) The Controller and Auditor-General of the Republic shall have responsibility over the following matters:

(a) to ensure that the use of any monies proposed to be paid out of the Consolidated Fund has been authorised and that the funds shall be paid out in accordance with the provisions of this Constitution, and only once he is satisfied that those provisions are duly complied with, then he shall authorise payment of such monies;

(b) ensure that all funds, whether the expenditure is authorised to be charged against the Consolidated fund, or whether the expenditure was authorised by law, that the money was in actual fact applied for the authorised purpose and the expenditure was incurred in accordance with the authorization of such use; and

(c) at least once every year to audit and give an audit report in respect:

(i) of the accounts of the Government of the United Republic, the political accounts and the Local Government accounts;

(ii) managed by the institutions and officers of the Government of the United Republic;

(iii) and the accounts of all Courts of the United Republic

(iv) and the accounts of the United Republic National Assembly.

(2) The Controller and Auditor-General shall be independent in discharging the duties and responsibilities of the Controller and Auditor-General, and therefore he shall not be interfered with by any person or any authority.

(3) The Controller and Auditor-General and any person who is authorised by the Controller and Auditor-General shall have the right to examine books, records, statements of accounts, reports and all other documents concerning any type of account referred to in sub article (1).

(4) The Controller and Auditor-General of the Government shall submit to the President every report he makes pursuant to the provisions of this Constitution.

(5) Upon receipt of such report the President shall instruct the persons concerned to submit that report before the first sitting of the National Assembly after the President has received the report and it must be submitted to such sitting before the expiration of seven days from commencement of the sitting of the National Assembly and if the President does not take steps to submit such report to the Speaker, then the Controller and Auditor-General shall submit the report to the Speaker of the National Assembly who shall submit the report to the National Assembly.

(6) The Controller and Auditor-General shall also have responsibility of discharging other duties and functions, and shall have various other powers as shall be specified by the law concerning the accounts of the Government of the United Republic or the accounts of other public

authorities or other bodies.

(7) In the discharge of his duties in accordance with the provisions of sub articles (1), (3), (4) and (5) of this Article, the Controller and Auditor-General shall not be obliged to comply with the orders or instructions of any person or Government Department, but the provisions of this sub article shall not preclude a Court from exercising jurisdiction to enquire into whether the Controller and Auditor-General has discharged his functions in accordance with the provisions of this Constitution or not.

(8) The National Assembly shall enact a law for controlling, among other things, use of the authority of the Controller and Auditor-General of the Government.

Tenure of Office
of the Controller
and Auditor-
General of the
Government

240.-(1) The Controller and Auditor-General of the Government shall be in office for a term of seven consecutive years only.

(2) Without prejudice to the provisions of sub article (1), the Controller and Auditor-General of the Government may vacate office by submitting a thirty days' notice to the President.

Removal from
office of the
Controller and
Auditor-General of
the Government

241.-(1) The Controller and Auditor-General of the Government may be removed from office due to:

- (a) inability to discharge his duties because of ill health
- (b) not adhering to the code of conduct for public servants;
- (c) not adhering to code of ethics for public leaders;
- (d) incompetence;
- (e) misconduct; or
- (f) conviction for criminal offenses relating to immorality or lack of trust.

(2) The Controller and Auditor-General of the Government shall not be removed from office except if in accordance to the sub article (3) and (4).

(3) If the President is satisfied that removal of the Controller and Auditor-General shall be investigated:

- (a) He shall appoint a Special Committee which shall have a Chairman and at least three other members, one member from the jurisdiction of accounting in the country, two members who where at least one of them is a judge or a person who was a judge of the High Court, Court of Appeal or the High Court of the United Republic or the High Court of Zanzibar;
- (b) The Special Committee shall investigate the matter and report to the President and advise the President whether the Controller and Auditor-General of the Government should be removed or not.

(4) Where the Special Committee advises the President that the Controller and Auditor-General of the Government be removed, then the President shall remove him from office.

(5) When the issue of removal of the Controller and Auditor General of Government has been referred to the Special Committee for investigation,

the President may suspend the Controller and Auditor-General of the Government.

(6) The President will revoke the decision to suspend the Controller and Auditor-General of the Government if the Special Committee advises the President that the Controller and Auditor-General of the Government should not be removed from office.

Provision of
material and
resources

242. The Government shall ensure that the Office of the Controller and Auditor-General of the Government is provided with enough funds, equipment and human resources to protect its independence in the discharge of its functions and responsibilities effectively.

CHAPTER SIXTEEN
PROVISIONS REGARDING THE FINANCES OF THE UNITED REPUBLIC

(a) The Consolidated Fund of the Government of the United Republic

Principles of
expenditure of
public funds

- 243.** The following principles will guide the use of public funds in the United Republic of Tanzania:
- (a) public funds shall be used transparently, purposely and with accountability as well as considering the involvement of citizens through their representatives;
 - (b) the public finance system will focus on the existence of:
 - (i) non-preferential taxation or discrimination;
 - (ii) the government’s budget prioritises less developed groups and areas;
 - (c) use of resources and the National credit shall comply with comparative prosperity for the benefit of the present and the future generations; and
 - (d) information regarding the management of public funds will be provided in language understandable to the public.

