

THE DRAFT CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA

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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 human dignity, liberty, justice, equality, fraternity, peace, unity and concord in all aspects of our life;

AND WHEREAS, we are of the conviction that those principles can only be realised in a society that embraces democracy and good governance in which the Executive is accountable to a Legislature composed of elected members and representative of the people, and also a Judiciary which is independent and dispenses justice without fear or favour, thereby ensuring that all human rights are preserved and protected and that the duties of every person are faithfully discharged;

AND WHEREAS, we understand the importance of caring for property of the State Authority and of a collective nature, fighting all forms of destruction, abuse, and mobilising best use and sustainable use of our resources and natural resources as well as protecting our environment for the ultimate benefits of the present and future generations;

AND WHEREAS, we understand the importance and benefits of building, nurturing and furthering peace, unity, cordiality and cooperation among Tanzanians, different African States and the whole world at large;

AND WHEREAS, the intention of building Union of the African Continent as so expressed by the Union of what used to be the Republic of Tanganyika and the Republic of the People of Zanzibar;

AND BY FURTHERING THAT COMMITMENT OF OURS, it is important:

(a) to protect, enhance and further the Union of the Republic of Tanganyika and the Republic of the People of Zanzibar;

(b) to build a free Nation and that is economically independent;

(c) to strengthen and further rule of law;

(d) to develop and further integrity, accountability and transparency;

(e) to build unity and harmony that will enable achievement of political, economic, social, environmental goals and the protection of our heritage in general;

(f) to build and develop the supremacy of the power of the people;

(g) to build and further compliance to the authority of the Constitution; and

(h) to strengthen and further National patriotism amongst Tanzanians;

AND BY TAKING INTO CONSIDERATION the heritage left to us by the Founders of our Nation of building a country whose people are united and who do not segregate amongst themselves on the bases of ethnicity, religious beliefs, race, sex or any other form of segregation;

AND BY TAKING INTO CONSIDERATION the experience of more than Fifty Years of Independence of Tanganyika, Fifty Years of the Revolution of Zanzibar and Fifty Years of the Union of the Republic of Tanganyika and the Republic of People of Zanzibar, and the importance of the full and clear participation of the people in the process of writing the Constitution of the United Republic of Tanzania;

NOW, THEREFORE, THIS CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA RECOMMENDED BY THE SPECIAL CONSTITUENT PARLIAMENT enacted by US THE PEOPLE OF THE UNITED REPUBLIC OF TANZANIA through A NATIONAL REFERENDUM for the purpose of building such a society, and ensure that the United Republic of Tanzania is run by an Executive that adheres to the principles of democracy and rule of law, and shall be an independent and secular state.

CHAPTER ONE

THE UNITED REPUBLIC OF TANZANIA

PART ONE

THE TERRITORY, THE NATIONAL SYMBOLS, LANGUAGE, CULTURE AND VALUES

The United Republic of Tanzania

1.-(1) The United Republic of Tanzania is a Country and Federation with complete sovereignty resulting from the Union of two countries of the Republic of Tanganyika and the Republic of the People of Zanzibar, which prior to the Articles of the Union of 1964 were sovereign states.

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

(3) The Articles of the Union referred to in sub-clause (1), is the main foundation of the United Republic of Tanzania and this Constitution, and as will be amended, will be continuation of that Agreement.

The Territory of the United Republic of Tanzania

2. The territory of the United Republic of Tanzania consists of the whole territory of Tanganyika including its territorial waters and the whole of the area of Zanzibar including its territorial waters.

Symbols and Public Holidays of the Nation

3.-(1) The National Symbols shall be:

(a) The National Flag;

(b) The National Anthem; and

(c) The Coat of Arms,

as will be elaborated in the laws of the country.

(2) The National Public Holidays shall be:

(a) Independence Day of Tanganyika, to be celebrated every 9 December;

(b) Revolution Day of Zanzibar, to be celebrated every 12 January;

(c) Union of Tanganyika and Zanzibar Day to be celebrated every 26 April; and

(d) Other public holidays as will be elaborated by the laws of the country.

(3) Every National Day shall be a public holiday.

National Language and sign languages

4.-(1) The National Language of the United Republic is Kiswahili and it will be the means of official national and government communication.

(2) Without distorting the conditions under clause (1), English Language can be used as official language for government communication when and where required.

(3) The Government shall establish environments to enable alternative means of including sign languages and braille at key public places and media that publish and broadcast its national news to cater for the needs of people with special needs.

National Values

5. The United Republic shall honour and maintain the following National Values:

- (a) human dignity;
- (b) patriotism;
- (c) integrity/diligence;
- (d) unity;
- (e) transparency;
- (f) accountability; and
- (g) National Language

PART TWO

THE POWER OF THE PEOPLE, OBEDIENCE TO AND PROTECTION OF THE CONSTITUTION

The power of the people

6. The United Republic is a state that follows principles of democracy based on social justice, and hence:

- (a) citizens are the source of state authority, and the Executive shall acquire its powers and authority from the people who in unison and general own and give this Constitution its legitimacy;
- (b) the main objective of the Executive shall be development and attainment of welfare of the people;
- (c) the Executive shall be accountable to the people; and

(d) the people shall participate in Government businesses as shall be determined by conditions set in this Constitution.

People and the Government

7. - (1) The composition of the Government of the United Republic and its organs, in the operationalisation and implementation of its businesses will be based on the commitment to promote national unity and maintain the respect of the Nation.

(2) For the purpose of the provisions of sub-clause (1), the authority of the state and its organs have the responsibility to streamlining its policies, laws and businesses for the purpose of ensuring that:

(a) human dignity, respect and all other human rights are protected, valued, kept and maintained by taking into consideration customs and traditions of Tanzanians and various conventions ratified by the United Republic;

(b) the laws of the land are enforced and implemented;

(c) the businesses undertaken are implemented in ways that will ensure that National wealth is maintained, preserved and used for the benefit of all citizens in general and also prevent exploitation of a person by another;

(d) land as the main resource base of the Nation, is protected, conserved and used by the people of Tanzania for the benefits, interests and well-being of the present and future generations;

(e) the development of the National economy is planned and promoted in a balanced and in a manner that will benefit all citizens;

(f) every person who is able to work undertakes work, and work means any legitimate activity which earns a person an income;

(g) there is equal opportunity and justice for all citizens, women and men, irrespective of their colour, ethnicity, race, ideology, religious profession or status;

(h) all forms of exploitation, intimidation, discrimination, corruption, oppression or favouritism are eliminated from the country;

(i) National wealth and natural resources are directed at bringing development, eradication of poverty, ignorance and disease; and

(j) the country is governed in accordance with the principles of democracy, rule of law and self-reliance.

The Supremacy and Obedience to the Constitution

8. - (1) This Constitution is the mother law in the United Republic as per conditions set in this Constitution.

(2) For the purpose of sub-clause (1), in circumstances where conditions of any law contradict those contained in this Constitution, the conditions in the said law shall be void and will be rectified to the extent to which they differ from this Constitution.

(3) Any person, body, institution, association and agents of the authority of this country and private powers have the responsibility of observing conditions set by this Constitution and the laws of the country and obey them.

(4) Any law, custom, tradition or decision of a state organ, Government official or a private individual is obliged to conform with the conditions set in this Constitution and that law, custom, tradition or decision that would not conform with or follow the conditions of the Constitution shall be void.

(5) The Executive shall provide for means to enable citizens to know, protect and obey the Constitution.

Protection of the Rule of the Constitution

9. - (1) A person or a group of people shall not take away or hold authority of the country except in accordance with this Constitution.

(2) Any action that contradicts the provisions of sub-clause (1) is void and is an act of treason as shall be elaborated in the laws of the country.

CHAPTER TWO

FUNDAMENTAL GOALS, THE BASES GUIDING GOVERNMENT BUSINESS AND NATIONAL POLICIES

Fundamental Goals

10. (1) The Fundamental Goal of this Constitution is to protect, strengthen and further justice, fraternity, unity and tranquillity of the citizens of the United Republic by ensuring welfare of the citizens and building a free Nation that has democracy, rule of law, sustainable development and self-reliance.

(2) Without distorting the provisions of sub-clause (1), the fundamental objective will be furthered and strengthened in all main spheres of life including political, economic, cultural and circumstantial.

(3) In implementing the goals of the Nation of:

(a) political, the Executive shall take appropriate measures so that –

(i) to ensure that it prevents, objects to and removes exploitation, threats, segregation, torture, bribery, oppression and favouritism among citizens on the basis of ideology, a person's origin, a person's place of origin, blood relationship, ethnicity, sex, religion or his faith;

(ii) to ensure there is maintenance of peace and building of a culture of valuing, respecting and maintaining peace, unity and tranquillity, cooperation and political tolerance for the purposes of furthering social and economic development;

(iii) to ensure there is security, safety and welfare of the people and their properties, and avoid undertaking anything that may endanger or contradict the goal;

(b) socially, the Executive shall take appropriate measures so as to-

(i) ensure that human respect is protected and furthered by following customs, traditions and the World Human Rights Declaration and other international treaties that Tanzania has ratified;

(ii) ensure that the Executive and all its public organs give equal opportunities and chance to all citizens, regardless of their ideologies, gender, race, ethnicity, religion, blood relations, a person's status or his place of domicile;

(iii) build a culture of cooperation, understanding and acceptance, tolerance and respect for customs, traditions and religious faith of every individual;

(iv) ensure support and social security protections is provided to people with disabilities, elderly, the sick, children and people with disabilities;

(v) enable access and provision of support of legal services to the people who cannot afford legal counsels' expenses;

(vi) put in place an appropriate procedure for the implementation of a person's right to obtain education and be free to access equal opportunities to seek education in the profession of their preference to the extent of their abilities in accordance with their fitting and capabilities;

(c) economically, the Government takes appropriate measures so as to –

(i) bring the people quality life by eradicating poverty;

(ii) ensure that Government businesses are implemented in ways that will ensure that National wealth is developed, conserved and used for the benefits of all the people and preventing a person from exploiting another;

(iii) put in place conducive environment to enable establishment and development of representative bodies for farmers, livestock keepers and fishermen;

(iv) put in place good environment for people to trade in and improve opportunities for investment;

(v) put in place good environment to enable growth of agriculture, livestock keeping and fishery by ensuring that farmers, livestock keepers and fishermen can occupy land and have the means with which to further their activities;

(vi) put in place good environment for production of produce for farmers, livestock keepers and fishermen, search and furtherance of markets for their produce;

(vii) put in place good procedures setting and monitoring balance of prices of produce and agro-inputs;

(viii) strengthen and further internal investment, access to agro-inputs, livestock keeping areas and fishing equipment;

(ix) ensure there is transparency in access to chances and opportunities for everyone to start an economic activity and further good environment for the purpose of promoting the private sector in the economy;

(x) ensure that every abled person has the opportunity to work, in the sense of undertaking any legitimate activity that earns him an income;

(xi) mobilise joint investment between citizens and non-citizens in economic infrastructure, extraction of National wealth and natural resources;

(xii) put in place means of economic monitoring and preparation of plans, to enable implementation of short-term, mid-term and long-term goals;

(xiii) enable and further use of science and technology and improving innovation in National economic and development activities in general;

(d)culturally, the Executive shall take appropriate measures so as to –

(i) protect and conserve natural heritage, antiquities and places of historic or religious importance to avoid destruction, insubordination, theft or their exportation;

(ii) protect, conserve and promote cultures of the people of different communities that further and nurture dignity and their status in a way that does not contradict the Fundamental Goals, Foundations of the Direction of Government Businesses and National Policies;

(iii) recognise, protect and develop Kiswahili language; and

(e) environmentally, the Executive shall take appropriate measures so that to –

(i) ensure that it is a right and duty of every citizen to protect and conserve the environment for the benefits of the present and future generations;

(ii) ensure that public institutions and civic organisations are responsible in monitoring implementation and taking into consideration legal requirements in protecting and conserving the environment;

(iii) ensure that the people of Tanzania are the ones entitled to own genetic resources of Tanzania for the benefits of the Nation.

The Implementation of National Goals

11. - (1) The National Goals listed in this Constitution will provide a guidance to the Executive and other authorities and every individual in using of interpreting provisions of this Constitution or any other law in the implementation of policy decisions for the purposes of building a good, free and keen society.

(2) The Executive shall present a report in Parliament not less than once annually, regarding measures taken by the country's authorities to ensure implementation of the National goals as identified in this Constitution.

Foreign Affairs Policy

12. The Foreign policy of the United Republic focuses and takes into consideration the National interests and the sovereignty of the country and that the policy is transparently implemented so as to -

(a) improve good neighbourhood, regional and international cooperation;

(b) further development economic cooperation that will be of benefits to the Nation and its citizens;

(c) support and further the efforts towards strengthening African Union, policy of non-alignment and cooperation with other developing countries in the world;

(d) respect for international law;

(e) comply with international and regional conventions that may be for the interests of the United Republic and to resolve international disputes through negotiation, mediation, arbitration or court;

(f) promote observation of human rights and freedom of the people;

(g) combat international criminal offenses, and

(h) respect the sovereignty of other nations.

(2) The Parliament shall enact a law, along with other matters, that will implement and oversee the implementation of the Foreign Affairs Policy.

CHAPTER THREE

ETHICS AND CODE OF CONDUCT OF LEADERSHIP AND PUBLIC SERVICE

PART ONE

ETHICS OF LEADERSHIP AND PUBLIC SERVICE

Mandate of Public Leadership

13. - (1) The power vested in a public leader:

(a) is a mandate and he will use these powers to implement his duties by:

(i) adhering to the provisions of this Constitution;

(ii) respecting the people;

(iii) enhancing the National status and protecting the status of the office he holds; and

(iv) promoting trust and status of the office before the people;

(b) hands over to the leader the responsibilities of serving the people.

(2) The mandate of leadership and respect towards a public leader shall consider the following factors:

(a) appointment on the basis of a person's conduct, competence, qualifications or an appointment which is free and fair;

(b) ability without bias in making decisions and to ensure that the decision is purely free from being based on kinship, ethnicity, religion, favouratism, corruption or other incongruous factors;

(c) the provision of service with impartiality and in accordance with the public interest to demonstrate-

(i) transparency, truth and honesty in the execution of public works;

(ii) the obligation to declare personal interests in order to avoid conflict of interest;

(d) accountability to the public in decision-making and in executing duties; and

(e) diligence, discipline and commitment in serving the public.

Principles of public leadership

14. - (1) Whenever a public leader, whether in official or private matters or when socialising with other people, will ensure his conduct is such that:

(a) he does not allow for possible conflict of interest between personal interests and the interests of the public service;

(b) he does not risk public interest for personal gain; or

(c) he does not discount the status of the office in which he serves.

(2) For the purposes of sub-clause (1), the country's authority shall set legal procedures to enable the Leadership Ethics and Accountability Commission to oversee the implementation of the provisions relating to the principles of public leadership.

(3) The position "Public Leader" as has been used in this Section shall apply for both of elected and appointed leaders as they shall be so elaborated in various laws of the country.

Gifts in Public Service

15. - (1) When a public leader, in the process of implementing his government duties, is given a present, the gift shall be property of the United Republic and he shall hand it over to the Chief Secretary through the Permanent Secretary of a Ministry or to a leader of the Government institution responsible, elaborating the following:

(a) the type of gift;

(b) the value of the gift;

(c) the reasons for which the gift was given; and

(d) the person or authority that issued the gift.

(2) The term "present/gift" as has been used in this Clause shall include anything of value that will be given to a Public Leader in the course of implementing public work.

(3) The Parliament shall enact a law that shall monitor, among other things, the value, extent, kind and protection of gifts to the United Republic.

Overseas accounts and debts

16. A Public Leader –

(a) shall not open or operate a bank account outside the United Republic except in the manner allowed by laws of the country; and

(b) shall not apply for or receive a loan in a manner or in circumstances that will degrade the status or honour of public service.

The responsibility to declaring wealth and debts

17. - (1) A public leader shall have to declare and submit, within thirty days after assuming a leadership position and at the end of his tenure, his property and its value and debts to Leadership Ethics and Accountability Commission.

(2) Without prejudice to the provisions of sub-clause (1), a Public Leader shall have to declare and submit a report about his assets and debts:

(a) his own;

(b) of his/her marital partner; and

(c) of children who are under the age of eighteen years, once every year to the Leadership Ethics and Accountability Commission.

(3) The Parliament shall enact a law that will oversee, among other things:

(a) the rank or list of public leaders who are bound to declare their properties and debts; and

(b) a procedure of submission of a report about properties and debts to the Leadership Ethics and Accountability Commission in accordance with this Constitution.

Conflict of interest

18. - (1) A Public Leader shall not participate in deciding any matter or business in which they have personal interest, or his partner, his son, his family, his friends or anyone with who he has a close relationship.

(2) A public leader shall not contribute anything during discussion in the Cabinet, Parliament, Committee or any other Organ on a matter in which he has personal interest directly or otherwise, unless he reports about this conflict of interest in the said body.

(3) It shall be strictly prohibited for any Public Leader to participate in a decision of increasing or improve any benefits related in any way to his position, and if he shall participate, then the new benefits shall commence once this leader completes his tenure in that position of authority that enabled him to participate in deciding the respective benefits.

(4) The provisions of sub-clause (3) shall not concern a public leader whose nature of authority or his work mandates him to participate in the planning of salaries and other benefits of public servants.

(5) A public leader shall not be allowed to hold more than one position of authority or serve two different Pillars of the State at the same time.

Use of Public Property

19. A public leaders shall not be allowed to use or give permission for the use of any public property, including those hired by the Government, for the purpose of obtaining or enable another person gain any personal benefits.

Execution of the conditions of ethics

20. (1) The Parliament shall enact a law that shall oversee, among other things:

(a) the procedure of confiscating public leaders' properties obtained illegally;

(b) the procedure of taking to task a public leader who had violated the Ethics and Leadership Code of Conduct; and

(c) the establishment of curricula related to the Constitution, ethics and civics in schools and colleges.

(2) the provisions listed in the Section of Chapter Three shall be applicable to other public servants after undergoing respective amendments.

PART TWO

CODE OF CONDUCT OF PUBLIC LEADERSHIP

Compliance with the Code of Conduct of Public Leadership

21. - (1) Without prejudice to any of the provisions of this Constitution, a Public Leader shall be obliged to respect and adhere to the Ethics of Public Leadership, including the Code of Conduct of Public Leadership.

(2) The Code of Conduct of Leadership referred to in sub-clause (1), shall be as follows:

(a) A public leader shall not:

(i) infringe upon or violate the provisions of the Constitution of the United Republic;

(ii) give or take a bribe;

(iii) to accumulate wealth illegally;

(iv) to lie or give wrong information;

(v) disclosure of Government secrets contrary to law;

(vi) use his office, rank or his position for his own personal benefits, those of his family, his relatives, or his friends or anyone with who he has a close relationship;

(vii) be negligent, lazy, prejudiced, full of self-pride, or engage in sexual abuse.

(b) A public leader shall be obliged to respect and further:

(i) the concept of collective responsibility for officials involved, and

(ii) ethics and Code of Conduct of Public Leadership, including:

(aa) to have acceptable conduct before the society;

(bb) to respect, care for and protect public property; and

(cc) to recognise, respect and uphold the Code of Ethics and Conduct for Public Servants, Standing Orders of Public Servants, public documents and Government guidelines regarding the leaders and public servants.

(iii) separate business and private activities from matters related to leadership.