Joint Financial
Account

244. The Government of the United Republic will maintain a special account known as “The Joint Financial Account “ and that will be a part of the Consolidated Fund of the Government of the United Republic, where all the money contributed by the two Governments shall be deposited in such proportions as determined by the Joint Finance Commission pursuant to an Act of Parliament, for the use of the United Republic in the affairs of the Union.

The Joint Finance
Commission

- 245.**-(1) There shall be a Joint Finance Commission consisting of not more than seven Members appointed by the President of the United Republic in consultation with the President of Zanzibar where three members are from Zanzibar and four members are from the Mainland Tanzania
- (2) Responsibilities of the Joint Finance Commission shall be :
- (a) analyzing income and expenditure arising from, or relating to the management of Union matters and making recommendations to the two Governments on the contribution by and allocation to each of the Governments;
 - (b) examining all financial transactions of the United Republic and also in attend to matters relating to the financial relationship between the two Governments; and
 - (c) implementing other functions which the President shall delegate to the Commission, in accordance to the law enacted by Parliament.
- (3) For the purposes of this Article, Parliament shall enact legislation that shall prescribe and clarify:

- (a) provisions and procedures for the implementation of the duties;
- (b) provisions for the members of the Commission;
- (c) structure and functions of the Secretariat;
- (d) procedures for the submission of reports on the Joint Financial Accounts and other reports of the Commission on the implementation of the obligations in accordance with this Constitution; and
- (e) all other matters relating to the Joint Finance Commission.

Consolidated Fund

246. There shall be a Consolidated Fund of the Government of the United Republic which shall be known as “Consolidated Fund” into which all money from various sources shall be paid, except:

- (a) the money which has been specified by law for a specified purpose or to be paid into another fund for special use; or
- (b) money collected by Government institutions to meet its expenditure, as it was authorised to do according to the law, have been to collect

Conditions for withdrawal of expenditure monies from the Consolidated

247.-(1) Monies shall not be paid out of the Consolidated Fund for expenditure save in accordance with the following terms:

- (a) such money should be for the purpose of expenditure from the Consolidated Fund such as authorised by this Constitution or by any other law; and
 - (b) such money is for expenditure which has been authorised either by the Appropriation Act enacted by Parliament for that purpose or any other law enacted by Parliament.
- (2) Pursuant to the provisions of sub article (1), monies in the Consolidated Fund shall not be paid out for expenditure unless and until such expenditure has been approved by the Controller and Auditor-General of the Government.
- (3) Monies in any special fund of the Government other than the Consolidated Fund shall not be paid out unless and until such expenditure has been authorised by law.

248.-(1) The President shall give instructions to persons concerned with preparation and submission to the Parliament in each Government financial year, estimates of revenue and expenditure of the Government of the United Republic for the following financial year.

(2) Estimates of revenue and expenditure of the Government of the United Republic prepared in accordance with sub article (1) shall be submitted first to the relevant committees of Parliament for undergoing evaluation and analysis.

(3) When the Parliamentary Committee receives estimates of revenue and expenditure of the Government in accordance with sub article (2), it may invite and receive comments and suggestions from various stakeholders regarding these estimates, and after completion of the evaluation and analysis of revenue and expenditure of the Government of the United Republic, the Committee shall prepare a statement about the projected government expenditure and then submit to Parliament.

(4) After Parliament discuss and accept the estimates of revenue and expenditure of the Government submitted pursuant to subsection (1), the Government will submit to Parliament a bill on the use of funds of the State, for approving the use of funds from the Consolidated Fund which shall cater for the Government activities relating to those estimates.

(5) If in any financial year it appears that:

(a) the funds appropriated and the law regarding the use of Government funds for the purpose of catering for specific activities is not sufficient;

(b) it has been necessary to pay the costs of activities that were not budgeted for in accordance with the laws of the land;

(c) more money was used for a specific activity than the amount of spending authorised or provided for by the law regarding Government expenditure on such activities; or

(d) funds have been used to pay the costs of activities that had not been budgeted for in accordance with the laws of the land,

a supplementary estimate or, as the case may be, a statement of excess shall be presented before the National Assembly, and after the National Assembly has approved the supplementary estimate or the statement of excess a supplementary Appropriation Bill shall be introduced into the National Assembly for the purpose of authorising the issue of funds from the Consolidated Fund of the government of the United Republic, and such monies shall be used to meet the cost of the activities involved in the supplementary estimates or statement of excess.

Procedure for authorization of expenditure of monies

249.-(1) Where the financial year of the Government has begun and the Appropriation Act in relation to that year has not come into operation, then the President may authorise the issue of monies from the Consolidated Fund of the Government of the United Republic for the purposes of meeting the expenses of essential business of the Government, and such monies shall be expended until the expiration of four months from the beginning of the financial year, or until the Appropriation Act comes into operation, whichever occurs earlier.

(2) Parliament may enact a law providing for the authorization of expenditure of monies from the Consolidated Fund of the Government of the United Republic in accordance with a procedure prescribed in sub article (1).

Contingencies Fund

250.-(1) There shall be a Contingencies Fund and an Act of Parliament shall impose conditions upon expenditure from the Fund. Preferential.

(2) The provisions in sub article (1) shall authorise the President or a Minister of Finance, where he is satisfied:

(a) to use money from the Emergency Fund to meet the costs of an urgent and unforeseen need for which no funds had been provided; or

(b) to apply money specifically appropriated for certain business to meet the costs of an urgent and unforeseen need as referred to in paragraph (a) of sub article (2).

(3) Where money has been borrowed from the Contingencies Fund, or money specifically appropriated for a certain purpose is used to meet the costs of an urgent and unforeseen need, then supplementary estimates shall be presented before the National Assembly, and after the National Assembly has approved the supplementary estimates, a supplementary Appropriation Bill shall be introduced to the National Assembly for the purpose of authorising such additional expenditure to ensure that any monies borrowed from the Contingencies Fund are reimbursed, and the monies expenditure of such monies shall be authorised by that bill.

Remuneration of certain holders of public offices to be a charge on Consolidated Fund

251.-(1) Certain holders of public office of the United Republic shall be paid salaries and allowances as prescribed by a law.

(2) For the purposes of sub article (1), payments of salaries and allowances of civil servants to whom the provisions of this Article apply, including superannuation funds and gratuities, will be provided from the Consolidated Fund.

(3) The salary payable to the holder of a public office to whom the provisions of this Article apply together with the terms and conditions of

his service shall not be changed in a manner which is less beneficial to him, but these provisions shall not apply to allowances payable to the holder of such office.

(4) Where the holder of a public office to whom the provisions of this Article apply has the option to choose the salary or the terms and conditions of service, then for the purpose of construing the provisions of sub article (3), the salary, the terms and conditions of service which he chooses shall be deemed to be more beneficial to him than any other salary or terms and conditions of service which he could have opted for.

(5) The provisions of this Article shall apply to the Chief Justice, the Deputy Chief Justice, Justice of the High Court of the United Republic, the Chairman of the Court of Appeal, Justice of the Court of Appeal, the Chairman and every member of the Commission for Human Rights and good Governance and all other public servants specified by the laws of land.

***(b) Public Debt and the Loans of the Government of
the United Republic***

National Debt

252.-(1) The National debt shall be secured by the Consolidated Fund.
(2) For the purposes of interpretation of this Article, the National debt of the United Republic together with any debt shall be guaranteed by the United Republic Government.

The powers of the
Government of
the United
Republic to
borrow

253.-(1) The Government of the United Republic shall have the powers to borrow money from within and outside the United Republic in order to meet the costs of the activities which are under its authority.
(2) Parliament may enact legislation which shall:
(a) specify the conditions to be followed by the Government when borrowing;
(b) establish the national debt limit and the purpose of the debt; and
(c) provide the procedure for the Government to table reports concerning loans in the National Assembly.
(3) Pursuant to the provisions of sub article (2)(b), the report to be tabled in the National Assembly shall, among other things, indicate:
(a) the amount of the debt and the interest charged on it;
(b) how much has been expended or is to be expended pursuant to the relevant loan;
(c) the procedure for paying the relevant debt; and
(d) the stage reached in servicing the relevant debt.

Powers of the Revolutionary Government of Zanzibar to borrow

254.-(1) The Revolutionary Government of Zanzibar shall have the powers to borrow money from within the United Republic to meet the costs of the activities which are under their authorities.

(2) Where a loan requires a guarantee, the Government of the United Republic, after consultation and agreement with the Revolutionary Government of Zanzibar, may provide guarantee of that loan.

(3) Without prejudice to the provisions of Article 73, Parliament shall enact legislation that shall indicate the procedures of the United Government to guarantee loans to the Revolutionary Government of Zanzibar.

Authority to levy taxes

255.-(1) Authority to levy taxes for all Union and non-Union matters concerning Mainland Tanzania shall be subject to the Government of the United Republic.

(2) Authority to levy taxes for all non-union matters pertaining to Zanzibar shall be under the Revolutionary Government of Zanzibar.

(3) No taxation of any kind shall be imposed in the United Republic except in accordance to the law.

Public Appropriations

256.-(1) In carrying out public appropriation, the Government and all institutions shall be required to put in place or use a just and transparent system that protects public interests, accountability, competitiveness and the value of money.

(2) Parliament shall enact legislation that shall prescribe a procurement system for the State and its institutions that are based on the following:

(a) groups that shall be given priority in the awarding of contracts;

(b) giving special opportunities to people or groups that are affected by unfair competition;

(c) penalties for a contractor who has delivered below-par work or is guilty of professional misconduct, in breach of the relevant contract or the law; and

(d) punishment for a person who failed to pay taxes or a person who was sentenced for misdeeds or offenses of corruption or serious offenses of violating labour laws and regulations.

Central Bank of
the United
Republic

257.-(1) There shall be a Central Bank of the United Republic which shall be known as the “Bank of Tanzania”.

(2) Central Bank of Tanzania shall have the following responsibilities:

- (a) to print bank currencies;
- (b) to control and manage the circulation of money;
- (c) to prepare and manage Policies and Plans concerning the currency;
- (d) to manage and control foreign exchange;
- (e) to manage all the commercial banks and institutions of money within the United Republic; and
- (f) keeping the financial accounts of the Government.