(3) A public leader who shall be accused as having committed such offences as:

(a) violation of code of conduct;

(b) indignation of a person or gender; and

(c) theft or destruction of public property,

shall be suspended until his case is decided upon as required by law or other regulations regarding public officials.

Restrictions on some of the actions

22. - (1) A public servant who is in a permanent contract shall not be allowed to enter into any other permanent employment contract for which a wage is paid.

(2) a public servant shall not be allowed to contest, be elected or appointed to an office of authority in a political party or a political authority of any kind under this Constitution.

(3) If a public servant shall decide to contest for, be elected or appointed to hold –

(a) a political position under this Constitution; or

(b) an office at any level in a political party,

the public servant's contract shall be considered void from the day he was appointed to contest, be elected or appointed to hold a position of political authority or leadership in a political party.

CHAPTER FOUR

HUMAN RIGHTS, DUTIES OF CITIZENS AND STATE AUTHORITIES

PART ONE

BILL OF RIGHTS

Freedoms, dignity and equality of human beings

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

(2) Everyone has the right to be respected, recognised and valued his dignity.

The right to life

24. Every person has the right to life and protection of his life by the Government and society in accordance with the laws of the country.

Restriction to segregation

25. - (1) All people are equal before the law and are entitled to the right to protection and equal justice before the law.

(2) It shall be unlawful for any person to be discriminated against by another person, state authority or jurisdiction of the country implementing its authority under any law or in performing any duties or functions of the state authority.

(3) It shall be unlawful for any law enacted by any authority in the United Republic to make any provision that is discriminatory either directly or through its effect.

(4) The rights of citizens, duties and interests of every person and the community of people shall be protected and be decided upon by the courts and other organs of state authorities in accordance with the laws of the country.

(5) For the purposes of the provisions of this Article, the term "discrimination" means the fulfilment of the will, rights or other requirements for different people based on their nationality, ethnicity,

place of origin, their political affiliation, colour, religion, disability or their status in society in a manner in which certain people are made or considered weaker and are restricted or given conditions while people of other kind are treated differently or are given opportunities or favours outside the given conditions or necessary qualifications.

(6) The word "discrimination" as used in sub-clause (2) shall not be construed in a manner that will prevent state authorities to take deliberate action aimed at sorting out problems in the society.

(7) For the purposes of ensuring equality before the law, the state authorities shall establish an appropriate procedure and based on the grounds that -

(a) when the rights and responsibilities of a person are to be decided upon by the court of any other responsible authority, then that person shall be entitled to the opportunity to be heard accordingly and shall be entitled to appeal or be granted legal support against the decision of the court or any other responsible authority;

(b) no person who has been charged with a criminal offense shall be treated as a convict of that offense unless he is proved beyond reasonable doubt by the court that he is guilty of the offense;

(c) no person shall be punished for any act which at the time of committing it was yet to be considered an offense under the law;

(d) no person shall be handed a punishment which is greater than how it was supposed to have been at the time of committing the respective offense;

(e) for the protection of the rights of human equality, respect to dignity and privacy, these shall be protected in all investigation activities of allegations and prosecution process of criminal offenses and in other activities for which a person is restricted by the state authority or in ensuring the punishment is implemented; and

(f) no person shall suffer, be tortured or punished in manners that are brutal or humiliating.

Right not to be a slave

26. - (1) Every person has the right not to be treated as a slave, not to be forced to work or servitude, and on that basis, it is strictly prohibited for a person to:

(a) be made or treated as a slave;

(b) be forced to work without his consent; or

(c) be trafficked for the purpose of trade or profit by another person.

(2) Human trafficking and trade is strictly prohibited in the United States.

Personal liberty

27. - (1) Every person has the right to be free and live as a free person.

(2) For the purpose of protecting the right by a person to be free and live freely, it shall be prohibited for any person to be arrested, jailed, locked in, put under detention, transferred forcefully or be robbed of his freedom in any other means, except in -

(a) the conditions and in accordance with procedures prescribed by law; or

(b) enforce the judgment, order or penalty imposed by the court following a trial or conviction for a criminal offense.

Right to privacy and personal security

28. - (1) Every person is entitled to respect and protection for himself, his personal life and his family and his home, not to be tortured or humiliated, and also respect and protection to his home and his personal communication.

(2) For the purpose of preserving the rights of the individual, the State authority shall make provisions of law regarding the conditions, manner and extent to which the right to privacy and the security of his person, property and his home, can be interrupted without prejudice to the provisions of this Article.

Right of a person to free movement

29. - (1) Every citizen has the right to go anywhere in the Republic of United Republic and live in any part, travel outside the country and enter into the country, and as well the right not to be forced to transfer or removed from the United Republic.

(2) Any legal act or any other law which is intended to-

(a) reduce the freedom of the individual to movement and place him under detention or in jail; au

(b) restricting freedom of movement of a person to go wherever he wants so as to –

(i) enforce a judgment or order of the court;

(ii) to force a person to first fulfil any legal obligation imposed by another law; or

(iii) to protect the public interest in general or to protect special interests or interests of a particular public place, shall not be considered or the law shall not be considered to contradict the provision of this Article.

The right to an opinion

30. - (1) Every person:

(a) has the right and freedom to-

(i) have an opinion and express his thoughts;

(ii) communicate and not to be interfered in his communications;

(iii) to make discoveries, innovations and research in the arts, sciences and traditional teachings;

(b) has the right to be informed at any time about:

(i) various events important to the lives and activities of citizens; and

(ii) implementation of the country's authorities about national policies and community development activities; and

(iii) other issues of importance to the society.

(2) The enforcement of the rights listed in sub-clause (1), shall include the duty by every citizen and the duty may reduce the rights depending on -

(a) a war or political unrest; or

(b) propaganda about the war, the instigation of hatred on the basis of colour, ethnicity, gender, ideology, religion or any other issues that may be of negative effect to the Nation.

Freedom to information and freedom of the press

31. - (1) Every person has the right and freedom to-

(a) to seek, obtain, use and disseminate news and information; and

(b) to set up the media and other means of news dissemination regardless of national boundaries.

(2) The media shall be free and will have -

(a) the right to access, use and disseminate news and information they receive;

(b) the responsibility to:

(i) disseminate news and information to the public; and

(ii) to respect and protect the dignity, respect, liberty and dignity of citizens against the news and information they consume, they prepare and disseminate.

(3) The Government and its institutions, civil society organisations and individuals will be responsible for providing information to the public about the activities and the implementation of their activities.

(4) The Parliament shall enact laws for the purpose of protecting:

(a) the right and freedom of the press; and

(b) news and information for the purpose of national security, peace, public moral conduct, justice, respect and liberties of other persons.

Freedom to religious beliefs

32. - (1) Every person has the freedom of thought, belief and choice in matters of religious beliefs and also has the freedom to change religion, belief or not to have any religious belief.

(2) The work of spreading a religion, worshipping and propagation of religion shall be free and a voluntary matter to an individual provided he does not break the laws of the country.

(3) The running of religious communities shall not be among activities of the Government authority.

(4) Protection of the rights mentioned in this Article shall be subject to the procedures established by law that are necessary in a democratic society for the safety, peace, moral conduct and societal unity and national and shall be monitored in accordance with the procedure elaborated by the laws of the country.

(5) It shall be unlawful for a person, group or institution to use religion propagation freedom in a manner that may lead to break of peace, cause hatred or instigate chaos or strife on the grounds of defending the faith or said religion.

(6) Religion and religious beliefs shall not be used in any way that will divide citizens, cause animosity or destroy peace among the people.

(7) The word "religion" as used in this Article shall be interpreted to mean that it includes religious denominations, and other words similar to that one shall also be interpreted similarly.

A person's freedom of association and cooperation with others

33. Every person deserves to be free, without prejudice to the laws of the country, to meet with other people on a voluntary basis and to peacefully associate and cooperate with others, to publicly give their ideas, and particularly to establish or join with parties or organisations established for the purpose of protecting and furthering faith or his beliefs and other interests.

Freedom to participate in public affairs

34. - (1) Every citizen of the United Republic has the right to participate in administrative activities of the country voluntarily, either directly or through representatives chosen by the people, in compliance with the procedures established by the laws of the country.

(2) Every citizen has the right and freedom to participate fully in decision-making on matters affecting him, his well-being or the Nation.

Right to work

35. - (1) Every person has the right to work as an employee or self-employed.

(2) Every person has the right and equal opportunity to hold and position of work, leadership or any activity under the authorities of the country.

Rights of workers and of employers

36. - (1) Every worker is entitled to the following rights:

(a) to work without discrimination of whatsoever kind;

(b) to be paid a wage and valid payments depending on the amount and nature of the work he undertakes;

(c) to form or join a trade union at his workplace; and

(d) engage in activities of the trade union.

(2) Every employers' association and that of employees shall be entitled to the rights of:

(a) deciding about its leadership, programmes and activities; and

(b) establishing, joining and monitoring their federation.

(3) Each workers trade union shall have the right to hold collective discussions with the employer and sign contracts for better working conditions.

(4) The Parliament shall enact laws that will put conditions regarding rights of employees and procedures that will enable the workers to use their rights.

Right to own property

37. - (1) Every person has the right to own property and have it protected in accordance with the laws of the country.

(2) Without prejudice to the provisions of sub-clause (1), it shall be prohibited for any person to have his property taken away for the purpose of nationalisation or other purposes without fair compensation that is at par with the actual value of the property and which shall be conferred earlier.

(3) For the purposes of the provisions of this Article, the rights of ownership and asset protection shall not include property that has been proved to have been illegally obtained.

Right to citizenship

38. Every citizen has the right to have his citizenship recognised and for this purpose, the country authorities shall put in place a legal mechanism that would enable the people to obtain birth certificates, national identification card for his citizenship without prejudice or discrimination of whatsoever kind, whenever necessary, documents that can enable him to travel.

Rights of the accused and of a prisoner

39. - (1) A person who has been arrested or detained has the right to:

(a) to be explained in a language he can understand or sign language -

(i) the reason for the arrest;

(ii) the right not to disclose any details; and

(iii) the outcomes of his decision to give out information;

(b) make a statement;

(c) contact any lawyer or another person whose support is crucial for the accused person;

(d) not to be forced to make a statement of confessing to an offense which shall be used as evidence against him; and

(e) to be sent to court as soon as possible.

(2) The country authority shall put in place legal procedures to enable:

(a) the accused to obtain a copy of the charges against him and summary of the case proceedings;

(b) the accused or prisoner should receive a copy of the proceedings of the case and the ruling after the completion of the trial; and

(c) the accused or prisoner should be taken to court so as to confirm his presence.

Right of people under the protection of the law

40. - (1) A person who is in detention or under arrest shall continue to enjoy all his basic rights as identified in this Constitution to the extent he deserves under the circumstances of being detained or being under arrest.

(2) A person who in detention or under arrest is entitled to the right to request the court so that the country authority holding him to explain the reasons for his arrest or continue being in detention or under arrest.

(3) A citizen of the United Republic shall not be extradited to a foreign country to respond to charges or be put under any kind of interrogation contrary to his consent, unless it is in accordance with the laws of the country and international conventions to which the country is bound in international relations.

Freedom and right to a clean and safe environment

41. - (1) Every person who lives in the United Republic has the right to live in a clean, safe and healthy environment.

(2) The right to live in a clean, safe and healthy environment involves the right of every citizen to use public places or parts of the area designated for the purposes of entertainment, education, health services, worship, cultural and economic activities.

(3) Any person who lives in Tanzania has the duty to maintain and develop the environment and report to the country's authorities about any activity or matter that endangers or has the potential of destroying or degrading the environment.

Right to education and learning

42. - (1) Every person has the right to:

(a) access a chance to quality education without restrictions;

(b) access quality education without paying for it and which prepares a student well to either continue with further education in the next level or help him establish a solid foundation for him to become self-reliant;

(c) obtain quality education provided outside the public system at affordable costs; and

(d) have an opportunity to access higher education provided he qualifies to obtain the education,

Without discrimination of whatsoever kind.

(2) For the purposes of sub-clause (1), every person has the right to choose a profession and employment he wants in line with his education and skills that he has.

Rights of a child

43. - (1) Every child has the right to-

(a) a name and nationality;

(b) give ideas, to be heard and to be protected from bullying, violence and abuse;

(c) play and get an education;

- (d) be kept in quality environment, for those who are in conflict with the law;
 - (e) to get proper nutrition, health services, housing and an environment that helps him have morally acceptable upbringing;
 - (f) engage in activities permissible to his age; and
 - (g) to be put under the guardianship and protection of parents, guardians or country authorities, without prejudice based on race, nationality, language, political views, the community he originates from, income, parentage, ethnicity, sex or any other kind of status.
- (2) The country authorities shall put in place a legal procedure that would enable implementation and enforcement of children's rights based on the principle of giving top priority to interests and benefits of the child.
- (3) It shall be the duty of every parent, guardian, community and country authorities to ensure that children are brought up under acceptable moral conditions appropriate to their ages.

Rights and duties of juvenile

44. Every young person has the right and duty to participate fully in development activities of the United Republic along with the entire society, and on that logic, the Government of the United Republic, the Governments of the Partner Countries and the society shall ensure that the youth are given conducive environments of becoming good citizens and given chances of participating fully in political, economic, social and cultural spheres.

Rights of people with disabilities

45. - (1) A person with a disability deserves:

- (a) to be respected, recognized and treated in a manner that does not undermine his dignity;
- (b) access to education using special equipment so that he shall participate in social activities;
- (c) to be given the infrastructure and environment that would enable him to go to wherever he wants to, use means of transport and obtain news;
- (d) use sign languages, braille, enlarged letters or other appropriate means;
- (e) read, learn and mix with other people; and
- (f) the right to employment and contest in leadership positions at various levels equally.

(2) The country authorities shall put in place a legal procedure that will enable people with disabilities to hold representative positions.

Rights of minorities in society

46. - (1) The country authority shall put in place a legal procedure that will enable minority groups in society:

(a) to participate in leadership of the country authority;

(b) are afforded special opportunities of education and economic development and job opportunities; and

(c) allocated with land, which traditionally the groups have been using for their livelihoods and obtaining food.

(2) The Government and the country authorities shall take deliberate steps to promote and sustain economic activity and set up infrastructure for housing, education and health for the present and future generations of the people in minority communities.

(3) For the purpose of this Article, “minority groups” shall mean in societies that live depending on natural vegetation cover and the environment surrounding them for their food, shelter and other life needs.

Rights of Women

47. - (1) Every woman has the right to:

(a) have her dignity respected;

(b) be safe from exploitation and violence;

(c) to participate without discrimination in elections at all levels of decision-making;

(d) have equal opportunities and salaries just like men in a job that requires similar qualifications;

(e) be protected from discrimination, bullying and harmful traditional practices;

(f) to have her employment protected when she is pregnant and immediately after giving birth; and

(g) access to quality health services.

(2) The country authorities shall put in place a legal procedure that will monitor all matters concerning the implementation of the provisions of this Article including furthering dignity, safety and women opportunities, including widows.

Rights of elders

48. The country authorities shall put in place a procedure that will enable elders to obtain the chances of:

- (a) participating in social activities;
- (b) furthering their lives;
- (c) recognising their dignity and be respected without prejudice; and
- (d) obtain basic needs from their families, communities and the country authorities.

PART TWO

DUTIES OF CITIZENS AND STATE AUTHORITIES AND LEGAL LIMITATIONS TO HUMAN RIGHTS

(a) Duties of citizens to the State

The duty of citizens

49. - (1) Every person has the duty to -

- (a) protect and defend the country's Constitution and laws;
- (b) protect and honour the National Values and key National identity symbols and heritage;
- (c) pay tax;
- (d) respect justice, liberty and interests of other persons;
- (e) defend Tanzania and participate in National security;
- (f) protect and respect National culture and ethics; and
- (g) protect and conserve the environment.

(2) The Parliament may enact laws for the purpose of enabling citizens to fulfil the provisions of this Article.

The duty to participate in work

50.-(1) Every citizen has the duty to:

- (a) participate with the highest level of commitment and diligently in legitimate work of production; and
- (b) observe work discipline and commit to achieving one's production goals and collective goals as established or instituted by the law.

(2) Notwithstanding the provisions of sub-clause (1), any forced labour is prohibited in the United Republic.

(3) For the purpose of this Constitution, a work shall not be taken to be a forced one or bad labour or a labour of servitude if the work, according to the laws of the country is –

(a) a work that must be done following a court ruling or order;

(b) a work that must be undertaken by a soldier of any armed force in implementation of their duties;

(c) a work which must be done under the state of emergency, hard time or any calamity that threatens the existence and welfare of the society; and

(d) a work or service which is part of –

(i) normal duties of ensuring welfare of the society;

(ii) forced National building in accordance with the laws of the country; or

(iii) National efforts to utilise the capacity of every person to work for the purpose of improving the welfare of the society and National economy and ensure national productive development.

The protection of public property

51. - (1) Every citizen has the duty to protect the State's natural resources, property of State authority and any other property collectively owned by the people, as well as having respect towards other people's properties.

(2) Every person has the responsibility to protect, preserve and maintain State's natural resources and wealth.

(3) Every person has the duty to safeguard the property of the State authority and that which is collectively owned, to fight all forms of destruction and embezzlement, and run the country's economy carefully by consideration to sustainable planning and the rights of future generations.

Rights and fundamental duties

52. - (1) Every citizen of the United Republic has the right to enjoy the basic human rights, and as a result of every person fulfilling his duty to the community, as defined in this Constitution.

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

(3) No person in the United Republic shall have exclusive rights, status or special rank on the basis of lineage, tradition or his line of heritage.

(4) It shall be unlawful for any law to grant rights, status or special rank to any person in the United Republic on the basis of lineage, tradition or his line of heritage.

(5) In order to ensure that all persons benefit from the rights and freedoms enshrined in this Constitution, every person has a duty to act and conduct his activities in a manner which will not interfere with the rights and freedoms of others or the public interest.

(b) Duties of State Authority

Protection of human rights

53. - (1) The Government and all state authorities have the duty to maintain and protect human rights as the basis of freedoms as enshrined in this Constitution.

(2) The rights and freedoms of every person as enshrined in this Constitution shall be respected, protected and maintained by the State authority, private authority and every citizen.

(3) The rights and freedoms that have been expressed in regional and international conventions about human rights that the United Republic has ratified, except for provisions which the United Republic clearly stated not to be bound with, shall be part of the Human Rights outlined in this Chapter.

Monitoring of human rights

54. - (1) In interpreting the provisions of this Chapter of Human Rights, the Judiciary or any other decision making body shall observe to the following factors:

(a) the right to equality, dignity and liberty of an individual;

(b) international laws and human rights; and

(c) the rights of the society and the interests of society as a whole.

(2) A person who believes that the provisions contained in this Chapter have been violated or are likely to be violated by the authorities, a decision making body, or legislation or any policy, against him, he may submit or institute proceedings in the High Court through a special warrant of application in accordance with the laws of the land for his own relief.

(3) The Court may, pursuant to sub-clause (1) provide instructions, which it shall determine as being suitable, to establish an injunction, a prohibition or order something, which was earlier denied, to be done.

(4) A matter instituted in the Court for claim of constitutional rights pursuant to the provisions of this Article may be filed by:

(a) A person who represents himself or entity that represents its members;

(b) a person who represents a person who cannot represent himself in accordance with the laws of the country; or

(c) a person who represents a group of people with common interest or a community of individuals whose specific rights have been violated.