(3) In the discharge of its duties, the Bank of Tanzania shall be independent and shall not be interfered with by way of being given directives or by way of being controlled by any person or any authority.

(4) The National Assembly shall enact legislation which shall impose restrictions on the composition, authority and functions of the Central Bank of Tanzania.

CHAPTER SEVENTEEN DEFENCE AND SECURITY OF THE UNITED REPUBLIC

(a) Defence and National Security

National Security

258.-(1) Every citizen is responsible for the Defence and Security of the United Republic.

(2) The Security of the United Republic concerns the defence of the territory of the United Republic as prescribed in Article 2, including land, atmosphere, bodies of water , the people of the United Republic, their property, freedom and other national interests against threats from within and outside the nation.

(3) The defence and security of the United Republic shall be strengthened and preserved in accordance with the following rules:

- (a) defence and national security is guided by the authority of this Constitution; and
- (b) defence and national security will be implemented to comply with national and international treaties and to respect the rule of law and human rights.

259.-(1) The National defence and security forces are:

- (a) The Tanzania People's Defence Force;
- (b) The Police Force of the United Republic; and
- (c) The National Intelligence Department.

(2) The major function of the National defence and security forces and the security system is to protect the interests of the citizens and other persons, their property, rights and freedom, authorities, national unity and peace of the nation

(3) In performing their functions, the National defence and security forces and every employee of such institutions are forbidden:

- (a) to practise any kind of favouritism;
- (b) to perpetuate the interests of any political party or its policies;
- (c) to sabotage political interests or a political plan which, according to this Constitution, is lawful;
- (d) to threaten, rob citizens of their property or to maltreat them; and
- (e) to obey an unlawful order.

(4) It is hereby prohibited for any person to establish an institution, a company, community or organization which is concerned with the National defence and security or an armed force, except in accordance with this Constitution or an Act of Parliament.

(5) The defence and security forces shall be under the authority of the President.

(6) The National Assembly shall enact a law concerning the discharge of the duties, procedures and management of the National Defence and Security.

260.-(1) There shall be a National Defence and Security Council which shall consist of the following members:

- (a) The President who shall be the Chairman;
- (b) The First Vice-President;
- (c) The President of Zanzibar and Second Vice-President;
- (d) The Prime Minister and Third Vice-President.

(2) The Chairman may invite any person to participate in a session of the National Security Council.

(3) There shall be a Secretariat of the National Security Council headed by the Chief Secretary.

(4) National Security Council shall make arrangement to conduct hearings thereof.

(5) Parliament shall enact legislation which shall impose conditions on the discharge of duties of the National Defence and Security Council.

Functions of the National Defence and Security Council

261. The functions of the National Defence and Security Council shall be:

- (a) to coordinate local policies and foreign policies with military policies concerning the security of the Nation to enable the defence and security agencies to cooperate fully;
- (b) to receive and evaluate information from protection agencies and National Security and Government institutions related to national security;
- (c) perform any other functions as the President shall direct

(b) Tanzania People's Defence Force

Establishment of the Tanzania People's Defence Force

262.-(1) There shall be a Tanzania People's Defence Force with the responsibility of maintaining the security of the territory of the United Republic and managing the safety and security of citizens.
(2) The President may introduce other forces to the Tanzania People's Defence Force should he deem necessary.

Appointment of the Chief of the Defence Forces

263. There shall be a Chief of the Defence Forces of who will be a citizen of the United Republic by birth and shall be appointed by the President.

Powers of the Commander-in-Chief

264.-(1) Without prejudice to the provisions of any law, the President as Commander-in-Chief of the Armed Forces is to command the Armed Forces of the United Republic:

- (a) to engage in military operations connected with the defence of the United Republic,
- (b) to conduct rescue operations to save lives and property in times of emergency; and
- (c) other matters which the Commander-in-Chief shall deem necessary, and to that end the Commander-in -Chief may command the armed forces to engage in those operations in or outside the United Republic.

(2) In compliance with the provisions of this Article and to comply with the law, authority over the following matters shall be delivered to the Commander in Chief:

- (a) the appointment of top commanding officers in the Armed Forces of the United Republic;
- (b) rewarding commission officers in the armed forces;
- (c) the appointment of commanders of various units of the Defence;
- (d) the suspension of any power vested in any member of the Armed Forces and pertaining to his being a member of such Force; and
- (e) protection of the sovereignty and boundaries of the United Republic.

(3) For the purpose of this Article, anything done by any member of the Armed Forces in contravention of an order issued by the Commander-in-Chief pursuant to the provisions shall be void.

(c) *The Police Force*

The Police Force of the United Republic

265. There shall be a Police Force of the United Republic which shall have the responsibility to protect the people and their property pursuant to the provisions of this Constitution.

Appointment of the Inspector General of Police

266. There shall be an Inspector General of the United Republic Police Force who shall be a citizen of the United Republic by birth and shall be appointed by the President.

Establishment of other defence services

267. Without prejudice to the provisions of Article 259, Parliament may legislate for setting permit conditions in order to establish, control and manage other institutions that provide defence services.

(d) *The National Intelligence Department of the United Republic*

Establishment of the National Intelligence Department

268.-(1) There shall be a National Intelligence Department of the United Republic. which shall be called “The National Intelligence Department”.

(2) The National Intelligence Department of the United Republic shall be responsible for strengthening the security of the United Republic and protecting the National interests and it shall perform other responsibilities as shall be prescribed by an Act of Parliament.

Appointment of the Director of the National Intelligence Department

269. There shall be a Director General of the Department of National Security who shall be a citizen of the United Republic by birth and shall be appointed by the President.

CHAPTER FOURTEEN MISCELLANEOUS PROVISIONS

Procedures for
resignation from
public service

270.-(1) Any person holding any office established by this Constitution may resign from office by giving notice in writing and signed by him, in accordance with the following procedure:

(a) if such person was appointed or nominated by one person, then according to this Constitution such notice of resignation shall be submitted to the person who appointed or nominated him, or where he was appointed or nominated by a body of persons, then such notice of resignation shall be submitted to that body of persons;

(b) if that person is the holder of the office of President, then the notice of resignation shall be submitted to the Speaker;

(c) if that person is a First Vice President, the notice of resignation shall be submitted to the President;

(d) if that person is "Prime Minister", the notice of resignation shall be submitted to the President with a copy to the Speaker; and

(e) if that person is the Speaker or Deputy Speaker of the National Assembly, the notice of resignation shall be submitted to the Secretary of the National Assembly.

(2) A person who has given notice of resignation pursuant to the provisions of sub article (1), shall be deemed to have resigned from the day the notice of resignation is received by the person or body or persons concerned, or when it is received by any person authorised by a person or body of persons concerned to receive the notice of resignation. If the notice of resignation states that the person resigns on another day after the notice is received then such person shall be deemed to have resigned on that other day mentioned.

(3) Where any person holding any office established by this Constitution resigns, then, if he has all the necessary qualifications and is in every respect eligible, he may be reappointed or re-nominated to hold such office in accordance with the provisions of this Constitution.

Provisions relating
to procedure for
succession of
office

271.-(1) For the purpose of interpreting the provisions of this Constitution in relation to the procedure of appointment to the service of the Government of the United Republic, it is hereby declared that any person having power pursuant to this Constitution to appoint or nominate another person to hold a certain office has also the power to appoint or nominate a person to act, or to temporarily perform the functions of that office.

(2) The following rules shall also apply for the purposes of interpreting the provisions of this Constitution concerning the procedure of appointment to services of the Government of the United Republic:

(a) where a person holding a certain office pursuant to the provisions of the Constitution is on leave pending vacation of office, then another person may be appointed to that office, notwithstanding that the other person is still in service;

(b) where two or more persons concurrently hold a certain office pursuant to their appointment in accordance with the rules laid down in paragraph (a) of this sub-article, then in those circumstances if the need arises to perform any duty connected with that office the person last appointed shall be deemed to be the only person holding such office; and

(c) where pursuant to provisions of this Constitution a person is appointed to act in or to perform the functions of a certain office when the substantive holder of that office fails to perform the duties connected with that office, then it shall not be permitted to inquire into or to make any representations against such appointment on the ground that the substantive holder did not fail to perform the duties connected with that office.

272.-(1) In this Constitution unless the context otherwise requires:

“military law” means a law or command issued pursuant to a law regulating discipline in a Force;

“House of Representatives” means the House of Representatives of Zanzibar referred to in this Constitution;

“Parliament” means the Parliament of the United Republic referred to in Article 124;

“Political Party” means a political party which has been granted full registration in accordance with the laws of the land;

“National Security Department” means the Department of National Security which was established in accordance with Article 268;

“Presiding Judge” means a judge of the High Court who is appointed pursuant to Article 189;

“Chief Justice” means the Chief Justice of the Court of the Republic of the Union who is appointed in accordance with Article 170 and the General Court of the United Republic;

“Zanzibar Chief Justice” means the Chief Justice of the High Court, who according to the Zanzibar Constitution of 1984 is the head of the Court of Zanzibar;

“The United Republic” means the United Republic of Tanzania;

“Army” means the Army of the Tanzania People’s Defence Forces and other forces shall be set up in accordance with this Constitution or laws of the land and that should be governed by the military law;

“Police Force” means a police force established in accordance with Article 265;

“oath” means any formal declaration to be used as legally permissible;

“oath of allegiance” means the oath to be loyal to the country and to the Government of the United Republic;

“Court” means the High Court and Court of Appeal, the High Court of the Republic of the Union or the High Court, as the case may be;

“Vice-President” means any person appointed to the position of the office of Vice President under this Constitution;

“Affairs of the Union” means all public matters mentioned in Article 71 (3) as being Union Matters;

“Authority” means the authority of the country as referred to in Article 71;

“The Director of Public Prosecutions” means a person who is appointed to the position of Director General of Prosecutions of the State in accordance with Article 115;

“Public servant” means a person who is employed in the service of the United Republic as defined by the law that shall be enacted by Parliament;

“Attorney General” means the Attorney General of the Government of the United Republic who is appointed in accordance with the provisions of Article 113;

“Position of authority” means the position, rank, status, power or authority governing the practice in the public service;

“Deputy Chief Justice” means a person who has been appointed as the Deputy Chief Justice pursuant to Article 171;