(c) Legal Limitations to Human Rights

Legal Limitations to Human Rights

55. - (1) All the rights as outlined in this Chapter of the Constitution shall have to have limitations, these limitations must be applied transparently and democratically by observing dignity, equality, freedom and other key criteria, including:

(a) the kind of right;

(b) the importance and reasons for establishing the limits;

(c) the nature and extent of the particular limits;

(d) the relationship between the relevant limit and its reasons;

(e) a simple way to achieve the purpose of establishing the particular limit; and

(f) the need to protect the national security.

(2) Parliament shall enact laws, which, *inter alia*, shall monitor the use and application of the provisions of this Article.

CHAPTER FIVE

CITIZENSHIP IN THE UNITED REPUBLIC

Citizenship in the United Republic of Tanzania

56. - (1) A person who, before the commencement of the use of this Constitution, is a citizen of the United Republic shall continue to be a citizen of the United Republic.

(2) Citizenship in the United Republic is of two types and will come by birth or naturalisation.

Citizenship by birth

57. - (1) Every person born in Tanganyika or Zanzibar shall be a citizen of the United Republic if, at the date of birth, either his mother or father is, or was is a citizen of the United Republic.

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

(3) If one of the parents died before the birth of this person, the citizenship of the parent at the time of his death shall apply, for the purpose of identifying the nationality of the person who is born after a parent had died as if that parent were still living up to the time of the birth of this person.

(4) A child who is under the age of seven if found within the territorial borders of the United Republic in circumstances in which his parents are not known, then he shall be considered a citizen of the United Republic by birth.

(5) If the citizenship of the parents of the child who was granted the right to citizenship under the provisions of sub-clause (4) shall be established such that they are not citizens of the United Republic, the citizenship of this child shall be nullified.

Citizenship by neutralisation

58. - (1) Immediately after the commencement of this Constitution, a person who has been a resident in the United Republic and who has fulfilled all the legal conditions of the country can apply for neutralisation so as to become a citizen of the United Republic.

(2) A person married to a citizen of the United Republic and who has –

(a) been in that marriage for five years consecutively; and

(b) fulfilled the conditions outlined in the law according to sub-clause (1),

may apply for neutralisation so as to become a citizen of the United Republic.

(3) When the marriage referred to in sub-clause (2) shall break, if had not foregone his Tanzanian citizenship, he shall continue to be a citizen of the United Republic.

(4) A child born in a marriage referred to in sub-clause (2), shall be a citizen of the United Republic by birth.

(5) A minor under the age of eighteen whose parents are not citizens of Tanzania, if adopted by a citizen of the United Republic, by his adoption, will enable this child to become a citizen of the United Republic by neutralisation.

(6) Parliament shall enact laws, among other things, for the purpose of monitoring these matter concerning citizenship in the United Republic.

Status of people of Tanzanian origin or relation

59. Without prejudice to the provisions contained in this Chapter, any person of Tanzanian origin or relation and who has since ceased to be a citizen of the United Republic by taking up citizenship of

another country, whenever it happens he is in the United Republic, shall have a status as shall be elaborated in the laws of the country.

CHAPTER SIX

THE STRUCTURE OF THE UNITED REPUBLIC

The Structure of the Union

60. - (1) The United Republic of Tanzania shall take up a structure of a federation of a three-tier government, which shall be:

- (a) The Government of the United Republic;
- (b) The Revolutionary Government of Zanzibar; and
- (c) The Government of Tanganyika.

(2) Businesses of the United Republic shall be implemented and managed by:

- (a) The Government of the United Republic;
- (b) Parliament of the United Republic; and
- (c) The Judiciary of the United Republic.

(3) The composition, mandate and other aspects of the execution regarding matters of the Government of Tanganyika and the Revolutionary Government of Zanzibar, shall be outlined in the Constitutions of the Partner States.

Executive organs of the United Republic

61. - (1) The Government of the United Republic shall be the organ mandated with executive powers, Parliament shall have legislative authority for Union matters and monitoring execution of the business of the United Republic Government while the Judiciary shall be an organ for dispensing justice.

(2) Every organ mentioned in this Article shall be formed and implement its duties in accordance with the provisions of this Constitution.

The Powers of the Union Government

62. - (1) The Government of the United Republic shall have the executive mandate over all matters listed as being under the Union, and it implements its responsibilities, it shall take into consideration the powers conferred upon it by this Constitution.

(2) Implementation of Government responsibilities shall be as per the principles established by this Constitution or laws of the country.

(3) Without prejudice to the provisions of this Article, the Government of the United Republic, in agreement with specific terms between it and the Government of Zanzibar or that of Tanganyika, can implement anything that is under the authority of the Government of Zanzibar or the Government of Tanganyika in accordance with the provisions of the same agreement.

The Union Matters

63. For effective implementation of the activities of the United Republic Government, and for the separation of powers on such transactions between the entities referred to in Article 61, the United Republic Government shall have authority over the matters of the Union as listed in the Annex to this Constitution.

The Partner Countries

64. - (1) As per this Constitution, the Partner Countries are Tanganyika and Zanzibar.

(2) The Government of Tanganyika shall have jurisdiction over all non-Union matters pertaining to the Tanganyika.

(3) The Revolutionary Government of Zanzibar shall have jurisdiction over all non-Union matters pertaining to Zanzibar.

(4) The Partner Countries shall implement their responsibilities in accordance with the provisions of this Constitution and their respective Constitutions.

(5) The Partner Countries shall have equal status and rights within the United Republic and shall discharge their duties for all non-Union matters in their respective jurisdictions in accordance with the terms specified by the Constitution to be established by the Parties to the Union.

Powers of the Partner Countries

65. - (1) Each Partner Country in the Union shall have the authority and all rights on all matters non-Union, and in the implementation of its mandate, each Partner Country shall consider grounds of cooperation with the other Party, by adhering to principles of justice and equality for welfare of the citizens of both parties of the United Republic.

(2) Without prejudice to the limitations prescribed by this Constitution, each Partner Country to the Union shall have the powers and freedom to forge relations or cooperation with any regional or international organisation or institution in all matters under its jurisdiction in accordance with the Constitution of the respective Partner Country in the Union.

(3) A Partner Country to the Union may, in the process of implementing its mandates under sub-clause (2), apply for cooperation from the United Republic Government for successful relations with a regional or international organisation or institution, and the United Republic Government can cooperate to the Partner Country of the Union in manners as shall be required.

(4) Parliament shall enact a law that shall outline, among other things, the procedure for the best implementation of the provisions of this Article.

Relations between the Partner Countries

66. - (1) Each Partner Country may, in the process of implementing its mandates in different areas, undertake the responsibilities in terms of collaboration and consultation with the other Partner Country and the United Republic Government for the purpose of furthering National interests and prosperity of the people.

(2) The Partner Countries and the United Republic Government may consult and cooperate in matters of leadership, governance, representation bodies and judicial.

(3) The performance of the Partner Countries Governments or of any organ among of those governments and the running of businesses, shall be implemented by taking into consideration the United Republic, intention, importance and the goal of furthering national unity and maintaining National respect.

Resident ministers

67. - (1) Each Partner Country shall appoint a Resident Minister who shall coordinate and monitor relations between the Partner Countries and between the Partner Countries and the United Republic Government.

(2) Resident Ministers shall have their offices and work from the headquarters of the Union Government.

(3) In addition to other responsibilities that shall be assigned to them by the Governments of the Partner Countries, Resident Ministers shall have the following responsibilities:

(a) deal with matters pertaining to non-Union matters that are concerned with international cooperation or relations; and

(b) to be the links between the United Republic Government and the Governments of the Partner Countries and between the Governments of the Partner Countries.

Powers of the citizens

68. - (1) The Government of the United Republic shall draw its mandate from the people through democratic elections, which shall be conducted and conducted by an entity that will be authorised by this Constitution, and also, the Government of Tanganyika and the Revolutionary Government of Zanzibar shall obtain their powers through democratic elections that would be monitored and run by organs that will be granted under their Constitutions.

(2) The Partner Countries, in exercising their powers, shall be responsible to nurture the powers of the people in general through decentralisation to local governments to be established in accordance with the Constitution of Tanganyika or the Constitution of Zanzibar, as the case shall be.

The duty of protecting the Union

69. –(1) Without prejudice to the duty of every citizen according to this Constitution, the principal leaders with the executive mandates in the United Republic as listed under (3) shall be liable, each in the exercise of the powers conferred to them in accordance with this Constitution or the Constitutions of the Partner Countries to ensure that they protect, enhance and maintain the Union.

(2) For the purposes of the provisions of sub-clause (1), every one of the principal leaders mentioned in clause (3), before assuming office, shall take the oath to defend and maintain the Union in accordance with this Constitution.

(3) The principal leaders involved with the provisions of this Article are:

- (a) The President of the United Republic;
- (b) The Vice President of the United Republic;
- (c) The President of Tanzania Mainland; and
- (d) The President of Zanzibar.

CHAPTER SEVEN

THE GOVERNMENT OF THE UNITED REPUBLIC

PART ONE

THE GOVERNMENT, PRESIDENT, THE VICE-PRESIDENT AND THE CABINET

(a) The Government

The Government of the United Republic

70. - (1) there shall be a Government of the United Republic which shall be composed of the President, the Vice-President and the Ministers of the United Republic.

(2) The mandate of the Government of the United Republic shall concern the implementation and protection of this Constitution and other matters as stipulated in the country's laws.

(3) The authority of the Government of the United Republic shall be exercised by the President himself, or by delegating such powers to the Vice President or other persons of authority in the service of the Government of the United Republic.

(4) It is hereby declared that the provisions of this Article shall not be deemed that:

(a) they transfer to the President any legal powers instituted by the law in the hands of a person or other authority which is not the President;

(b) prohibit Parliament from conferring any legal powers into the hands of the person or persons or any other authority who is not the President; or

(c) prevent the Judiciary to hand over any legal powers to a person or persons of authority in the Courts of the United Republic.

(b) The President

President of the United Republic

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

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

(a) shall embody the symbol and image of the United Republic and its people;

(b) shall be the symbol of unity, state freedom and its sovereignty; and

(c) shall be responsible for promoting and maintaining national unity.

The Powers and Responsibilities of the President

72. - (1) The President, in the Supreme Position as Head of State, shall have the following powers and responsibilities:

(a) oversee and defend the Constitution of the United Republic;

(b) protect the nationality of the United Republic;

(c) address and officially open a new Parliament and to dissolve Parliament upon completing its tenure;

(d) address and launch officially the Calendar of the Judiciary;

- (e) approve the submission to Parliament estimates of the income and expenditure of the Government, Parliament and Judiciary in the fiscal year;
- (f) to sign into law a Bill endorsed by Parliament;
- (g) award medals of honour on behalf of the People of the United Republic in general;
- (h) appoint ambassadors, people who shall represent Tanzania abroad and representatives of the country in various international institutions;
- (i) receive the credentials of foreign Ambassadors to the country;
- (j) to give amnesty to any person serving a sentence handed by the Court in accordance with the laws of the country; and
- (k) approve the execution of the capital sentence handed in accordance with the laws of the country.

(2) The President, in the position of Commander-in-Chief, shall have the following powers and responsibilities:

- (a) be the Chairman of the National Defence and Security Council;
- (b) to order the Armed Forces to go to war or to stop a war;
- (c) to sign a peace agreement or termination of the war;
- (d) to declare a state of emergency or state of siege in a particular area of the United Republic;
- (e) to appoint the Heads of organs of defence and security; and
- (f) to promote officers of the defence and security organs to various ranks and to commission officers of the Tanzania People's Defence Force.

(3) The President, in the position as the Leader of Government, shall have the following powers and responsibilities:

- (a) presiding over meetings of the Cabinet of the United Republic;
- (b) planning, directing, overseeing and coordinating the functions of ministries and government institutions;
- (c) appointing Ministers and Deputy Ministers of the United Republic Government;
- (d) appointing the Chief Secretary, Permanent Secretaries and Deputy Permanent Secretaries;
- (e) appointing the Attorney General; and
- (f) appointing Chairpersons, Vice Chairpersons, Members and Commissioners of various Commissions established pursuant to the provisions of this Constitution.

(4) In executing his functions in accordance with this Article, the President shall avoid relating, in any way, with any political party or any group in a way that affects the unity of the country.

(5) The President shall have the powers to implement other functions which by their very nature are to be executed by the Head of the State, Commander-in-Chief or Leader of Government, which have not been outlined in this Article and which do not contravene this Constitution and the laws of the country.

Execution of the powers of the President

73.-(1) In executing the powers of the President in accordance with the provisions of this Chapter and by taking into consideration provisions of sub-clause (3), the President shall have the powers to establish or annul offices of authority in the service of the United Republic Government.

(2) The President shall have the powers to appoint people to hold positions of authority responsible for making policies of Government departments and institutions, and executive officers who shall be responsible for the supervision of the implementation of policies of the said departments and institutions in the service of the United Republic Government.

(3) In implementing the powers as was outlined under sub-clauses (1) and (2), the President shall consider the provisions of approval by Parliament in all positions of authority as well as the advice of Government, Parliament and Judiciary authorities that have been mandated to advise him in making appointments, establishing or annulling positions of authority in the service of the Government.

(4) The power to appoint all other persons who are not leaders or executive officers to hold power in the service of the United Republic Government, and the powers to promote to higher ranks these persons, removing them from office, terminate their employment, and the power to determine the discipline of the people who have been trusted with authority, shall be in the hands of the Service Commission and state authorities identified and mandated with the powers by the laws of the country.

(5) The provisions of sub-clauses (2) and (3) do not prevent the President to take measures to control the discipline of the staff and service in the United Republic Government.

The President acting on advice

74. - (1) In addition to complying with the provisions contained in this Constitution, and the laws of the country, the President shall have the responsibility to follow and adhere to the advice he is given by the country's authorities, and if he does not agree with the advice he must give reasons in the Cabinet to explain why he disagrees with the advice given to him.

(2) For the purposes of sub-clause (1), the President shall not be obliged to follow the advice given which goes against or violates the provisions of this Constitution or the laws of the country.

Failure by the President to fulfil his functions

75. - (1) If the Cabinet shall be satisfied that the President is unable to discharge his duties due to illness, it may submit to the Chief Justice a resolution asking the Chief Justice to confirm that the President, by reason of infirmity, cannot manage to fulfil his functions.

(2) Upon receipt of a resolution submitted in accordance with sub-clause (1), the Chief Justice shall appoint a medical board that will investigate the matter and advise the Chief Justice accordingly.

(3) The Chief Justice may, after considering the advice and medical evidence, submit to the Speaker a certificate that confirms that due to infirmity, the President cannot discharge his functions, and if the Chief Justice shall not revoke the certification within seven days after the President has recovered and returned to office, then it shall be deemed that the office of President is vacant, and the provisions contained in Article 76 shall apply.

(4) The medical Board to be appointed in accordance with sub-clause (3) shall include at least three persons to be appointed from amongst specialists who are recognised by laws of the country.

The procedure of filling in the position of the President before end of his tenure

76. (1) If the office of President shall fall vacant because of:

(a) death of the President;

(b) resignation of the President;

(c) the President losing qualifications to hold the powers of the President;

(d) the failure by the President to discharge his functions due to infirmity;

(e) the President being charged in Parliament and impeached in accordance with this Constitution,

Then the Vice President shall be sworn in and take the powers of President for the unexpired period of five years and on terms set out in Article 80.

(2) Immediately after the swearing in of the President and taking up the powers in accordance with sub-clause (1), or by any means within a period that does not exceed fourteen days since he was sworn in:

(a) for the President who was obtained after he was nominated by his political party, after consultation with the political party from which he comes; or

(b) for the President who was obtained under the independent candidate arrangement, after consultation with the National Defence and Security Council,

Shall suggest a name of a person who shall become the Vice President and the appointment shall be approved by Parliament by the majority vote of fifty per cent of all Parliamentarians.

Execution of the functions of the President in his absence

77. - (1) In the event that the office of President is vacant due to:

(a) the provisions contained in Article 75;

(b) the provisions contained in Article 88;

(c) not present in the United Republic, the duties and functions of the President shall be discharged by one of the following, according to the following hierarchy -

(i) The Vice-President or if the position is vacant or if he is absent or ill, then;

(ii) a Senior Minister; or

(iii) if the position of the Senior Minister is vacant or if he is absent or is ill, then any other Minister appointed by the Cabinet.

(2) Whenever any of the persons mentioned in sub-clause (1) shall perform the duties and functions of the President due to the fact that another person higher in rank is absent, then the person shall stop executing those functions immediately after the return of a person who is senior to him who would take over and continue executing the responsibilities and functions of the President.

(3) Any person who is acting in the role of the office of President, shall not, in any way, have authority in the following matters:

(a) appoint or to remove from office a leader who was appointed by the President in accordance with this Constitution; or

(b) any other matter as shall be elaborated by the President in the special power delegation handover document.

(4) For the purposes of sub-clause (2) and (3), the President shall delegate his powers through a special document that he shall duly sign.

(c) The Presidential Election

Election of the President

78. - (1) The President shall be elected by the people in accordance with the provisions of this Constitution and in accordance with the laws of the country.

(2) The position of the authority of the President shall become vacant and Presidential elections will be held after the President completes his term of office in accordance with this Constitution.

Qualifications of the President

79. (1) A person shall qualify to be elected to hold the position of authority of the President of the United Republic if:

- (a) he is a citizen by birth of the United Republic in accordance with this Constitution and laws of the country;
- (b) he is of sound mind;
- (c) both his parents are citizens of the United Republic by birth;
- (d) at the time of contesting, he is no less than forty years old;
- (e) he holds a first degree from a higher learning institution recognised by the laws of the country;
- (f) is a member and a contesteer nominated by his political party or is an independent candidate;
- (g) his policies or those of his party are not bent towards dividing the Nation on the basis of ethnicity, religion, race or gender; and
- (h) he is diligent, respects human rights, does not look down upon or segregate people on the basis of ethnicity, religion, gender, physique or social status and observes the leadership ethics and code of conduct and his conduct does not raise suspicions in society.

(2) A person shall not qualify to contest for the position of the President if –

- (a) the person hordes interests in any contract with the Government for which special limiting conditions were put for him in accordance with the laws of the country, and if he violated the conditions;
- (b) in accordance with the laws of the country that deals with offences related to elections of any sort, the person has been barred to register as a voter or voting in General Elections; or
- (c) in a period of five years before the election date he was convicted in court for the crime of evading paying any Government tax or offences related to trust.

The Procedure of the Election of the President

80. - (1) In the election of the President, every political party wishing to participate in the election of the President shall submit to the Independent Electoral Commission of the United Republic, in accordance with the laws of the land, the name of one member nominated for the position of office of President.

(2) Where a candidate is independent, based on qualifications outlined in this Constitution, shall submit his name to the Independent Electoral Commission.

(3) Proposed names of candidates in the presidential election shall be submitted to the Independent Electoral Commission in the day and manner as shall be stipulated by the laws of the country.

(4) If the time and day specified for submission of the proposed names of candidates, only one candidate nominated shall be found to qualify, the Independent Electoral Commission shall submit the name to the people, and they will vote to accept or reject him in accordance with the provisions identified in the country's laws.

(5) 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 country.

(6) The candidate for the post of office of President shall be declared as President elect if he obtains and surpasses fifty per cent of the valid votes cast for the role of the office of President.

(7) If in the Presidential Election no candidate meets the conditions of sub-clause (6), then the election shall be repeated within sixty days for candidates who came first and second.

Complaints against the legality of the election of the President

81. - (1) Subject to the provisions of sub-clause (2), if any person participating in the election as the holder of the office of President was not satisfied with the results of the election, he may file a petition in the Supreme Court to challenge the Presidential Election results announced by the Independent Electoral Commission.