“Deputy Attorney General” means the person appointed to the position of Deputy Attorney General in accordance with Article 114;

“Government” includes the Government of the United Republic, the Revolutionary Government of Zanzibar or district council or the city as well as anyone who exercises any power or authority on behalf of the Government;

“Local Government” means government entities established pursuant to Article 119 for the purpose of exercising the power of the people;

“Mainland Tanzania” means the whole of the territory of the United Republic which formerly in 1964 was the territory of the Republic of Tanganyika;

“General Elections” means an election of a President and of the Members of Parliament representing electoral constituencies, which are held in accordance with this Constitution;

“Minister” means a Member of Parliament appointed to the office of Minister, except Deputy Minister, and that definition;

“Prime Minister” means the person appointed to the position of Prime Minister’s powers under this Constitution;

“Zanzibar” means the entire area of the United Republic which before the Union in 1964 was the territory of the People’s Republic of Zanzibar;

(2) The following rules shall be applied for the purpose of construing the provisions of the Constitution, that is to say:

- (a) whenever a reference is made to the function of the office of President it shall be construed to include powers to perform various duties and functions as the Head of the Government of the United Republic, and also such other functions or duties if so provided in this Constitution or in any other law that such other powers or duties are powers of the President;
- (b) whenever reference is made to an office in the service of the Government it shall be construed that the office concerned is within the service of the Government of the United Republic unless it is stated otherwise and whenever reference is made to the Government’s department, it shall be construed that it is a department of the Government of the United Republic unless it is stated otherwise;
- (c) if pursuant to the provisions of this Constitution there is any matter required to be performed or to be dealt with by any political party, then that matter shall be performed or dealt with by that party in accordance with the procedure laid down by that party for that purpose, and also in conformity with the provisions of this Constitution or any law enacted by Parliament for that purpose;
- (d) a person shall not be deemed to hold office in the service of the

Government of the United Republic by reason only that he is receiving pension or other payment of that kind in respect of his past service in the Government of the United Republic or in any former Government of Mainland Tanzania or in the Armed Forces or the Police Force of the Government of the United Republic or former Government of Mainland Tanzania or of Zanzibar;

Unless the context requires otherwise, whenever reference is made to the holder of a certain office by reference to the designation of his office such reference shall be construed to include any person who is acting in, or who has been duly appointed to perform the functions of that office;

(e) wherever there is a reference to the power to remove the holder of an office in the service of the Government of the United Republic, it shall be construed that the power concerned includes the power conferred in accordance with provisions of any law which requires or permits that person to retire:

Provided that the provisions of this rule shall not be construed as conferring power on any person to require a Judge of the High Court, Judge of the Court of Appeal, Justice of the High Court of the United Republic or the Controller and Auditor-General of the Government to retire; and

(f) wherever there is reference to a law which replaces or repeals another law, it shall be construed that the law concerned includes a law which amends that other law or which extends the application of that other law whether with or without modification or amendment, or a law which introduces new provisions in another law.

Title, commencement and application of this Constitution

273.-(1) This Constitution will be known as the Constitution of the United Republic, 2014.

(2) This Constitution shall come into operation once it is promulgated by the President of the United Republic of Tanzania.

(3) This Constitution shall apply to, Tanzania Mainland and Zanzibar.

Repeal of the Constitution of the United Republic of Tanzania, 1977
Chapter 2

274. The Constitution of the United Republic of Tanzania of 1977 is being revoked and, except for the matters referred to in terms of Transitional Provisions and Conditions of the interim it would not be binding immediately after the entry into force of this Constitution.

CHAPTER NINETEEN TERMS AND CONDITIONS IN THE INTERIM

PART ONE RESULTING PROVISIONS

275.-(1) The Conditions of Transitional Provisions outlined in this chapter of the Constitution shall take effect the date on which the Constitution of the United Republic of Tanzania of 2014 comes into force.

(2) To a void doubt, the Constitution of the United Republic of Tanzania of 1977 will be repealed and, except for the issues identified in Part Two of this Chapter, shall have no force of law from the date of entry into the law from the date of commencement of Constitution of the United Republic of Tanzania of the Year 2014.

PART TWO

CONSTITUTIONAL PROVISIONS AND PROVISIONS OF THE LAW OF THE LAND

Continued
compliance with
Constitution

276 .-(1) The Provisions resulting from Terms and Conditions of Transition in this Chapter of the Constitution and those set out in the change of the “Special Act” shall still be in force

(2) For the purposes of this Article, “Special Act” means:

“(a) the Republic of Tanganyika (Consequential, Transition and Temporary Provisions) Act, 1962;

(b) The Interim Constitution (Consequential, Transition and Temporary Provisions) Act, 1965;

(c) the Constitution (Consequential, Transitional and Temporary Provisions) Act, 1977;

(d) the Constitution (Consequential, Transitional and Temporary Provisions) Act, 1984; and

(e) the Constitution (Consequential, Transitional and Temporary Provisions) Act, 1992”.

Continued
obedience to the
law of the land

277.-(1) The provisions of the law set out in sub article (2) that have been used before the date of entry into force of the Constitution of the United Republic of Tanzania of the Year 2014, shall continue to be used in the manner directed in this Article.

(2) Laws of the country which:

(a) are enacted by the Parliament of the United Republic before the entry into force of the Constitution of the United Republic of Tanzania of 2014 shall continue to be used for the purposes of matters referred in those terms; and

(b) are enacted by the Parliament of the United Republic which is used by the Mainland Tanzania shall continue to be used in the Mainland Tanzania for the purposes of matters referred in those terms.

(3) For the purposes of the provisions of sub article (2), during and after the time of transition:

(a) all the laws enacted by the Parliament of the United Republic which is used in Tanzania and Zanzibar and considering adjustments needed, shall be the law of the land that will be used in the United Republic with regard to Union Matters;

(b) in consideration of the separation of the Union and non-Union matters referred to the Constitution of the United Republic of Tanzania of 2014, all laws enacted by the Parliament of the United Republic which are used in Tanzania and Zanzibar, based on the adjustment needed, shall be used in Mainland Tanzania or Zanzibar with regard to non-Union matters until Mainland Tanzania or Zanzibar shall enact the laws about these matters; and

(c) All laws enacted by the Parliament of the United Republic of Tanzania Mainland that require modifications needed to comply, shall be the law that will be used in the Mainland Tanzania.

PART THREE
PUBLIC SERVICE

The Government of the United Republic

The continued
tenure of office of
the President

278. The person who was holding the position of the office of President of the United Republic before the entry into force of this Constitution, shall continue to hold the position of authority of the President in accordance with the provisions of this Constitution until someone else is elected in his place in the General Election to hold office of President in accordance of this Constitution.

The continued
tenure of office of
the Vice-President

279. The person who was holding the position of power of Vice-President of the United Republic before the entry into force of this Constitution, shall continue to hold the position of power of Vice President of the United Republic according to provisions of this Constitution for the Vice President of the United Republic, until a replacement shall be elected in the General Elections.

The continued
tenure of office of
the Prime Minister

280.-(1) The person holding the position of Prime Minister shall continue to hold the position of Prime Minister until the General Election is conducted, and the President of the United Republic is in office.

(2) The person who held the position of power of the Minister or Deputy Minister shall continue to hold such a position of power until the General Election is conducted up until twenty-four hours before the President of the United Republic of Tanzania takes the oath of the President.

(3) Provisions of sub article (1) and (2), shall not be interpreted to remove or curtail powers vested in the President in accordance with the Constitution of the United Republic of Tanzania of 1977 or the law of the country, to remove from the office or terminate someone's position as the Prime Minister, the Minister or Deputy Minister.

The continued
tenure of office of
Public
Servants

281.-(1) Every person who occupies a position of power or act as public servants in the State of the United Republic, the National Assembly of the United Republic or Court of the United Republic before the date of entry into force of the Constitution of the United Republic of Tanzania, 2014, shall continue and shall be recognised to have been elected, appointed or employed to keep or act in the position of authority of the public service in the State of the United Republic, the National Assembly of the United Republic or Court of the United Republic and that the provisions of the Constitution of the United Republic of 2014 or the law of the country in connection with the election, appointment, employment and oath or affirmation have been considered and implemented.

Chapter 2

(2) Every person who, according to the Constitution of the United Republic of Tanzania of 1977 or the law of the land, resigns or retires from the office after an his/her term, shall retire from public office at that time or upon reaching retirement age,

(3) The provisions of sub article (1) and (2), shall not be interpreted to remove or curtail powers vested in the person or set by the authority in accordance with the Constitution of the United Republic of Tanzania of 1977 or the law of the country to cancel a position of power or termination of the person holding the office or require a public employee to resign.

(4) For the purpose of payment of gratuity or other payment of pensions, the term of service of a public servant to whom the provisions of this Article apply, shall be the term of service he attained before the entry into force of the Constitution of the United Republic of Tanzania, 2014.

(5) Unless implemented otherwise, the provisions of the duties of a public servant who is affected by the provisions of this Article, shall be inadequate or poor as compared to the provisions of the job he had before the entry into force of the Constitution of the United Republic of Tanzania of 2014 or the law of the land that shall be enacted for that purpose.

PART FOUR
PARLIAMENT OF THE UNITED REPUBLIC

The Tenure of
Parliamentary
Government

282.-(1) Subject to sub article (2) and law of the country on issues of election of Members of Parliament of the United Republic and the election of the Speaker, Deputy Speaker and leaders of parliamentary committees, the Speaker, Deputy Speaker , leaders of Parliament and Parliamentary Committees shall continue to be the Speaker, Deputy Speaker, leaders of Parliament and Parliamentary Committees, until Parliament is dissolved in accordance with the Constitution of the United Republic of Year 2014.

Chapter 2 and 343

(2) The provisions of Sub article (1) shall not be interpreted to prevent the removal of the Speaker, Deputy Speaker, Leaders of the Committee of Parliament or Member of Parliament, in accordance with the Constitution of the United Republic of 1977, the Electoral Act and the National Standing Orders of Parliament.