(2) The petition to protest the results of the election of the President shall be submitted to the Supreme Court within the time specified by the laws of the country after the announcement of the Presidential Election results.

(3) The Supreme Court shall hear and determine the matter of petitioning of the presidential election results in the period to be outlined by the laws of the country from receipt of the complaint presented pursuant to sub-clause (2) and such decision shall be final.

(4) For the purposes of sub-clause (3), the Supreme Court could issue a decision without giving reasons for the decision and the reasons released within a period not exceeding thirty days from the date of decision.

(5) If the Supreme Court decides that the results of the election of the President were not valid, the Presidential Election shall be repeated within sixty days since the decision was made.

The Oath of the President and length of his tenure

82. - (1) The President Elect shall be sworn in by the Chief Justice and shall hold office of President as soon as possible after the announcement that he has been elected President, but in any case, shall not assume office before the expiration of thirty days from the date of the results of the Presidential Election were announced by the Independent Electoral Commission or the day they were certified by the Supreme Court.

(2) Unless he stops holding the office of President earlier, the President shall hold the office of President for a period of five years from the day he was sworn in as President.

(3) The President shall hold office of President until-

(a) the day on which President-elect shall be sworn to take over the powers of President;

(b) the day he dies;

(c) the day he resigns; or

(d) the day he stops holding office of the President in accordance with the provisions of this Constitution.

The right to be re-elected

83. –(1) A person who is the President can be re-elected to hold the office of the President for another five-year tenure.

(2) A person shall not qualify to contest and be elected for more than two terms to hold office of the President.

(3) A person who was President of Tanganyika or Zanzibar shall not lose the qualification to contest and be elected to hold office of the President of the United Republic just because he, at one time, held office of the President of Tanganyika or President of Zanzibar.

(4) If the Vice President shall hold office of the President in accordance with Article 76 for a period not exceeding three years, he shall be allowed to contest office of the President for two terms, but if he shall hold office of the President for a period of three years or more then he shall be allowed to contest for office of the President for just one term.

(d) Specific Conditions regarding Powers of the President

The Powers to Declare a War

84. - (1) Subject to the provisions of this Article, the President shall have the power to declare war by the United Republic against any other country or any group after securing an approval from Parliament.

(2) Notwithstanding the provisions of sub-clause (1), if the United Republic is invaded or any group starts war within the United Republic, the President may, after consultation with the National Defence and Security Council, declare that there is war in the United Republic.

(3) After giving notice in accordance with sub-clause (2), the President shall inform Parliament by sending a copy of the declaration to the Speaker of the National Assembly who, within fourteen days from the date of the declaration, shall convene a meeting of the Assembly to inform Parliament about the declaration made by the President.

The Powers of the President to Declare a State of Emergency

85. - (1) Without affecting the provisions of this Constitution or law, after consultations with the National Defence and Security Council, declare a state of emergency or a state of siege for a particular area of the United Republic or in any part thereof.

(2) The President can only declare a state of emergency if-

(a) The United Republic is at war;

(b) There are obvious signs that the United Republic is threatened by an invasion and enter into a state of war;

(c) there is real breakdown of peace in the society or lack of security in the society in the United Republic or any part thereof to the extent that it becomes necessary to take urgent measures to restore peace and security;

(d) there is a definite high risk that public peace and security will be disrupted in the United Republic or any part thereof which cannot be avoided except by using special powers;

(e) there is imminent danger or the occurrence of a disastrous event or natural shock that threatens the ecological communities or sections of communities in the United Republic; or

(f) there is any other kind of danger which clearly constitutes a threat to homeland security.

(3) If it is declared that there is a state of emergency in the United Republic or any part thereof of the United Republic, the President shall submit a copy of the declaration to the National Assembly Speaker, who, within no more than fourteen days since the release of the declaration, shall call a National Assembly meeting to inform the Parliament of the state of emergency declared by the President.

(4) Parliament may enact legislation that can lay terms about the times and procedures that enable some people with the mandate of overseeing the powers of the Government in special areas of the United Republic to ask the President to use the powers conferred to him by this Article in relation to any of those places if it happens that any of the conditions mentioned in paragraph (c), (d) and (e) of sub-clause (2) and the state of does not go beyond the boundaries of the respective areas, and for defining the execution of the Government mandate during the state of emergency.

(5) A declaration of a state of emergency issued by the President pursuant to this Article shall cease to have applied if it is revoked by the President.

(6) For the avoidance of doubt in the interpretation or application of the provisions of this Article, the conditions of the declaration of the state of emergency mentioned in this Article, shall apply only in the part of the United Republic where the state of emergency had been declared.

Powers of the President to give amnesty

86. - (1) The President with the authority as the Head of State, may -

(a) grant amnesty to any person convicted of an offense before the Court against the United Republic under special conditions specified in the law enacted by Parliament; or

(b) revoke the death penalty and change it into a life imprisonment punishment.

(2) The provisions of this Article shall apply to a person who was convicted in Zanzibar and to the penalties given in Zanzibar in accordance with the laws enacted by Parliament which applies in Zanzibar, and at the same time, such provisions shall apply to a person convicted and punished in Tanganyika in accordance with laws enacted by Parliament and which are in force in Tanganyika.

(3) For the purposes of this Article, there shall be a National Advisory Committee which shall be responsible for advising the President about granting amnesty to anyone who is found guilty in court and is serving a sentence.

(4) Procedures for the implementation of powers under this Article, the structure, responsibilities and execution of amnesty to prisoners shall be outlined by the laws of the country.

President's immunity from charges

87. - (1) When the President is in power, he shall not be tried nor shall any person initiate charges of whatsoever kind against him in court for any criminal offense.

(2) When the President is in power according to this Constitution, it shall not be permissible to file any civil suit about anything he had done or had failed to do personally as a citizen either before or after assuming office as President, but only if at least thirty days before the matter is filed in court, the President shall receive in writing a statement of claim in accordance with the procedures laid down by the laws of the country, and if the statement provides information about the source of this advice, the essence of the claim itself, name and address of the plaintiff and what exactly is the nature of the claim.

(3) Unless he ceases to have powers of the Presidency and removed from office by Parliament, it shall be unlawful for a person to accuse him or file any matter of criminal or civil against the person who was holding the office of President after leaving that office for what he did while he was still in the powers of the President.

The Parliament filing charges against the President

88. - (1) Parliament may pass a resolution to impeach the President if a motion shall be tabled to charge the President and this is passed in accordance with the provisions of this Article.

(2) Without prejudice to the other provisions of this Article, any move to impeach the President shall not be given unless it is be proven that the President has committed any of the following offences:

(a) a serious violation of the provisions of this Constitution;

(b) serious criminal offenses;

- (c) restrict in any way for him to be investigated pursuant to this Article;
- (d) treason;
- (e) corruption;
- (f) has conducted himself in such a manner as to humiliate the office and powers of the President of the United Republic;
- (g) neglected or refused to enforce a decision or a lawful order of the Court; or
- (h) has committed acts which violate ethical guidelines or leadership code of conduct.

(3) Parliament shall not pass a motion to impeach the President except only if -

(a) such motion shall be made twelve months after a similar motion was moved and rejected by Parliament; and

(b) a written statement, signed and supported by at least twenty-five per cent of all MPs shall be presented to the Speaker fourteen days before the meeting where the move is intended to be presented before Parliament.

(4) A report to be presented in accordance with sub-clause (3) (b) shall define the offences committed by the president, and it shall recommend that a Commission of Inquiry be formed to investigate allegations made against the President.

(5) At any time after receipt of the statement signed by Members of Parliament and to satisfy that the provisions of the Constitution for the submission of the motion have been met, the Speaker shall permit the motion mover to present before Parliament and then the Speaker will require the Parliament, without discussion, to cast a vote on the move towards forming a Committee of Inquiry.

(6) Where a motion to form a Committee of Inquiry is supported by at least seventy-five per cent of all MPs, the Speaker shall announce the names of the members of the Committee of Inquiry.

(7) The Committee of Inquiry, for the purposes of this Article, shall consist of the following members:

(a) the Chief Justice of the United Republic, who shall be the Chairman of the Committee;

(b) the Chief Justice of Tanganyika;

(c) The Chief Justice of Zanzibar; and

(d) six Members of Parliament of the United Republic Parliament, three from each of the Partner Countries who shall be appointed by the Speaker.

(8) If Parliament passes a motion to establish the Committee of Inquiry, the President shall be deemed as not being in office and the powers of the President shall be vested in the Vice President until the time the Speaker notifies the President about Parliament Resolution and charges filed against him.

(9) Within seven days after the formation of the Committee of Inquiry, it shall investigate and analyse the charges against the President, as well as give the President an opportunity to explain himself, in accordance with the procedures established in the Standing Orders of Parliament.

(10) It shall be in the earliest possible, and by all means in a period that does not exceed ninety days, the Committee of Inquiry shall submit its report to the Speaker.

(11) After the Speaker receives the report of the Committee of Inquiry, the report will be presented in Parliament in accordance with procedures established by the Standing Orders of Parliament.

(12) After the report of the Committee of Inquiry is submitted, Parliament shall discuss the report and provide an opportunity for the President to explain himself, and then, if by the votes of members not less than seventy five per cent of all MPs, Parliament passes a resolution that the charges against the President have been proved or not been proved.

(13) If the National Assembly passes a resolution that the charges against the President have been proved and that he does not merit to continue holding the office of President, the Speaker shall inform the President about Parliament Resolution and the President shall then have been removed from office and the Vice President shall be sworn in immediately to take over the office of the President.

(14) If the President ceases to hold the office of President due to the charges against him being proven, he will not be entitled to:

(a) to take over the office of President, Vice President of the United Republic, President of Tanganyika or President of Zanzibar; and

(b) any payments such as pension, allowances and access to justice or recover the other benefits enjoyed by the President or a former President under the Constitution or laws of the country.

The benefits enjoyed by the President

89. - (1) The President shall be paid a salary and other remunerations as will be outlined by the Public Service Commission and if he retires he will receive a pension and other benefits from the Consolidated Fund of the Government.

(2) The salary and all other payments will not be deducted when the President is still in office in accordance with this Constitution.

(e) The Vice-President

The Vice President of the United Republic

90. - (1) There shall be a Vice-President who shall be the Chief Assistant to the President on all matters of the United Republic in general and:

(a) shall perform all duties assigned to him by the President;

(b) shall perform all duties of the President when the President is not in office or is outside the country;

(c) shall be the Chairman of the Relations and Government Coordination Commission.

(2) In exercising the functions of his office, the Vice President shall execute or enable or monitor the execution of any matter or any other matters which the President shall order to that effect.

(3) Without prejudice to the provisions of this Constitution, the Vice President shall be responsible to the President when it comes to the execution of his obligations.

Procedures of obtaining the Vice President

91. - (1) Without prejudice to the provisions of Article 76, the Vice-President shall be obtained by being elected in the same election as the President, after being nominated by his party or an independent candidate at the same time a candidate for the office of the President is nominated and they shall both together be voted for.

(2) If the candidate for the office of President shall be elected, then the Vice-President shall also have been elected.

(3) A person shall be nominated for the position of the office of the Vice President by observing the principle that if a candidate for the position of the office of President of the United Republic shall come from one side of the United Republic, then the Vice-President shall be a person coming from the other side of the United Republic.

The qualifications of the Vice President

92. - (1) A person shall not be appointed to contest for or hold a position of office of the Vice President of the United Republic unless he is qualified to be elected President.

(2) Any political party or any person who intends to contest for the Presidential seat, as an independent candidate, shall not be barred from nominating any person as the candidate for the role of the office of Vice President just because the nominated person is at the same time holding the office of President of Zanzibar or the office of President of Tanganyika.

(3) If a person who is the President of Tanganyika or President of Zanzibar is appointed or elected to be the Vice-President, he shall vacate the office of President of Tanganyika or the President of Zanzibar, as the case may be.

The Oath of the Vice President

93. The Vice President, before assuming office of the Vice President, shall be sworn in by the Chief Justice of the United Republic, the oath of allegiance and any other oath related with his duty as shall be prescribed by the laws of the country.

Periods when the Vice President can be in charge

94. - (1) The Vice-President shall assume the office of the Vice President on the same day the President assumes office.

(2) The Vice-President shall hold the office of the Vice President until -

(a) his tenure expires;

(b) he dies while in office;

(c) he resigns;

(d) he is sworn in as President after the President's office becomes vacant;

(e) when a new President is sworn in to assume the office of the President along with his Vice President;

(f) is banished from power after being charged in Parliament in accordance with the provisions of this Constitution; or

(g) he ceases to hold the office of the Vice President's for any other reasons in accordance with the provisions of this Constitution.

Powers of the Parliament to charge the Vice President

95. - (1) Parliament shall have the power to charge and remove the Vice President from office using procedures used to impeach the President under this Constitution, except when, any move to charge the Vice President shall be made only if:

(a) The President has submitted a document to the Speaker that the Vice President has left his job or is unable to perform the functions of the office of Vice-President;

(b) has had a conduct that degrades the office of President of the United Republic of Tanzania or the office of the Vice President; or

(c) is alleged to have committed offenses that could cause the President to be charged by Parliament in accordance with this Constitution,

except when, no such motion shall be issued within twelve months since a similar motion was moved and rejected by Parliament.

(2) Other provisions concerning the procedure of impeaching the President shall be applied during the removal of the Vice President from office.

(3) Other provisions of Article 87 shall also apply to the Vice President except only that the Vice President removed from office under the sub-clause (1), shall not merit to hold the position of President, Vice President, President of Tanganyika or President of Zanzibar.

(4) If the Vice-President ceases to hold the office of the Vice President after he is proven guilty of the charges against him, he will not be entitled to any payment of pensions, allowances and access to justice or other privileges given to the Vice President or a former Vice President in accordance with the Constitution or laws of the country.

Procedures of obtaining the Vice President when the position falls vacant

96. In the event the position of the office of the Vice President falls vacant as per provisions outlined in Articles 94 and 95, then the earliest possible in a period not exceeding fourteen days since the death or after ceasing holding the office, the President shall appoint another person who shall become the Vice President and the appointment shall be confirmed by Parliament by votes of Members of Parliament amounting more than fifty per cent of all Members of Parliament.

PART TWO

THE CABINET OF THE UNITED REPUBLIC GOVERNMENT

(a) The Cabinet

Formation of the Cabinet of Ministers

97. - (1) There shall be a Cabinet of Ministers of the United Republic consisting of the following members:

(a) The Vice President of the United Republic; and

(b) A Senior Minister and Ministers of the Government of the United Republic.

(2) The President shall preside at Cabinet Ministers meetings, and in the absence of the President, the Vice President and if both are not around, the Senior Minister shall preside at the Meetings.

(3) The Attorney General shall participate in the meetings of the Cabinet of Ministers but he shall have no vote.

(4) The Cabinet of Ministers is the main advisory body to the President on matters relating to the exercise of power and the use of the authority of the President.

(5) Parliament and Judiciary shall not have the mandate to legally examine whether any advice or proposals of whatsoever kind were made by the Cabinet of Ministers to the President.

Appointment of Ministers and Deputy Ministers

98. - (1) There shall be Ministers and Deputy Ministers of the Government of the United Republic who shall be appointed by the President in consultation with the Vice President and vetted by Parliament.

(2) For the purposes of sub-clause (1), the number of Ministers of the Government of the United Republic shall not exceed fifteen.

(3) The Government of the United Republic shall have Ministries by taking into consideration the mandate of the Government in accordance with this Constitution.

(4) Appointment of Ministers and Deputy Ministers of the Government of the United Republic shall consider a balanced representation of the Partner Countries.

(5) The functions of the Ministers and Deputy Ministers shall be as will be outlined by the President in the Appointment Document.

The Senior Minister

99. (1) There shall be a Senior Minister of the United Republic Government who shall be appointed by the President and vetted by Parliament.

(2) The Senior Minister before assuming powers of his office, shall take an oath of allegiance and other oaths as shall be so prescribed by the laws of this country.

(3) A person may be appointed to become the Senior Minister if he shall possess the qualifications outlined in Article 101.

(4) Without prejudice to the provisions of this Constitution, the Senior Minister shall hold the position of Senior Minister until:

(a) the day when the President elect shall be sworn in and take over the powers of office of the President; or

(b) the day he passes away while still in office; or

(c) the day he resigns; or

(d) the day the President shall appoint another person to take over the office of the Senior Minister.

Functions and powers of a Senior Minister

100. (1) The Senior Minister shall have the powers to control and oversee the implementation of day to day Government businesses.

(2) Without prejudice to the provisions of this Constitution, the Senior Minister shall implement all his responsibilities as shall be directed by the President, and in undertaking his responsibilities he shall be responsible to the President.

Qualifications of Ministers and Deputy Ministers

101. - (1) A person shall be appointed a Minister or Deputy Minister of the Government of the United Republic if:

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

(b) holds at least a bachelor's degree from a recognised University in accordance with the laws of the country; and

(c) is knowledgeable and experienced.

(2) The following persons shall not qualify for appointment as Ministers or Deputy Ministers in the Government of the United Republic;

(a) Members of the United Republic Parliament, Members of Tanganyika Parliament, Members of the Zanzibar House of Representatives or councillors from the Partner Countries;

(b) a person who was once convicted on charges of embezzlement of public property, whether in the Government of the United Republic or the Governments of the Partner Countries.

Oath, tenure and conditions of the job of Minister and Deputy Minister

102. - (1) The Minister or Deputy Minister shall not hold the power to his office unless he has taken the oath of allegiance before the President and any other such oath related to the performance of his work as may be prescribed by the laws of the country.

(2) The tenure of office of the Minister or Deputy Minister shall commence on the date that the Minister or Deputy Minister takes his oath.

(3) Each Minister is responsible personally and collectively to the President in the implementation of duties and in the exercise of the Minister's authority.

(4) The Minister or Deputy Minister shall be in office for all the time unless:

(a) he resigns or dies;

(b) The President revokes or terminates his appointment; or

(c) it is twenty-four hours before the President-elect assumes office of the President.

Implementation of Government business in Parliament

103. - (1) Ministers and Deputy Ministers shall have no right to attend sittings of Parliament except:

(a) if there will be a specific matter that the Parliament needs clarifications from the relevant Minister; or

(b) if the Government or the Minister shall request to be allowed to submit or explain any motion being discussed in Parliament.

(2) For the purposes of sub-clause (2), the Minister who shall be allowed to attend a session of Parliament may address Parliament.

(3) The Government of the United Republic, under the authority of the President, shall have the powers to make all decisions about government policy in general.

(4) Every Minister shall attend meetings of the Parliament's Standing Committee whenever he shall be required to do so and provide explanation or clarification on any question concerning his performance of the functions of his office.

(5) Subject to the provisions of this Constitution in general, Ministers will give details or information needed in the Parliament in accordance with the laws of the country.

(b) The Attorney General of the Government

The Attorney General of the Government

104. - (1) There shall be the Attorney General of the United Republic, who in this Constitution shall be only be referred to as "Attorney General" who shall be appointed by the President and vetted by the National Assembly.

(2) A person who is qualified to be Attorney General must have the following qualities:

(a) must be a citizen by birth of the United Republic;

(b) must have a degree in Law from a university recognised by the laws of the country;

(c) must be knowledgeable and one who meets the conditions to be an advocate of the High Court of Zanzibar or the High Court of Tanganyika;

(d) must be a senior public servant in the service of the United Republic or the Governments of the Partner Countries;

(e) must be a person who has conducted himself in accordance with these qualities for a period of no less than fifteen years; and

(f) have a good character and of an unquestionable conduct before the society.

(3) The Attorney General shall be the principal adviser to the Government of the United Republic on all legal matters and, for that purpose, shall be responsible for advising the Government of the

United Republic about all legal matters, and perform other tasks of any nature or related to law or as assigned to him by the President to perform.

(4) The Attorney General shall perform other duties or functions entrusted to him by this Constitution or laws of the country.

(5) In performing his functions, the Attorney General shall have the right to attend and be heard by the Court in the United Republic and the High Courts of the Partner Countries.

(6) The Attorney General shall not hold the position of the Attorney General until he has taken the oath of allegiance and diligence and any other oath related to his position that shall be prescribed in accordance with the laws of the country.

(7) The Attorney General, unless he stops holding the position much earlier, shall continue to be in the position until the President appoints another Attorney General.

(c) Chief Secretary and Permanent Secretaries

The Chief Secretary

105. - (1) There shall be a Chief Secretary who shall be appointed by the President from among three senior public servants who shall be suggested by the Public Service Commission and approved by Parliament.

(2) The Chief Secretary shall be the secretary to the Cabinet of Ministers, Chairperson of the Special Committee Meetings of Permanent Secretaries, the Secretary to the National Defence and Security Council and the Head of Public Service.

(3) In his position as the Secretary to the Cabinet of Ministers, the Chief Secretary shall be the Executive Officer in the Office of the Cabinet, and shall perform the following functions in accordance with the general or special orders to be given by the President, namely:

(a) prepare a schedule of meetings and prepare a list of activities of the Cabinet;

(b) write and record minutes of the meetings;

(c) provide information and details of the decision of the Cabinet to everyone or public body affected by the decision made; and

(d) perform any other duties and functions as instructed by the President.

(4) As the Head of Public Service, the Permanent Secretary shall have powers to issue instructions from time to time in relation to public service.

(5) In his function as the Secretary to the National Defence and Security Council, the Chief Secretary shall be the Head and Coordinator of the Secretariat for the National Defence and Security Council.

(6) The Permanent Secretary shall not take up his duties until he had taken the oath of obedience and allegiance or any other oath related to his responsibilities as shall be instituted according to the laws of the country.

Permanent Secretaries

106. - (1) There shall be Permanent Secretaries who shall be appointed by the President from among the senior public servants as they will be suggested by the Public Service Commission.

(2) Each Permanent Secretary shall be the leader and the Chief Executive of the Ministry of Government assigned to him by the President and shall hold the authority of the Permanent Secretary and implement his duties as shall be provided for in the laws of the country.

(3) The President may, on the recommendation of the Public Service Commission, appoint a senior public servant as a Deputy Permanent Secretary.

(4) Each Permanent Secretary shall be the final advisor to the Minister in execution of all matters and shall advise the Cabinet through meetings and Committees as shall be so directed the Secretary to the Cabinet of Ministers.

(5) The Permanent Secretary or the Deputy Permanent Secretary shall not take up his duties until he has taken the oath of Obedience and allegiance and any other oath related to the execution of his functions in accordance with the laws of the country.

(d) Execution of the Functions of the Cabinet of Ministers

Special Committee of Permanent Secretaries

107. There will be a Special Committee of Permanent Secretaries to be headed by the Chief Secretary which will have the responsibility of analysing and advise the Cabinet on different matters before they are presented for decision by the Cabinet and will implement other responsibilities as will be instructed by the Cabinet.

The Secretariat of the Cabinet

108. - (1) There shall be a Secretariat of the Cabinet which will be responsible for serving the Cabinet, the Special Committee of Permanent Secretaries, and perform other duties as shall be instructed by the Secretary to the Cabinet.

(2) Parliament may enact laws regarding the procedure and the execution of businesses of the Secretariat of the Cabinet.

CHAPTER EIGHT

GOVERNMENT RELATIONS AND COORDINATION

The Commission for Government Relations and Coordination

109.-(1) There shall be a Commission to oversee and coordinate relations between the Union Government and governments of the Partner Countries and supervise and coordinate relations between the Partner Countries, which shall be known briefly as “The Commission for Government Relations and Coordination”.

(2) The Commission for Government Relations and Coordination shall comprise the following members:

- (a) The Vice President of the United Republic who shall be the Chairman;
- (b) The President of Tanganyika;
- (c) The President of Zanzibar;
- (d) The Resident Ministers;
- (e) The Minister responsible for Foreign Affairs of the United Republic Government.

Objectives of the Commission

110. The Commission for Government Relations and Coordination shall have the following objectives:

- (a) Instituting best practice and sustainable procedure for consultation and cooperation between the United Republic Government and the Governments of the Partner Countries;
- (b) to promote and facilitate coordination and cooperation between the Partner Countries regarding non-Union matters for the purpose of enabling identical service delivery to all the citizens;
- (c) To establish favourable conditions for the United Republic Government and the Governments of the Partner Countries to discuss implementation of Union matters and non-Union matters for the benefits and welfare of all the citizens; and
- (d) Establishing a conducive environment for amicable ways to sorting out disputes between the united Republic Government and the Governments of the Partner Countries.

Responsibilities of the Commission

111. - (1) The Commission for Government Relations and Coordination shall have a special responsibility of enabling coordination and cooperation in carrying out the provisions of this Constitution, policies, laws, programmes and strategies between the United Republic Government and the Governments of the Partner Countries and shall be the special body for:

(a) Consultation and cooperation between:

(i) The Government of the United Republic and the Governments of the Partner Countries; and

(ii) The Governments of the Partner Countries in non-Union matters;

(b) supervising, coordinating and ensuring that there are similarities between policies and laws of the Partner Countries about non-Union matters;

(c) Consulting and cooperating between the United Republic Government and international institutions on behalf of the Partner Countries;

(d) The management and promotion of issues of national interest;

(e) Mediation and resolution of conflicts between:

(i) The Government of the United Republic and the Governments of the Partner Countries; and

(ii) The Governments of Partner Countries on non-Union matters.

(2) For the purposes of sub-clause (1) (e), if any party to the dispute will not be satisfied by the decision of the Commission for Government Relations and Coordination, the party can take the matter to the Supreme Court and the decision of the Court shall be final.

(3) Parliament shall enact laws for:

(a) supervising the relations and coordination between the Governments of the Partner Countries and the United Republic Government and between the Governments of the Partner Countries; and

(b) Provide for the mechanism for sorting out disputes in accordance with this Article.

The Secretariat of the Commission

112.-(1) There shall be a Secretariat of the Commission for Government Relations and Coordination which shall be headed by a Secretary with the help of a Deputy Secretary who shall be appointed by the President.

(2) A person shall be appointed to become the Secretary or Deputy Secretary if he so possesses the following qualifications:

(a) is a senior office of the United Republic Government or of the Governments of the Partner Countries.

(b) holds a degree from a university which is recognised in accordance with the laws of the country; and

(c) is of a conduct that is acceptable in society.

(3) The Secretary and the Deputy Secretary shall be answerable to the Commission and shall execute and implement the responsibilities of the Secretariat.

(4) The appointment of the Secretary and the Deputy Secretary to the Commission shall be done by observing principles that in case the Secretary shall come from one side of the United Republic, then the Deputy Secretary shall come from the other side of the United Republic.

CHAPTER NINE

THE UNION PARLIAMENT

PART ONE

FORMATION AND POWERS OF THE PARLIAMENT OF THE UNITED REPUBLIC

The formation of the Parliament of the United Republic

113. - (1) There shall be a Parliament of the United Republic.

(2) Members of Parliament shall be of the following types:

(a) Seventy elected Members through the electoral constituencies that shall be announced by the Independent Electoral Commission, fifty from Tanganyika and twenty from Zanzibar; and

(b) five Members with disabilities who shall be appointed by the President from among people who qualify to be elected Members of Parliament so as to represent people with disabilities in accordance with the representation of the Partner Countries and gender.

(3) In each Electoral Constituency there shall be two positions of Membership to Parliament, one for women another for men.

(4) Members from every Electoral Constituency shall be obtained by being voted for by the citizens in accordance with the provisions of this Constitution and established laws that coordinate matters of elections.

Life of Parliament

114. - (1) Without prejudice to other provisions of this Constitution, the life of each Parliament shall be five years.

(2) For the purposes of sub-clause (1), the words "life of Parliament" means the whole period commencing from the date when Parliament meets for the first time after parliamentary elections and ending on the date of the dissolution of Parliament to enable another election to be held.

The Mandate of Parliament

115. - (1) Parliament is the principal organ of the United Republic with the mandate, on behalf of the citizens, to supervise the United Republic Government and its organs in the implementation of its responsibilities in accordance with this Constitution.

(2) In performing its functions, Parliament shall have the following powers:

(a) making laws where an execution requires a certain law;

(b) to discuss and advise on all matters of national interest and to the Tanzanian public;

(c) to ask any Minister about any matter concerning public affairs in the United Republic which fall under his responsibilities;

(d) to discuss the allocations and endorse funds for government ministries, institutions and agencies;

(e) to discuss the performance of each Ministry during the annual Parliament Budget meeting;

(f) to discuss and approve any long, medium or short-term plan which the Government of the United Republic Government intends to implement;

(g) to discuss and ratify international treaties about the United Republic and whose terms require ratification; and

(h) to discuss and ratify all contracts about natural resources being managed by the Government of the United Republic.

(3) Parliament shall supervise the Government by monitoring the conduct of the President, Vice President, Ministers and chief executives in the public service.

Limitations to Parliament in applying its powers

116. - (1) In exercising the powers of the oversight of the Government in accordance with this Constitution, the role of Parliament will be advising the Government and if Parliament is not satisfied with measures taken by the Government in implementing the matter for which advice was given, then Parliament shall have the powers to hold the Government accountable in accordance with the powers conferred to it by this Constitution.

(2) For the purposes of sub-clause (1), Parliament shall not engage in executive matters, which by practice are activities of the Government, and will not give any executive orders to the Government and Public Servants, except such that, Parliament shall advise about any matter which is under the domain of a particular Minister.

Powers of the Parliament of enacting laws

117. - (1) The legislative powers over all matters legal of the United Republic shall be the mandate of Parliament.

(2) The power of enacting laws in Tanganyika on matters that are non-Union shall be under the Parliament of Tanganyika and the powers of enacting laws in Zanzibar on matters that are non-Union shall be under the Zanzibar House of Representatives.

(3) Where Parliament enacts legislation on any matter that falls under the authority of the Parliament of Tanganyika or Zanzibar House of Representatives, that law shall be invalid and shall be annulled.

(4) Where a law enacted by the Parliament of Tanganyika or the Zanzibar House of Representatives shall be on a matter which falls under the mandate of the United Republic Parliament, the law shall be invalid and shall be annulled.

(5) Without prejudice to the application of the Constitutions of Tanganyika and that of Zanzibar, this Constitution shall have the force of law in the United Republic on matters of the Union, and if any other law will undermine the provisions enshrined in this Constitution, this other law then, to the extent in which it contravenes this Constitution, shall be void.

The procedure of changing the Constitution

118.-(1) Parliament may enact a Law for the purpose of changing any provision in this Constitution.

(2) The Bill of law for the purpose of changing this Constitution shall be considered as having been endorsed by Parliament if it secures over two thirds of all votes of Members of Parliament from Tanganyika and two thirds of all Members of Parliament from Zanzibar.

(3) For the purpose of elaborating the provision of sub-clause (1) of changing the provisions of this Constitution means also amending or correcting these provisions or annul them and establish new provisions in their place or insisting or changing use of the provisions.

The procedure of changing special conditions

119. Parliament shall not have the powers of changing the Constitution on:

- (a) provisions contained in Chapter One, Chapter Two and Chapter Four;
- (b) provisions of Article 60;
- (c) provisions of Article 79;
- (d) adding or deducting any matter of the Union;
- (e) existence of the United Republic

(f) provisions of this Article,

Unless these changes secure the support of two thirds of the citizens of the United Republic from each side of the Union in a Referendum that would be organised and monitored by the Independent Electoral Commission of the United Republic in accordance with the laws of the country.

The procedure of enacting laws

120. - (1) Parliament shall exercise its legislative authority of enacting laws by discussing and endorsing a Bill, which shall then be signed by the President.

(2) Without prejudice to the provisions of sub-clause (3), a Bill can be written by the Government, a Parliamentary Committee or a group of Parliamentarians.

(3) During the drafting of a Bill about any matter of the Union, the Government of the United Republic will ensure that it involves the citizens for the purpose of obtaining their opinions about the Bill.

(4) A Bill shall be considered as having been approved by Parliament if it secures the support through votes by no less than two thirds of Parliamentarians from Tanganyika and no less than two thirds of Parliamentarians from Zanzibar.

(5) Without prejudice to the provisions of sub-clause (4), Parliament shall establish Standing Orders that will provide for a procedure for -

(a) communication, discussion and approval of a Bill; and

(b) an effective enforcement of the provisions of sub-clause (3).

The procedure of enacting laws on Financial matters

121. - (1) Parliament shall not deal with any of the matters relating to this Article unless the President has recommended that the matter be dealt with by Parliament and the recommendation of the President should be submitted to Parliament by a Minister.

(2) Matters to be dealt with in this Article are the following:

(a) a Bill for any of the following matters:

(i) to impose a tax or change any tax in any other way except decreasing it;

(ii) to instruct that payment or expenditure of money should be made from the Treasury of the Consolidated Fund of the Government or any other fund of the Government or change the amount in any other way but reduction;

(b) to order that the payment or expenditure be made from the Consolidated Fund or any other Government fund while it is known that no money from these funds was set for such payment or expenditure, or to order that payment or expenditure made from the funds be increased;

(c) to cancel or forgive any loan required to be paid by the Government of the United Republic; or

(d) the motion or any change for any of the matters among those referred to in paragraph (a) of this sub-Article.

Powers of the Head of State over Bills of Law

122. - (1) A Bill passed by Parliament must be signed by the President, to confirm the assent of the President over the Bill.

(2) The Bill submitted to the President for assent shall be signed by the President in no more than thirty days from the day it was submitted and received by the Secretary to the Cabinet of Ministers.

(3) Once the Bill has been presented to the President for his assent, the President may accept or refuse to accept the Bill, and if the President shall refuse to approve the Bill, then he shall return it to Parliament with a statement of the reasons for refusing to accept the Bill.

(4) When the Bill is returned to Parliament by the President in accordance with the provisions of this Article, it shall not be presented again to the President for his assent before the expiration of sixty days from the day it was returned to Parliament.

(5) If in the process of debating the Bill in Parliament before it is once again presented to the President, the Bill that was returned to Parliament is supported by Members of Parliament whose number shall exceed two thirds of all Legislators, then the Bill can be re-submitted much earlier to the President.

(6) If the Bill that was returned to Parliament by the President and as in debating it, Members of Parliament whose number is no less than two thirds of all Members support it and re-submitted to the President for his assent, then the President will be compelled to assent the respective Bill of law before the expiry of sixty days, and if sixty days shall pass since the Bill was presented to the President without the President putting his signature to assent it, then the Clerk of National Assembly shall prepare a Document to confirm that the Bill has been passed into law.

Endorsement of Government motions

123. - (1) If Parliament is not satisfied by the breakdown or divisions of a Budget motion submitted by the Government, Parliament can decide to return the motion about Government Budget along with special recommendations regarding the shortcomings that was identified.

(2) The Government will be required to work on the recommendations of Parliament in so far as it shall be possible and then re-submit the particular Motion back to Parliament along with detailed statements of the implementation of the directives given by Parliament and if the Parliament will

reject for the second time the Government Budget, then the Motion shall be considered as having been endorsed by Parliament.

SECTION TWO

MEMBERS OF THE PARLIAMENT

(a) Election of Members of Parliament

Election of Members of Parliament

116. - (1) Once the Parliament term of five years expires, there shall be an election of Members of Parliament in the Electoral Constituencies as shall be announced by the Independent Electoral Commission to be held in accordance with the laws of the country.

(2) There shall be an election of a Member of Parliament in an electoral constituency if the seat of an elected MP representing an electoral constituency under the arrangement of an independent candidate, will fall vacant for any other reason not related to the expiry of the term of Parliament.

(3) If the date of the expiry of the term of Parliament shall be announced or is known, there will be no by-elections to obtain a new Member of Parliament according to sub-clause (2) within a period of eighteen months before the set date.

(4) If a Member who belongs to a political party shall be disqualified from being a Member of Parliament for any reason other than expiry of the term of Parliament, the Independent Electoral Commission, pursuant to the conditions to be specified by the legislation enacted by Parliament for that purpose, shall appoint and declare a Member of Parliament another person from the list of contestants that was presented by the party in line with clause (5).

(5) A list of the names of candidates from each political party submitted to the Independent Electoral Commission the General Election will be used by the Independent Electoral Commission, after consultation with the respective political party, for the purpose of filling in the vacancy left by the Member of Parliament, at any time during the Life of Parliament.

Qualifications of election as Member of Parliament

125. - (1) Without prejudice to the provisions of this Article, anyone shall be qualified to be elected or appointed a Member of Parliament if he:

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

(b) is able to read and write Kiswahili or English and has attained a minimum education of Form Four;

(c) a member nominated by a political party or an independent candidate;

(d) is diligent and respects human rights and does not look down or discriminate against people on the basis of race, religion, sex, genetic or their status in society; and

(2) A person shall not be qualified to be elected as a Member of Parliament if -

(a) if he has served as Member of Parliament for three terms of five years each; or

(b) if it has officially been confirmed that the person is not of a sound mind;

(c) the person was sentenced by any Court in the United Republic and handed a death sentence or being sent to jail for a period exceeding six months for any offence;

(d) the person has been convicted by any court in the United Republic and handed a jail term for conviction of an offence that touches on his being dishonest or breaking the law related to the Leadership Ethics and Code of Conduct;

(e) if the person has any interest in the contract to the Government of any kind in respect of which special restrictions prescribed by laws of the country, and if he has so violated such restrictions;

(f) if the person holds the office of a senior officer in the service of the Government of the United Republic or the Governments of the Partner Countries;

(g) in accordance with the law of the country dealing with offences relating to the election of any kind, that person is disqualified from registering as a voter or vote in Parliamentary elections, or

(h) in the period of five years before an election date he was convicted by the Court for an offence of evading paying any Government tax or offences related to dishonest.

(3) Parliament may enact a law for setting terms that will disqualify a person from being elected a Member of Parliament representing an Electoral Constituency if he is an authority related to the activities of leading or managing the election of Members of Parliament or activity of the registration of voters for the election of Members of Parliament.

(4) In paragraph (e) of sub-clause (2) of this Article "Government contract" means any contract for a contract which one of the parties is the Government of the United Republic or Revolutionary Government of Zanzibar or the Government of Tanganyika, Department or any government Institution in any of these or any officer of the Government who participated in the discussion of the relevant contract on behalf of any of the Governments named above.

(5) People holding the following offices in the Public Service shall not be qualified to be MPs:

(a) The President and Vice President;

(b) The President of Tanganyika and the President of Zanzibar and their Vice Presidents;

(c) The Speaker and Deputy Speaker of Parliament;

(d) the Minister and Deputy Minister;

- (e) The Attorney General;
- (f) The Chief Secretary, Permanent Secretaries and Deputy Permanent Secretaries;
- (g) The leaders and servants of the defence and security organs;
- (h) a person who is employed in the state organs such as soldiers;
- (i) the Chief Justice, Judge or Court Magistrate, a Government Counsel and Legal Officer in the Government of the United Republic or the Governments of the Partner Countries;
- (j) The Controller and Auditor-General of the Government Accounts,
- (k) A member of the Independent Electoral Commission; and
- (l) any person employed, appointed or elected to public service.