Dissolution of
Parliament

283.-(1) Where, in accordance with the Constitution of the United Republic of Tanzania of 1977 or the law of the country, or any matter needs to be done or could be done, or anything that could be done from or following the dissolution of the National Assembly of the United Republic of Tanzania

Chapter 2

(2) If the need to call a Parliament occurs before the announcement of the results of the General Election which will be held after the dissolution of the Parliament of the United Republic

Chapter 2

(a) for purposes to call a Parliament, the Speaker, Deputy Speaker and Members of Parliament elected in accordance with the Constitution of the United Republic of 1977, and the laws and Regulations of the National Assembly, may be called and shall be the Speaker, Deputy Speaker and Members of Parliament of the Parliament of the United Republic.

(b) for the purpose of appointment in the position of power when Parliament has been dissolved, a person who was a Member of Parliament in accordance with the Constitution of the United Republic of Tanzania of 1977 and other laws of the countries involved can be appointed

PART FIVE
COURT OF THE UNITED REPUBLIC

Tenure of office of
the Court of
Appeal and the
High Court
Chapter 2

284.-(1) The Court of Appeal of the United Republic and the High Court will continue and will have jurisdiction to hear proceedings and issue a decision or an order in accordance with the Constitution of the United Republic of Tanzania of 1977 and the law of the land.

(2) For the purposes of sub article (1), the Judges of the Court of Appeal and Judges of the High Court shall have the power to hear cases, give judgment or give orders or hear the appeals filed in the Court of Appeal or the High Court with regard to proceedings still open.

Continuation of
existing court
proceedings
Chapter 2

285.-(1) Any matter which is incomplete or in progress in the Court of Appeal or the High Court will continue to be heard until completed; and judgment, documents emphasise pronouncing judgment and orders issued or to be issued in a case can still be imposed and enforced by the Court of Appeal or the High Court

(2) For the purposes of sub article (1), every sentence, bill of judgments and orders issued by the Court of Appeal or the High Court not fully implemented prior to the cancellation of the Constitution of the United Republic of Tanzania of 1977 can be fully implemented once the Constitution of the United Republic of Tanzania of the Year 2014 comes into force.

(3) Any decision granted by the Court of Appeal on any proceeding filed before the introduction of the High Court in accordance with the provisions of the Constitution of the United Republic of Year 2014, shall not be appealed in the High Court.

**PART SIX
TRANSITIONAL PROVISIONS**

Period of Transition

286. The Period of Transition will refer to the time from the date of entry into force of the Constitution of the United Republic of Tanzania of 2014 up to four years after commencement of the Constitution of the United Republic of 2014

Implementation of the provisions of the New Constitution

287.-(1) The following Affairs will be undertaken and completed during the period of transition:

(a) amend the Constitution of Zanzibar of 1984 to coincide with the provisions of the Constitution of the United Republic of Tanzania of the Year 2014;

(b) enact and revise various laws of the United Republic, the Union laws that are not related to Mainland Tanzania and Zanzibar's laws to coincide with the provisions of the Constitution of the United Republic of Tanzania of the Year 2014;

(c) establishment of the High Court;

(d) establishment of the Commission and other constitutional institutions outlined in the Constitution of the United Republic of Tanzania of the Year 2014 and to comply with the provisions of that Constitution;

(e) make appointments to positions of power in the manner specified in the Constitution of the United Republic of Tanzania of 2014; and

(f) organise all the elements necessary for effective implementation of the constitutional provisions contained in the Constitution of the United Republic of Tanzania of the Year 2014.

Committee supervising the Period of Transition

288. For the purpose of implementation of the matters that need to be worked and completed during the Period of Transition, the President shall appoint a Committee for the Implementation of the Constitution during the Period of Transition.

Dissolution of the Terms and Conditions of Transition

289. After expiry of the Period of Transition, the provisions of Chapter Nineteen cease and shall have no legal force.

FIRST APPENDIX

(Referred to in Article 71 (3))

Union Affairs

1. The Constitution of Tanzania and the Government of the United Republic of Tanzania;
2. Defence and Security of the United Republic of Tanzania;
3. Safety and air transport.
4. Citizenship by Immigration.
5. Police Force.
6. The Currency of the Central Bank.
7. Income tax payable by individuals and by corporations, customs duty and excise duty on goods manufactured in Tanzania and managed by the Department of Customs.
8. Foreign Affairs.
9. Registration of Political Parties.
10. The High Court and the Court of Appeal.
11. Higher Education.
12. National Council of Examinations and all matters connected with the work of the Council.
13. Weather forecasts.
14. Personnel in the Government of the United Republic.

SECOND APPENDIX

(Referred to in Article 129 (1) (b))

(The law requires that changes require the support of two-thirds of all the Members of Parliament from the Mainland as well as two thirds of Members of Parliament from Zanzibar)

1. Bill to change provisions of the Constitution of the United Republic affecting the Union.
2. To add or remove any Union Affairs.

THIRD APPENDIX

(Referred to in Article 129 (1) (c))

(Change of any of these matters require support from more than half of the valid votes cast by citizens of the mainland, and more than half of the valid votes cast by citizens of Tanzania Zanzibar in a referendum)

1. Structure of the United Republic.
2. The existence of the United Republic.
3. Changing the provisions of sub article 129 (1) (c) of this Constitution.

Dodoma,

.....September, 2014

ANDREW J. CHENGE

Chairman of the Drafting Committee