(6) For the purpose of providing a chance to an appeal by any person:

- (a) who was legally proven that he is not of a sound mind;
- (b) who has been sentenced to death or imprisonment; or
- (c) who was found guilty of any offense specified in law in accordance with sub-clause (2),

the country authority shall establish legal procedures for imposing that the sentence being contested shall not have any influence for the implementation of the provisions of sub-clause (2) until the expiry of the period specified in the law.

The procedure of election of Members of Parliament

126.-(1) Members who represent Electoral Constituencies shall be elected by the people pursuant to provisions of this Constitution and the laws of the country in accordance with this Constitution, which provide for conditions related to election of Members of Parliament.

(2) Contesters in elections in Electoral Constituencies shall be required to submit their names to the Independent Electoral Commission pursuant to procedures established by the laws of the country.

The Oath and conditions of the work of a Member of Parliament

127.-(1) Every Member of Parliament shall be made to take an oath of allegiance to the Speaker before starting taking part in businesses of Parliament, but the Member of Parliament may participate in the election of the Speaker even before taking the oath.

(2) A Member of Parliament shall hold his position pursuant to this Constitution, and shall be paid a salary, allowances and other remunerations as shall be decided by the Public Service Commission in accordance with laws of the country.

(3) At any time of being in his position, the Member of Parliament shall be answerable to his voters.

Losing merits to continue as a Member of Parliament

128.-(1) A Member of Parliament shall stop being a Member of Parliament if any of the following shall take place:

(a) any event which, if he were not to be a Member of Parliament would have caused him not to become or be disqualified to be elected or be appointed in accordance with the provisions of this Constitution;

(b) he shall miss taking part in two consecutive Parliament meetings without the permission from the Speaker;

(c) it shall be confirmed that he has broken conditions set out in the Public Leadership Code of Ethics;

(d) he shall fail to execute the functions of a Member of Parliament for a period of six months consecutively due to an illness or being put in detention;

(e) shall fail to issue an official statement regarding qualifications of being a Member of Parliament regarding property according to provisions of this Constitution in a period specifically specified in the laws of the country;

(f) he shall resign from the position of Member of Parliament;

(g) on a voluntary basis he shall decide to remove or cease being a member of his political party, shall be removed or have his membership revoked by his political party;

(h) shall be removed from office pursuant to the provisions of this Constitution;

(i) shall pass away.

(2) A Member of Parliament may appeal in court to object a sentence of his being confirmed to be sick or object a sentence to a jail term, or object his being convicted of a crime as mentioned in sub-clause (1).

The right of voters to take to task their Member of Parliament

129.-(1) Without prejudice to the provisions of this Constitution, the citizens will have the right to remove their Member of Parliament from office, if the Member of Parliament shall commit any of the following:

(a) support policies that contradict the interests of voters or interests of the Nation;

(b) failure to submit or concertedly defend arguments emanating from problems facing his voters;

(c) stop living or shift his residence from within the Electoral Constituency for more than six months without any justified reason; or

(d) any other things as shall be outlined in the laws of the country.

(2) Parliament shall enact a law to establish provisions of conducting investigations against a Member of Parliament who shall fail to implement his duties to his voters and the procedure of removing him from office of being a Parliamentarian.

Deciding on a person's status if he is a Member of Parliament

130.-(1) Every matter for the purpose of obtaining a decision over the issue of –

(a) if an election of a Member of Parliament was valid or not; or

(b) if a Member of Parliament has ceased to be a Member of Parliament and the office of the Member of Parliament is vacant or not,

Shall be filed and first heard in the High Court.

(2) Parliament may enact a law for the purpose of establishing conditions for the following matters:

(a) people who can file a case in the High Court for the purpose of obtaining a decision on any matter in accordance with this Article;

(b) the reasons and times of filing such a case in that manner, the procedure of filing the case and conditions which need to be fulfilled for each such case; and

(c) explaining the authority of the High Court on the such a case and explain the procedures of its hearing.

Special Declaration by Members of the Parliament regarding leadership ethics

131.-(1) Every Member of Parliament before completion of thirty days since he took an oath to hold the office of Member of Parliament must submit to the Ethics and Leadership and Accountability Commission two copies of the statement that he has not lost qualifications of being a Member of Parliament pursuant to the provisions of this Constitution.

(2) A special statement as mentioned in the sub-clause (1), shall be made in a special form which shall be duly filled in as per the laws of the country.

PART THREE

OFFICES OF PARLIAMENT

(a) The Speaker and the Deputy Speaker

The Speaker and the power of the Speaker

132. - (1) There shall be a Speaker of the National Assembly who shall be elected by Members of Parliament and who shall be the Head of Parliament and will represent the Parliament in organs and all other meetings outside Parliament.

(2) The Minister, Deputy Minister, Member of Parliament or any other person holding any type specified by the laws of the country for purposes of this Article, shall not be elected Speaker.

(3) Any person who shall be elected Speaker will be required, before the expiry of thirty days since his election, to submit to the Leadership Ethics and Accountability Commission an official declaration that he has not lost the electoral credibility in accordance with the provisions of this Constitution, the declaration will be published in a special form prescribed in accordance with the laws of the country.

Cessation of the authority of the Speaker

133. - (1) The Speaker shall cease to hold the position of Speaker in case any of the following occurs:

(a) he is elected a Member of Parliament;

(b) anything comes up that, had he not been the Speaker, would have caused him not to qualify for election or lose merit to be elected Speaker;

(c) is removed from office of Speaker by a resolution of the National Assembly supported by Members of Parliament whose number is not less than two-thirds of all the Members of Parliament;

(d) fails to submit a statement of assets and debts pursuant to the provisions of this Constitution;

(e) is proved to have furnished false information, under the oath contrary to the laws regarding any statement made pursuant to the provisions of this Constitution;

(f) Shall fail to submit a report of his property as per conditions of this Constitution before the expiry of the time set aside for that purpose;

(g) it is proved that he has violated the provisions of the law related to the ethics of public leaders;
or

(h) he passes away.

(2) Apart from the activity of electing the Speaker, no other activities shall be implemented in the House at any time when the Speaker's seat is vacant.

The Deputy Speaker

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

(2) A Minister, Deputy Minister, Member of Parliament or any person holding any other type of office specified by the laws of the country for the purposes of this Article, shall not be elected as Deputy Speaker.

(3) Members of Parliament shall elect the Deputy Speaker under the following circumstances-

(a) When the Parliament first meets after the General Election or immediately thereafter as is deemed possible; and

(b) in the first meeting of the Parliament after the Deputy Speaker's seat is vacant for any reason not connected with the dissolution of the Parliament or as immediate as possible after the meeting.

(4) The Deputy Speaker shall cease to hold the position of Deputy Speaker in the occurrence of any of the matters outlined in Article 133(1).

Qualifications of persons to be elected as Speaker and Deputy Speaker

135.(1) A person shall qualify to be elected Speaker or Deputy Speaker, if he shall have the following qualifications -

(a) is at least a holder a first degree from a recognised university in accordance with the laws of the country;

(b) at the time of contesting he has attained a minimum age of forty years;

(c) without prejudice to the provisions of clauses (a) and (b), should have the qualifications to enable him be elected a Member of Parliament; and

(d) is not a leader or has not been a senior leader of any political party in the five years before the date of requesting to be elected to positions of authority of the Speaker or Deputy Speaker.

(2) For purposes of clause (d), a top leader of a political party means the Chairman, Vice Chairman, Secretary General, Deputy Secretary General or a Member of any national body with the powers of a political party.

The procedure of electing and oath of the Speaker and the Deputy Speaker

136. - (1) There shall be an election of the Speaker in the first meeting of the new Parliament, and in any first meeting immediately after the seat of the Speaker becomes vacant.

(2) There shall be an election of the Deputy Speaker election at any time during the first meeting of the new Parliament as well as in the first meeting of the next Parliament immediately after the seat of the Deputy Speaker becomes vacant.

(3) The election of the Speaker and Deputy Speaker shall be by the secret ballot and shall be conducted in accordance with procedures prescribed by the Standing Orders.

(4) The Speaker and Deputy Speaker shall be elected in such a manner that, if the Speaker shall come from one side of the United Republic, the Deputy Speaker shall come from the other side of the United Republic.

(5) Unless he leaves his authority, the Speaker and the Deputy Speaker shall stay in office for periods not exceeding two five-year terms.

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

(b) Office of Parliament

Clerk of the National Assembly

137. - (1) There shall be a Clerk of the National Assembly who shall be appointed by the President from among three names of people holding senior positions in the Public Service of the United Republic as shall be suggested by the Public Service Commission.

(2) The Clerk of the National Assembly shall be the Chief Executive of the Office of Parliament and will be responsible for the efficient performance of the activities of Parliament in compliance with the provisions of this Constitution and laws of the country.

The Secretariat of the National Assembly

138. (1) There shall be a Secretariat of the National Assembly whose staff shall come from both Partner Countries of the United Republic in line with the schemes of service as per requirements of the businesses of the National Assembly as may be determined by the Parliamentary Service Commission.

(2) The Secretariat of the National Assembly under the leadership of Clerk of the National Assembly will perform all activities imposed or which shall deem important for ensuring efficient implementation of the activities of Parliament, Members of Parliament and the powers of the Parliament.

PART FOUR

PROCEDURES OF PARLIAMENT BUSINESS

Standing Orders of the National Assembly

139. - (1) Without prejudice to the provisions of this Constitution, Parliament may formulate Standing Orders for establishing procedures of executing its operations.

(2) Standing Orders formulated pursuant to this Article, can set the procedures for Ministers to represent the Government in Parliament, to oversee the implementation of the activities of the Secretariat of the National Assembly in Parliament, Committees and Sub-Committees of Parliament.

President to address Parliament

140. - (1) The President will address Parliament in the First Meeting and officially inaugurate it.

(2) Without prejudice to the provisions of clause (1), the President may address Parliament at any time or send to the House a report which will be read by the Senior Minister.

Meetings of the National Assembly

141. - (1) Parliament will make its meetings where it is customary to hold such meetings or anywhere else in the United Republic as shall be specified by the Speaker for that purpose.

(2) the first meeting of the New Parliament will be convened by the President of the United Republic and shall commence on the day that Parliament has been instructed meet, and each subsequent Meeting will begin any day that might be decided upon by Parliament or any other day that might be imposed in accordance with the Parliamentary Standing Orders.

(3) The President may convene a meeting of the National Assembly at any time in accordance with the provisions of this Constitution.

Presiding over the sittings of the National Assembly

142. Each session of Parliament shall be presided over by one of the following persons-

(a) the Speaker;

(b) in the absence of the Speaker, the Deputy Speaker; or

(c) if both the Speaker and Deputy Speaker are absent, any Member of Parliament elected by Parliament for that purpose.

Quorum of sittings of the National Assembly

143. - (1) The quorum of each session of Parliament is half of all Members of Parliament, except as otherwise provided in this Constitution.

(2) Every issue tabled for decision in Parliament shall be determined by a majority of votes of members present and voting, except for matters for which special conditions were established under this Constitution.

Standing Committees of the National Assembly

144. - (1) Parliament may create as diverse Standing Committees as may be necessary for the proper implementation of its functions.

(2) The Standing Orders may define the structure and functions of the Parliamentary Standing Committees that shall be established in accordance with the provisions of this Article.

PART FIVE

POWERS AND PRIVILEGES OF PARLIAMENT

Freedom of engaging in debates in Parliament

145. - (1) Members of Parliament in Parliament shall have the freedom of expression, opinion and discussion whereby the freedom shall not be violated or questioned by any organ of the United Republic, or in court or elsewhere outside Parliament.

(2) Without prejudice to the provisions of this Constitution or any other law, Parliament will have the freedom of opinion, and any Member of Parliament in Parliament as the case may be, shall not be required to give false statements, offend or hurt another Member of the Parliament or any other member in society.

(3) Without prejudice to the provisions of clause (2), a Member of Parliament shall not be charged with a criminal offense or a civil suit in court for anything which he said in Parliament.

(4) Parliament may enact laws for making provisions to enable the courts and the law to preserve and strengthen the freedom of ideas, debate and proceedings in Parliament.

Limitations to debating in Parliament

146. - (1) Without prejudice to the provisions of this Constitution that protect and preserve the freedom of ideas and debate in Parliament, it is forbidden to lie in Parliament and therefore, when a

Member of Parliament speaks in Parliament, he has a duty to ensure that a statement or description of matter or issue that he himself believes to be true and it is not a design or just a guess work.

(2) A Member of Parliament speaking in Parliament shall not be counted and that he lied when he makes reference to information that was broadcast or published by media or any other documents the source of which is known or shall be explained by the Member of Parliament.

PART SIX

SERVICE COMMISSION OF THE PARLIAMENT

(a) The Service Commission of the Parliament

The Service Commission of Parliament

147.-(1) There shall be a Service Commission of Parliament which shall be composed of the following members:

- (a) The Speaker of the National Assembly of the United Republic who shall be the chairman;
- (b) The Deputy Speaker of the National Assembly of the United Republic who shall be the Vice Chairman;
- (c) Two members of Parliament of the United Republic, one from each side of the United Republic
- (d) The Leader of Opposition in Parliament; and
- (e) The Attorney General.

(2) The Clerk of the National Assembly shall be the Secretary to the Service Commission of Parliament.

(3) The Commission may invite any other person with special expertise to participate in any meeting of the Commission, except that the person shall have no right to vote.

Responsibilities of the Service Commission of the Parliament

148.-(1) The Service Commission of Parliament shall have the responsibility of furthering, facilitating and ensuring implementation of works and activities of Parliament, more efficiently and transparently.

(2) The Service Commission of Parliament shall implement the following responsibilities:

- (a) employ, confirm one in his job, promote and monitor discipline of servants of Parliament and receive complaints against them in accordance with the laws of the country;

- (b) prepare and implement plans of career development of servants of Parliament;
 - (c) prepare and suggest salary schemes, allowances and other remunerations for Members of Parliament and servants of Parliaments to the body empowered with overseeing the benefits of Public Servants;
 - (d) suggest in Government improvements of Parliament Institution so as to improve efficiency in implementing Parliament's constitutional responsibilities; and
 - (e) implement any other responsibilities as shall be put forth in accordance with this Constitution or any other law.
- (3) Parliament shall enact a law that shall establish conditions regarding the implementation of responsibilities of Service Commission of Parliament.

(b) The Parliament Fund

The Parliament Fund

- 149.-(1)** There shall be a Parliament Fund of the United Republic Parliament which shall be under the supervision of the Clerk of the National Assembly.
- (2) The Parliament Fund of the United Republic shall be used for covering expenses of running, and any other important activities in the implementation of responsibilities of the United Republic Parliament.
- (3) The Government shall ensure that, in its every annual fiscal year budget, it sets aside sufficient funds that will be reimbursed in the Parliament Fund of the United Republic Parliament.
- (4) Parliament shall enact a law that shall establish conditions about management of the Parliament Fund of the United Republic.

CHAPTER TEN

THE JUDICIARY OF THE UNITED REPUBLIC

PART ONE

BASES OF DESPENSATION OF JUSTICE AND INDEPENDENCE OF THE JUDICIARY

Establishment of the United Republic

- 150. - (1)** There shall be the Judiciary of the United Republic.

(2) The Judiciary of the United Republic through this Constitution, shall draw its powers from the people and shall exercise its powers through the Supreme Court and Court of Appeal.

(3) The Judiciary of the United Republic shall be the final authority in the dispensation of justice in the United Republic.

Bases of dispensing justice

151. In the determination of civil and criminal proceedings in compliance with the law, the Judiciary of the United Republic shall observe the following principles, namely:

- (a) act fairly to all regardless of the person's social, political, cultural or economic status;
- (b) not to delay dispensation of justice without reasonable ground;
- (c) is duty bound to provide compensation for people who suffered from the mistakes of others, and in accordance with laws of the country specifically enacted for that purpose;
- (d) to promote and develop mediation between various parties involved in a conflict; and
- (e) to do justice without being bound by technical conditions.

Independence of the Judiciary

152. - (1) In exercising the powers of the dispensation of justice, the Judiciary of the United Republic shall be led by the provisions of this Constitution and shall not be interfered with or controlled, pressured or given directions by any person or organ.

(2) the office of a Judge of the Supreme Court or the Court of Appeal shall not be abolished at any time if there is someone holding that post at that particular time.

(3) Salaries and other remuneration of Justices of the Supreme Court and Court of Appeal shall be paid out of the Consolidated Fund of the State.

(4) A salary and other remuneration payable to a Judge of the Supreme Court or the Court of Appeal will not be changed in a manner such that the benefits of the concerned Justice are denied at any time of his life time.

(5) Payment of retirement benefits of a Judge of the Supreme Court or a Judge of the Court of Appeal it will be changed such that the benefits of the concerned Justice are affected during his life.

(6) A Justice of the Supreme Court of the Court of Appeal shall not be charged for anything that he did or failed to do in good faith in the implementation of activities of dispensing justice according to laws of the country.

PART TWO

STRUCTURE OF THE JUDICIARY

(a) The Judiciary of the United Republic

The Structure of the Judiciary

153. - (1) Without prejudice to any prior conditions in this Section, there shall be a Judiciary Structure in the United Republic which shall be as follows:

(a) The Supreme Court; and

(b) The Court of Appeal.

(2) The High Court of Tanganyika and the Zanzibar High Court shall have equal jurisdiction to hear at the preliminary level, civil and criminal proceedings concerning Matters of the Union in their areas of jurisdiction within the Partner Countries.

(b) Supreme Court of the United Republic

The Supreme Court

154. - (1) There shall be the Supreme Court of the United Republic or in short it will be called "The Supreme Court" which shall be composed of:

(a) The Chief Justice of the United Republic who shall be the President of the Supreme Court;

(b) The Deputy Chief Justice of the United Republic who shall be the Vice-President of the Supreme Court; and

(c) At least seven other Justices of the Supreme Court.

(2) The appointment of Justices of the Supreme Court shall take into consideration the qualifications outlined in this Constitution and the representation of the two parties to the United Republic.

The Quorum of sittings of the Supreme Court

155. - (1) The quorum for a session of the Supreme Court will be five Justices of the Supreme Court.

(2) The quorum of judges in the proceedings of the Supreme Court hearing for the purpose of hearing the issues identified in Article 149 (1) (a), (b), (c) and (e) shall take into account the representation of the two parties to the United Republic.

(3) Every proceeding and appeal that requires the decision of the Supreme Court shall be decided in accordance with the majority opinion among the Justices of the Supreme Court hearing the case or the appeal.

Powers of the Supreme Court

156. - (1) The Supreme Court shall be the final stage of appeal in the United Republic and will have the power of:

(a) making the only and preliminary hearing and deciding disputes regarding the election results of the President of the United Republic;

(b) hearing and deciding cases brought by the people, the Government or the Governments of the Partner Countries regarding the interpretation of this Constitution;

(c) hearing and deciding over disputes between the Partner Countries or between the Partner Countries and the United Republic Government;

(d) hearing and deciding appeals from the Court of Appeal;

(e) giving advice to the United Republic Government or the Governments of the Partner Countries, where it shall be requested to do so; an

(f) hearing and deciding any proceeding that will be presented before it in accordance with this Constitution or any other law that will empower the Court's authority.

(2) A Court of Appeal of the United Republic and those of the courts of the Partner Countries, except the Supreme Court, shall be required to follow the decisions of the Supreme Court.

(3) The Supreme Court shall develop Regulations for the implementation of its mandate.

(4) Parliament may enact a law that shall put in place more conditions regarding operation of the Supreme Court.

Powers of Justices of the Supreme Court

157. - (1) Any Judge of the Supreme Court shall have jurisdiction to hear and determine any proceedings in the Supreme Court.

(2) Notwithstanding the provisions of sub-clause (1) if a Judge of the Supreme Court, before his appointment was a judge of the Court of Appeal or the High Court of the Partner Countries, the Judge may continue to perform his duties at the Court he comes from until he is done with preparing and handing out sentences or until he finishes any other activity related to the proceedings that he started hearing before he was appointed to become Justice in the Supreme Court.

(3) Subject to the provisions of sub-clause (2), it will be valid for Justice of the Supreme Court to pass a judgement or any other decision relevant by referring to powers he held before his appointment as a Judge of the Supreme Court and if the judgment or decision will be challenged by way of appeal before the Supreme Court, the judge shall not have jurisdiction to hear the appeal.

(c) Appointment of Justices of the High Court

Appointment of the Chief Justice

158. - (1) The Chief Justice shall be appointed by the President from among the three names suggested by the Judicial Service Commission and before he is sworn his name will be presented to Parliament for vetting by the National Assembly.

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

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

(a) be a citizen by birth of the United Republic who is deemed as being diligent, of a good conduct and is faithful;

(b) have a degree in law from a university recognised by the authorities dealing with higher education in the United Republic; and

(c) should:

(i) have done the work of the justice of the Court of Appeal or the High Courts of the Partner Countries; or

(ii) have worked in the public service in the United Republic or profession with the qualifications of being registered as an advocate and has held the qualifications consecutively for no less than twenty years.

Appointment of the Deputy Chief Justice

159. - (1) Deputy Chief Justice shall be appointed by the President from among the three names suggested by the Judicial Service Commission and before he is sworn his name will be presented to Parliament for vetting by the National Assembly.

(2) A person shall be appointed as the Deputy Chief Justice if he shall have the qualifications specified in Article 158 and pursuant to the principles that if the Chief Justice is from one side of the United Republic, then the Deputy Chief Justice must come from the other side of the United Republic.

(3) The Deputy Chief Justice shall be the principal assistant to the Chief Justice in the performance of his duties.

Appointment of the Justices of the High Court

160. - (1) The Justices of the Supreme Court shall be appointed by the President from among the names suggested by the Judicial Service Commission.

(2) A person shall be eligible for appointment as a Judge of the Supreme Court if he will be proved to possess the following qualifications:

(a) be a citizen by birth of the United Republic who is of a good conduct, diligent and faithful;

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

(i) has done the work of a judge in the Court of Appeal or the High Courts of the Partner Countries; or

(ii) is an advocate, a public servant or a professional with the qualifications of being registered as an advocate and has held the qualifications consecutively for no less than fifteen years.

The oaths of the Justices of the High Court

161. The Chief Justice, the Deputy Chief Justice or a Judge of the Supreme Court shall effectively play his role immediately after he has been sworn in through the oath of allegiance and any other oath relevant for the execution of his duties as shall be prescribed by laws of the country.

Term of office of the Chief Justice, the Deputy Chief Justice and other Justices of the Supreme Court

162. - (1) The Chief Justice shall hold the office of the Chief Justice until they attain the age of seventy years, except only if:

(a) he resigns;

(b) shall fail to execute his functions due to an illness;

(c) he dies; or

(d) is removed from the office of the Chief Justice pursuant to the provisions of this Constitution.

(2) The provisions of sub-clause (1) shall apply also to the Deputy Chief Justice and Justices of the Supreme Court.

(3) Without prejudice to the provisions of clause (1) and (2), the Chief Justice, Deputy Chief Justice and Justices of the Supreme Court who has reached the retirement age shall have to continue working after attaining that age until he has finished drafting and making judgments or until he completes any other activity associated with the proceedings which he had started to hear before he attained the retirement age.

(4) Without prejudice to the provisions of sub-clause (3), the Chief Justice or the Deputy Chief Justice who reaches the retirement age, shall vacate from his office, except for continuing with the works he was yet to accomplish while holding the position of the Justice of the Supreme Court until he is done with them.

Procedures of acting in the position of the Chief Justice

163. - (1) In case there shall happen such an event that: -

- (a) the office of the Chief Justice has fallen vacant;
- (b) the Chief Justice is absent from the United Republic; or
- (c) the Chief Justice fails to perform his duties for any reason outlined in this Constitution,

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 who was unable to discharge his duties returns to his office.

(2) In the event that the office of a Judge of the Supreme Court shall fall vacant or if a Justice of the Supreme Court has been appointed to implement the work of the Deputy Chief Justice or Justice of the High Court shall fail to perform his duties for any reason, or the Chief Justice advises the President that work of the Supreme Court as they stand require the appointment of an Acting Judge of the Supreme Court, the President may appoint an Acting Judge of the Supreme Court from among persons who may be appointed to be judges of the Supreme Court as they shall be nominated by the Judicial Service Commission.

(3) A person appointed as Acting Judge of the Supreme Court shall act as Acting Judge of the Supreme Court for as long as specified in the certificate of his appointment.

(4) Notwithstanding the provisions of sub-clause (2), a person appointed as an Acting Judge of the Supreme Court will continue to work as an Acting Judge of the Supreme Court until he has finished designing and preparing judgments or to complete any other activity associated with the appeal or proceedings which he was hearing after his appointment and before this time expires or his appointment has not been nullified.

(5) For the purpose of the provisions of this Article, the Acting Justice of the Supreme Court shall have full authority of the Justice of the Supreme Court and shall perform all the functions of the Justice of the Supreme Court and that the number of justices of the Supreme Court referred to in Article 155 will not be affected just because one or more Justices of the Supreme Court at any of the sittings one of the Justices of the Supreme Court is the Acting Justice of the Supreme Court.

Procedure relating to disciplinary measures against Justices of the Supreme Court

164. - (1) A judge of the Supreme Court shall be removed from office the position of the Justice of the Supreme Court for his failure to perform his functions either due to an illness or any other cause or for misconduct that impacts negatives on the code of conduct of Justices or Public Leaders Ethics; and shall not be removed office except in accordance with the provisions of sub-clause (2).

(2) If the President considers that the question to remove the Judge from office needs to be investigated, then in these circumstances the procedure shall be as follows:

- (a) The President may, after consultation with the Chief Justice, suspend such Justice;
- (b) The President shall appoint a Commission that will be composed of a Chairman and not less than two other members, and at least half of the members are to be judges of the Supreme Court or the Court of Appeal from any country within the Commonwealth; and
- (c) The Commission shall investigate the matter then inform the President about the details of that matter and advise the President whether the Judge concerned should be removed from office in accordance with the provisions of this Article for his failure to perform his functions due to an illness or any other reason or because of misconduct.
- (3) The Justice suspended from office in accordance with the provisions of sub-clause (2), shall continue to receive his salary and other remunerations until the suspended Justice is removed from office by the President under the provisions of sub-clause (4).
- (4) If the Commission appointed in accordance with the provisions of sub-clause (2) shall advise the President that the Judge whose conduct has been under investigation by the Commission should be removed from office for inability to work due to an illness or any other reason or for misconduct, the President shall remove the judge and his service shall cease to be.
- (5) If the Commission appointed in accordance with the provisions of sub-clause (2) shall advise the President that the Judge whose conduct has been under investigation by the Commission should not be removed, the President shall annul the decision to suspend him from public service and his employment shall continue.
- (6) The provisions of this Article shall not cover persons appointed to act the office of Justice.

(d) The Court of Appeal of the United Republic

The Court of Appeal

165. - (1) There shall be a Court of Appeal of the United Republic, which shall be known simply as the "Court of Appeal" and that will have:

- (a) The Chairman of the Court of Appeal;
 - (b) The Vice Chairman of the Court of Appeal; and
 - (c) at least seventeen other justices.
- (2) The judges of the Court of Appeal shall be appointed on merit as prescribed in this Constitution and the ratio of representation of the each side of the United Republic.
- (3) The laws to be enacted in accordance with the Constitutions of the Partner Countries shall establish provisions on the procedure for submitting an appeal to the Court of Appeal.

Quorum of sittings of the Court of Appeal

166. - (1) The quorum for each meeting of the Court of Appeal will be at least three Justices of the Court of Appeal.

(2) Every proceeding and appeal that requires a decision of the Court of Appeal shall be decided in accordance with the majority opinion among the judges of the Court of Appeal hearing the case or respective appeal.

Jurisdiction of the Court of Appeal

167. - (1) The Court of Appeal will have the powers of -

(a) hearing and deciding every appeal presented before the Court of Appeal and the judgment or any decision of the High Courts of the Partner Countries or any Court under the special authority of hearing cases which normally are heard by the High Court;

(b) to carry out reviews of the decisions of the High Court of the Partner Countries or any other lower court that was conferred with special authority to hear cases that are normally heard by the High Court; and

(c) undertake another matter as shall be prescribed in the laws of the country.

(2) The Court of Appeal shall develop regulations for the implementation of its mandate.

(3) Parliament may enact laws that shall put in place more provisions regarding the running of the Court of Appeal.

The Powers of the Justices of the Court of Appeal

168. - (1) A Judge of the Court of Appeal shall not have the power to decide on any proceedings in the Court of Appeal.

(2) Notwithstanding the provisions of sub-clause (1), if a Judge of the Court of Appeal before his appointment was a judge of the High Court of a Partner Country, the Judge may continue to work at the Court where he was working until he finishes preparing and making judgments or until he completes any other activity associated with the proceedings which he had started hearing before he was appointed as Justice of the Court of Appeal.

(3) Subject to the provisions of sub-clause (2), it will be valid for a Judge of the Court of Appeal to rule or make any other relevant decision by using and referring his position of power that he held before he was appointed as Judge of the High Court and in case the sentence or decision shall be challenged through an appeal that will be presented before the Court of Appeal, the Judge shall not have the powers to listen to the appeal.

(e) Appointment of the Justices of the Court of Appeal

Appointment of the Chairperson of the Court of Appeal

169. - (1) The Chairman of the Court of Appeal shall be appointed by the President from among the three names suggested by the Judicial Service Commission.

(2) The Chairman of the Court of Appeal shall be the Head of the Court of Appeal and the assistant to the Chief Justice in the implementation of work in the Court of Appeal, and in that office, the Chairman of the Court of Appeal shall perform the duties and functions assigned to him from time to time by the Chief Justice.

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

(a) is a citizen by birth of the United Republic of good conduct, diligent and faithful;

(b) is a holder of a basic degree in laws from a university recognised by the authorities dealing with higher education in the United Republic; and

(i) must have served as a judge in the High Courts of the Partner Countries; or

(ii) is an advocate, a public servant or a professional with the qualifications of being registered as an advocate and have had these qualifications consecutively for a period of not less than fifteen years.

Appointment of the Vice Chairperson of the Court of Appeal

170.-(1) The Vice Chairman of the Court of Appeal shall be appointed by the President from the list of three names suggested by the Judicial Service Commission and he shall be the principal assistant to the Chairman of the Court of Appeal.

(2) A person shall be appointed the Vice Chairman of the Court of Appeal if he shall have the qualifications outlined in Article 169(3).

(3) The appointment of the Chairman and Vic Chairman of the Court of Appeal shall be conducted under the principle that, if the Chairman shall be appointed from one side of the United Republic, then the Vice Chairman shall come from the other side of the United Republic.

Appointment of the Justices of the Court of Appeal

171. - (1) The judges of the Court of Appeal shall be appointed by the President from among the names suggested by the Judicial Service Commission.

(2) A person may be appointed as a Judge of the Court of Appeal if he shall be deemed possessing the qualifications outlined in Article 169(3):

The Oath of the Justices of the Court of Appeal

172. The Chairman of the Court of Appeal or a Judge of the Court of Appeal shall take up his position of authority immediately after he is sworn in by the President to the oath of allegiance and any other relevant oath related to the implementation of his duties in accordance with the laws of the country.

The term of tenure for Chairperson, the Vice Chairperson and Justices of the Court of Appeal

173. - (1) The Chairman of the Court of Appeal shall remain in office in the position of Chairman of the Court of Appeal until he attains the age of seventy years, unless:

(a) he resigns;

(b) the seat becomes vacant due to illness;

(c) he is removed from the position of Chairman of the Court of Appeal as per provisions of this Constitution; or

(d) he passes away.

(2) The Deputy Chairman of the Court of Appeal or a Judge of the Court of Appeal shall hold office until attaining the age of seventy years, unless:

(a) he resigns;

(b) he fails to undertake his duties due to an illness;

(c) he is removed from his position of the Vice Chairman of the Court of Appeal in accordance with this Constitution; or

(d) he passes away.

(3) A judge who attains the retirement age will have to continue working after attaining that age until he has finished preparing and passing sentences or until he completes any other duty associated with the cases which he started to hear before he attained the retirement age.

(4) Notwithstanding the provisions of sub-clause (3), the Chairman or Vice Chairman of the Court of Appeal who has attained the retirement age, shall vacate the position of the Chairman or Vice Chairman of the Court of Appeal, but he will continue to undertake those activities he was yet to complete while he was in the position of Justice of the Court of Appeal until he completes them.

The procedure of acting in the position of the Chairperson of the Court of Appeal

174. - (1) In the event that -

(a) the office of the Chairman of the Court of Appeal falls vacant;

(b) The Chairman of the Court of Appeal is not in the United Republic;

(c) The Chairman of the Court of Appeal is unable to discharge his duties as per provisions of this Constitution,

The Vice Chairman shall assume the work of the Chairman of the Court of Appeal until a new Chairman of the Court of Appeal is appointed or until the Chairman of the Court of Appeal who was outside the country or was not able to discharge his functions due to an illness returns to office.

(2) If the efficiency of the work of the Court of Appeal shall require the appointment of the Acting Justice of the Court of Appeal, the Chief Justice shall advise the President to appoint an Acting Justice of the Court of Appeal.

(3) If the President is satisfied with the advice of the Chief Justice, he shall appoint an Acting Judge of the Court of Appeal from among persons who may be appointed to be judges of the Court of Appeal.

(4) A person who shall be appointed as Acting Judge of Appeal shall work as the Acting Judge of the Court of Appeal for entire period to be specified at the time of his appointment, or if no period is specified, then until the appointment is revoked by the President.

(5) Notwithstanding the provisions of sub-clause (4), a person appointed as Acting Judge of the Court of Appeal will continue to work as an Acting Judge of the Court of Appeal until he finishes preparing and making judgments or to completes any other activity associated with the appeal or other considerations which he was by then hearing before his term of office was not finished or his appointment has been nullified.

(6) For purposes of this Article, the Acting Judge of the Court of Appeal shall have the full authority of a judge of the Court of Appeal and shall perform all the functions of a judge of the Court of Appeal.

The procedure of handling disciplinary matters of Justices of the Court of Appeal

175. - (1) The Judge of the Court of Appeal may be removed from the position of the office of the Judge of the Court of Appeal in case he fails to discharge his functions due to:

(a) an illness;

(b) violation of the Code of Conduct of the Judges of the Court of Appeal;

(c) lack of capacity to discharge the functions of the Judge; or

(d) bad conduct or improper conduct that undermines the Public Leadership Code of Ethics.

(2) The Chairman of the Court of Appeal, the Vice Chairman of the Court of Appeal or a Judge of the Court of Appeal can be removed from the position of office of Judge by observing the procedure similar to the one prescribed for the removal the Chief Justice, Deputy Chief Justice or Judge of the Supreme Court as described earlier.

(f) Monitoring of the Activities of the Judiciary

The Registrar of the Judiciary

176. - (1) There shall be a Registrar of the Judiciary of the United Republic who shall be referred to as “The Registrar of the Judiciary”, who shall be appointed by the President following suggestions made by the Judiciary Service Commission.

(2) A person can be appointed as the Registrar of the Judiciary if he possesses the following qualifications:

(a) he is a citizen of the United Republic by birth who is deemed to be diligent, of good conduct and is faithful;

(b) holds a basic degree in law from any university which is accredited by the authority that deals with higher education in the United Republic; and

(i) has worked as a magistrate in the Courts of the Partner Countries; or

(ii) has been a public servant of the United Republic,

and has had the qualifications consecutively for a period of no less than ten years.

Responsibilities of the Registrar of the Judiciary

177. - (1) The Registrar of the Judiciary shall have the following responsibilities:

(a) Oversee the implementation of activities of the Judiciary;

(b) Coordinate affairs of the Judiciary; and

(c) such other functions as will be assigned by the Chief Justice.

(2) In executing his functions, the Registrar of the Court shall be answerable to the Chief Justice.

The Chief Executive of the Judiciary

178. - (1) There shall be a Chief Executive Officer of the Judiciary who shall be appointed by the President from among public servants on the recommendation by the Judicial Service Commission and vetted by Parliament.

(2) A person shall not be appointed to the role of Chief Executive of the Court unless he is:

(a) a senior public servant;

(b) has professional experience in administration and financial matters; and

(c) is diligent and of an acceptable conduct in society.

The Responsibilities of the Chief Executive of the Judiciary

179. - (1) The Chief Executive of the Judiciary shall have the following responsibilities:

(a) to be the Secretary to the Judicial Service Commission;

(b) to be the Accounting Officer of the Judiciary;

(c) to be the chief administrator of the Judiciary Fund;

(d) to be in charge of administrative affairs of the Judiciary; and

(e) to perform such other functions as will assigned by the Chief Justice.

(2) In carrying out his responsibilities, the Chief Executive of the Judiciary shall be answerable to the Chief Justice.

PART THREE

THE JUDICIAL SERVICE COMMISSION AND THE JUDICIAL FUND

(a) The Judiciary Service Commission

The Judiciary Service Commission

180. - (1) There shall be a Judiciary Service Commission which will be comprised of eight members to be appointed by the President as follows:

(a) the Chief Justice who shall be the Chairman;

(b) The Attorney General of the Government;

(c) a Judge from the Supreme Court;

(d) A judge from the Court of Appeal;

(e) a representative of the Tanganyika Law Society;

(f) a representative of the Law Society of Zanzibar;

(g) The two representatives from the Faculties of Law of universities, one from Tanganyika and another from Zanzibar both of who shall be recommended by the respective higher learning institutions; and

(h) Chief Executive Officer of the Judiciary who shall be the Secretary.

(2) The Commission may invite any other person with special expertise to participate in any session of the Commission, but the person shall not have voting right.

(3) The Commission will establish procedures of conducting its meetings.

The Roles of the Judicial Service Commission

181. - (1) The Judicial Service Commission will be responsible for developing and facilitating the independence and accountability of the Judiciary and dispensation of justice efficiently, successfully and transparently.

(2) The Judicial Service Commission will be responsible for:

(a) recommend to the President the names of people who qualify to be appointed to hold the position of the Chief Justice, the Deputy Chief Justice, the Chairman of the Court of Appeal, the Vice Chairman of the Court of Appeal, Judges of the Supreme Court and Court of Appeal;

(b) review and recommend conditions of service of Judges and other judicial staff, including issues pertaining to discipline and their benefits;

(c) appoint registrars and employ other employees of the Judiciary, to receive complaints against them and take disciplinary action in accordance with the laws of the country;

(d) prepare and implement career development programmes for Judges and other Judicial staff;

(e) recommend to the Government Judicial reforms with the view of improving efficiency in the dispensation of justice;

(f) provide an opportunity for dialogue about the implementation of the obligations of the United Republic Judiciary and thus help the Chief Justice in carrying out his responsibilities for the purpose of achieving his targets effectively in the dispensation of justice; and

(g) to perform any other functions that shall be assigned to it in accordance with this Constitution or laws of the country.

(3) In executing its functions, the Commission shall adhere to:

(a) Transparency in the selection process of Judges and the employment of other servants of the Judiciary of the United Republic;

(b) the representation of each side of the United Republic; and

(c) the ratio of gender.

(4) In performing its functions, the Commission may delegate its powers to various committees that may be established pursuant to the laws of the country.

(5) Without prejudice to the provisions of sub-clause (2)(b), the recommendations on the benefits of the Judges and other judicial staff shall be forwarded to the body responsible for monitoring benefits of public servants.

(6) Parliament shall enact laws that shall lay the conditions for the implementation of the Commission's responsibilities.

Membership to political parties

182. It will be prohibited for a Judge of the Supreme Court, a Judge of the Court of Appeal or the Registrar of the Judiciary, a Registrar at any level and the Chief Executive Officer of the Judiciary to be a member of any political party, but he shall have the right to vote to elect leaders in the representation bodies.

(b) The Judiciary Fund

The Judiciary Fund

183. - (1) There shall be a fund to be known as the Judicial Fund of the United Republic which shall be under the supervision of the Chief Executive Officer of the Judiciary.

(2) The United Republic Judicial Fund will be used to finance the activities of the administration and operation of the courts of the United Republic and other activities necessary to implement the functions of the Court.

(3) The Government will ensure that in every budget of each financial year, it shall set aside sufficient amount of money that shall be put in the reserves of the Judiciary Fund of the United Republic.

(4) The Parliament shall enact legislation that shall lay conditions on how the United Republic Judiciary Fund shall be managed.

CHAPTER ELEVEN

PUBLIC SERVICE IN THE UNITED REPUBLIC

The main principles of Public Service

184. - (1) There shall be a public service in the United Republic which shall observe the following principles and rules:

(a) that the public service is a mandate from the citizens and therefore a public servant ought to serve the citizens diligently, honestly and with humility;

(b) the importance of maintaining and promoting the highest standards of professional conduct;

(c) the importance of promoting efficient and effective use of resources;

- (d) providing services to the public fairly, equitably and without bias;
 - (e) to encourage citizens to participate in the preparation of national policies;
 - (f) to respond to the aspirations and demands of the people fast and in a timely manner;
 - (g) going an extra mile in the implementation of national policies and programmes;
 - (h) the accountability of leaders for mistakes committed under their leadership;
 - (i) promoting the policy of transparency in providing true information to the public and at the right time; and
 - (j) to ensure that people will be appointed to various positions based on their academic merit, professionalism, knowledge, skills and experience in the respective field.
- (2) The Principles and Rules of Public Service as outlined in this Article shall be upheld and used in the selection of appointment to various offices in:
- (a) authority in all pillars of the State;
 - (b) institutions and all Government departments; and
 - (c) parastatals, companies and Government agencies.
- (3) Parliament shall enact laws to provide for the terms of the implementation of the principles of service prescribed in sub-clause (1).

Employment and appointment of leaders in Government institutions

185.-(1) Without prejudice to the provisions of this Constitution, employment in public service and appointments to positions of authority in the United Republic Government and its institutions shall be provided and made by observing:

- (a) expertise and competence; and
- (b) representation of each side of the United Republic

(2) For purposes of sub-clause (1), appointment in the United Republic Government shall be done by taking into consideration participation of each side of the United Republic.

Public Service Commission

186. - (1) There shall be a Public Service Commission which shall have a Chairman and six other members who shall be appointed by the President and vetted by Parliament.

(2) In appointing the members to the Public Service Commission, the President will consider the Public Service Regulations set out in this Constitution.

(3) The qualifications of the Chairman and Member of the Public Service Commission shall be the following:

(a) one must be a citizen of the United Republic;

(b) must be a holder of at least a basic degree from a university accredited in accordance with the laws of the country;

(c) must be experienced in public service matters, is highly visionary in public service matters, administration and social affairs for a period of no less than ten years; and

(d) must be respectful, competent, faithful, diligent and of a good conduct that does not raise suspicions in society.

The Secretary to the Public Service Commission

187.-(1) There shall be a Secretary to the Public Service Commission who shall be appointed by the President from among United Republic Government servants or the Governments of the Partner Countries who shall also be vetted by Parliament.

(2) The Secretary to the Public Service Commission shall be the Head of the Public Service Secretariat, the Chief Executive and the overseer of day to day of Commission's businesses.

Powers and responsibilities of the Commission

188. - (1) The Public Service Commission will be the highest authority in the Public Service with the authority to oversee and coordinate all matters concerning the Public Service.

(2) Without prejudice to the provisions of sub-clause (1), the functions of Public Service Commission shall be to:

(a) advise the President on the appointment leaders to various offices in accordance with this Constitution;

(b) provide concrete guidelines to manage the recruitment process in the public service based on merit;

(c) to appoint public servants to serve or to act in an office temporarily in the Public Service, approve appointments and monitor disciplinary issues and remove serving public servants or those holding the offices;

(d) to supervise and promote the implementation of the basis of principles of service in all sectors of the public service;

(e) to handle appeals submitted by public servants against decisions made of various authorities of disciplinary matters in the public service;

(f) to implement any other functions as shall be prescribed in legislations enacted by Parliament on issues of public service and other laws of the country;

(g) form and to review the salaries and benefits of public servants, including top leaders of the country, political leaders, employees of the Government; Parliament and the Judiciary; and

(h) scrutinise and equalise the salaries and benefits of all political leaders, government servants in the service of the Government, the Parliament, the Judiciary.

CHAPTER TWELVE

ELECTION IN REPRESENTATIVE ORGANS

AND POLITICAL PARTIES

PART ONE

PEOPLE'S REPRESENTATION

Participation in elections and referenda

189.-(1) Every citizen of the United Republic of Tanzania aged eighteen and above and who is of a sound mind is entitled to vote and get registered for the purpose of voting during elections or in a referendum.

(2) For purposes of sub-clause (1), the election authority shall abide by the following principles:

(a) the citizens exploit their political rights in accordance with this Constitution;

(b) people with disabilities are provided with representative opportunities;

(c) the right of every person to vote in accordance with the will of equal representation by votes; and

(d) an election is free and fair, which -

(i) uses a secret ballot;

(ii) there is no use of force, threats or temptations or bribery;

(iii) does not entail any statements or actions that signified ethnicity, regionalism, religious affiliation, disrespect and sexual disrespect or stigma of people with disabilities or minority groups in society;

(iv) is run and monitored by an independent organ; and

(v) is run without favour or bias towards any side, has been planned keenly, and shows accountability of the executives.

(3) In order to further provisions of sub-clauses (1) and (2), the State authority shall establish a legal mechanism that would enable:

(a) authorities supervising elections to announce the electoral constituencies for the purpose of electing Members of Parliament;

(b) appointment of candidates;

(c) registration of voters;

(d) to run and monitor an election and a referendum;

(e) to establish a procedure of registering citizens of the United Republic residing in other countries so that they will be able to cast their votes during elections or referenda; and

(f) put in place a mechanism for an easy vote casting, which is transparent and that caters for people's needs, especially those with special needs.

(4) For purposes of sub-clause (2), and taking into consideration provisions regarding objecting the results of the Presidential election, every voter has the right to file a proceeding in Court to object to the results of an election, which he believes have violated or infringed upon the provisions set out in this Constitution or laws of the country.

PART TWO

INDEPENDENT ELECTORAL COMMISSION

(a) The Establishment of an Independent Electoral Commission

Establishment of the Independent Electoral Commission

190. - (1) There shall be an Independent Electoral Commission of the United Republic which shall be known as the "Independent Electoral Commission".

(2) The Independent Electoral Commission shall be composed of the Chairman, the Vice Chairman and seven other members who shall be appointed by the President on the recommendation of the Appointment Committee.

(3) The Chairman, Vice Chairman and members of the Independent Electoral Commission shall hold office immediately after they are vetted by Parliament.

(4) The appointment of the Chairman and Vice Chairman of the Electoral Commission shall be done on the basis that if the Chairman shall be appointed from one side of the United Republic, then the Vice Chairman shall come from the other side of the United Republic.

(5) The Chairman and Vice Chairman of the Independent Electoral Commission shall have the following qualifications:

(a) a citizen by right of birth and at least one of his parents is a citizen of the United Republic by right birth;

(b) a person who has held office of judge in the Supreme Court, the Court of Appeal or the High Court and had held the position for at least five years;

(c) an honesty, diligent, and of an unquestionable conduct in society;

(d) a person who is not a leader, has never held any political office in a political party; and

(e) a person who has never been convicted for any criminal offense relating to integrity.

(6) A member of the Independent Electoral Commission shall have the following qualifications:

(a) a citizen by right of birth, and at least one of his parents is a citizen of the United Republic by right of birth;

(b) an honesty, diligent, and of an unquestionable conduct in society;

(c) a person who has never held any political office in a political party;

(d) a graduate from a university recognised in accordance with the laws of the country; and

(e) a person who has never been convicted for any criminal offense relating to integrity.

(7) For purposes of this Article, the following persons shall not qualify to be members of the Independent Electoral Commission:

(a) Member of Parliament of the United Republic, a Member of Parliament of Tanganyika, a Representative of the House of Representatives, a Councillor in the Government of Tanganyika or Zanzibar; or

(b) a person who is a public servant.

(8) The appointment of members of the Independent Electoral Commission will be based on a ratio of representation of each side of the United Republic.

The Appointing Committee

191.-(1) There shall be an Appointing Committee of the Chairman, the Vice Chairman and Members of the Independent Electoral Commission that shall consist of the following members:

(a) The Chief Justice of the United Republic who shall be the Chairman;

(b) The Speaker of the United Republic Parliament, who shall be the Deputy Chairman;

(c) Speaker of the Zanzibar House of Representatives;

(d) Speaker of the Tanganyika Parliament;

(e) The Chief Justice of Tanganyika;

(f) The Chief Justice of Zanzibar; and

(g) The Chairman of the Leadership Ethics and Accountability Commission.

(2) The Director of the Independent Electoral Commission shall be the Secretary of the Appointing Committee.

(3) The Appointing Committee shall have the responsibility of receiving and shortlisting names of people who have applied or suggested to become members of the Independent Electoral Commission in accordance with procedures that will be prescribed by the laws of the country.

(4) Subject to the provisions of sub-clause (3), the Appointing Committee immediately after shortlisting names of applicants or suggested for the position of members of the Independent Electoral Commission, it shall suggest to the President names of people who qualify to be elected members of the Independent Electoral Commission.

(5) The President shall appoint the Chairman, the Vice Chairman and Members of the Independent Electoral Commission from among names submitted to him by the Appointing Committee and he shall present the names to parliament for vetting by Parliament.

(6) For purposes of this Article, civic organisations and non-governmental organisations shall suggest names of people who can be appointed the Chairman, the Vice Chairman and Members of the Independent Electoral Commission.

(7) Parliament shall enact a law which, among other things, shall make for provisions about the oath of the Chairman, the Vice Chairman and other Members of the Independent Electoral Commission.

Cessation of power as a Member of the Independent Electoral Commission

192.-(1) A Member of the Commission shall serve a five-year term and may be re-appointed for another five-year term.

(2) A person shall cease to be a member of the Commission if any of the following will happens:

(a) resignation;

(b) inability to discharge his responsibilities because of an illness;

(c) being removed for offences of violating the Public Leadership Code of Conduct;

(d) Being convicted for a crime whose sentence is a jail term that exceeds seven days;

(g) losing qualifications to be appointed as a Member; or

(f) passing away.

(3) for purposes of an effective implementation of the responsibilities of the Commission, there shall be in place ethical codes of conduct as shall be outlined by the laws of the country.

(4) A Member of the Independent Electoral Commission who shall violate provisions of the Commission's Code of Conduct shall lose the qualifications to continue as a member.

(5) If the question of the removal of a Member of the Independent Electoral Commission after he violated the Public Leadership Code of Conduct shall be the case, the President shall appoint a committee that shall be composed of:

(a) a Judge of the Court of Appeal who shall be the Chairman;

(b) The Commissioner for the Human Rights Commission;

(c) A Member of the Leadership Ethics and Accountability Commission; and

(d) Advocates, one from Tanganyika and another from Zanzibar who shall be recommended by the Tanganyika Law Society and the Zanzibar Law society,

And the Committee shall carry out investigations over the matter and then make recommendations to the President.

(6) If, after an election, the Committee shall recommend that the member should not be removed, then the suspension of the member shall be abandoned.

(7) The Committee shall establish procedures of conducting investigations.

The Duties of the Independent Electoral Commission

193.-(1) The Independent Electoral Commission shall have the responsibility of:

(a) monitoring and running all activities of the election of the Members of Parliament and President of the United Republic;

(b) To supervise and run a referendum;

(c) To supervise and monitor and coordinate voters' registration in the United Republic;

(d) to sub-divide and declare electoral constituencies for Parliamentarians of the United Republic Parliament.

(2) The Independent Electoral Commission of the United Republic shall have the responsibility to providing voter education during elections or referendum and the coordinate provision of civic education about elections and monitoring civic organisations, institutions, communities and groups of people who shall provide the education.

(3) The Independent Electoral Commission shall also have the responsibility of ensuring:

(a) the freedom of the people in using the right to participate in election and be elected through political parties or an independent candidate;

(b) representation that takes into consideration gender;

- (c) representation of people with disabilities or those with special needs in society;
- (d) adherence to the principles of voting of one person one vote by ensuring an equal representation; and
- (e) free and fair election.

(4) The Independent Electoral Commission may implement its activities without caring much that there is a vacancy of the a member among members or that there is a Member who is not around, but every decision of the Independent Electoral Commission must be supported by the majority of members among all Members of the Independent Electoral Commission.

(5) In executing its powers in accordance with provisions of this Constitution, the Independent Electoral Commission will not be compelled to follow an order or directives from any person or any office of the Government, a political party, an institution or any organisation.

(6) In implementing its powers in accordance with this Constitution, the Independent Electoral Commission shall consult from time to time with the Electoral Commission of Tanganyika and the Electoral Commission of Zanzibar.

(7) It shall be prohibited for people responsible with election to join any political party, except that each one of them shall have the right to vote in an election or referendum.

(8) For purposes of sub-clause (7), the people who are responsible for an elections or a referendum are:

- (a) The Chairman of the Independent Electoral Commission;
- (b) The Vice Chairman of the Independent Electoral Commission;
- (c) All the Members of Independent Electoral Commission;
- (d) The Director of Elections and all employees of the Independent Electoral Commission; AND
- (e) All election administrators.

Complaints regarding elections

194. - (1) The Independent Electoral Commission shall supervise and make decisions as early as possible on complaints related to the nomination of contestants in an election.

(2) Complaint cases regarding election of Members of Parliament shall be filed with the High Court as early as possible after the Independent Electoral Commission has announced the results and by any means it shall not be after the time specified by laws of the country.

(b) The Director of Elections

The appointment of the Director of Elections

195.-(1) There shall be the Director of Elections who shall be appointed by the President after being suggested by the Public Service Commission and vetted by Parliament.

(2) The Director of Elections shall have the following qualifications:

(a) a citizen by birth and at least one of his parents is a citizen by birth of the United Republic;

(b) faithful, diligent and of an unquestionable character in society;

(c) has never held any position of leadership in a political party;

(d) a graduate from any university accredited according to the laws of the country; and

(e) a person who has never been convicted for any criminal offence touching on trust.

The responsibilities of the Director of Elections

196.-(1) The Director of Elections shall be the supervisor and chief executive of the day to day businesses of the Independent Electoral Commission regarding elections, voter registration and running a referendum.

(2) The Director of Elections shall implement his duties by observing procedures laid down in the laws of the country regarding an election or a referendum.

(3) The Director of Elections shall implement his responsibilities by being supported by executives who are public servants by the numbers as shall be determined by requirements.

(4) In the implementation of his responsibilities, the Director of Elections shall be answerable to the Independent Electoral Commission.

PART THREE

REGISTRATION AND SUPERVISION OF POLITICAL PARTIES

(a) Political Parties

Registration of Political Parties

197.- (1) A political party shall carry out political activities if it has been registered accordingly in accordance with the laws of the country.

(2) It shall not be lawful for any political party to be registered while according to its Constitution or policy -

(a) intends to enhance or fight for interests of-

- (i) a faith or any religious group;
 - (ii) any ethnic group, place of origin, race or gender;
 - (iii) favouring only a particular area of the United Republic;
 - (b) advocates for the break up of the United Republic;
 - (c) supports or advocates use of forceful means or military combat as a way of achieving its political goals;
 - (d) advocates or intends to undertake its political activities in just one side of the United Republic; or
 - (e) does not allow its leaders to be elected periodically through democratic processes.
- (3) Without prejudice to the laws of the country responsible it is forbidden for any person to be forced to join a particular party or for any political party to be refused to be registered on just the basis of its ideology or philosophy.
- (4) The Parliament may enact a law that shall prescribe conditions that will ensure that political parties adhere to the established criteria as shall be provided for in sub-clause (2) about the freedom and right for people to cooperate and associate.
- (5) All matters pertaining to the registration and running of political parties shall be monitored in accordance with the provisions of this Constitution.

(b)The Registrar of Political Parties

The appointment of the Registrar of Political Parties

198.-(1) There shall be a Registrar of Political Parties who shall be appointed by the President after suggestions by the Public Service Commission and Parliament vetting.

(2) The Registrar of Political Parties shall have the following qualifications:

- (a) a citizen by birth of the United Republic
- (b) a faithful, diligent and person of unquestionable character in society; and
- (c) a person who has never held a position of authority in any political party; and
- (d) a holder of a basic degree from a university accredited in accordance with the laws of the country.

The responsibilities of the Registrar of Political Parties

199.-(1) The Registrar of Political Parties shall have the following responsibilities:

(a) monitoring and coordinating registration and activities of political parties in accordance with the provisions of the Constitution and laws of the country;

(b) to prepare and publish annual audit reports of each political party; and

(c) monitor funds of political parties.

(2) The Registrar of Political Parties shall implement his responsibilities by observing procedures outlined by the laws of the country.

CHAPTER THIRTEEN

ACCOUNTABILITY INSTITUTIONS

PART ONE

THE LEADERSHIP ETHICS AND ACCOUNTABILITY/INTEGRITY COMMISSION

The Leadership Ethics and Accountability Commission

200.-(1) There shall be a Commission which shall be known as “The Leadership Ethics and Accountability Commission” which shall be composed of the Chairman and the Vice Chairman and other members whose number shall not exceed seven.

(2) The Chairman and the Vice Chairman of The Leadership Ethics and Accountability Commission will be appointed by the President after being suggested by the Special Appointing Committee.

(3) The appointment of the Chairman and the Vice Chairman of the Leadership Ethics and Accountability Commission shall be done in the principle that if the Chairman shall be appointed from one side of the United Republic, then the Vice Chairman shall be appointed from the other side of the United Republic.

(4) The Chairman and Vice Chairman shall commence their authority after being vetted by Parliament.

(5) The qualifications of the Chairperson of the Commission shall be as follows:

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

(b) a person holding a degree from a recognised university in accordance with the laws of the country;

(c) A person with enough experience in the Public Service for a period not be less than fifteen years;

(d) a person who is respectful, competent, diligent, honest and one whose character or conduct is not questionable in society; and

(e) a person who has never been convicted for any criminal offense touching on the question of trust.

(6) The qualifications of the Vice Chairperson shall be as has been elaborated in sub-clause (5).

The appointment and qualifications of the Members

201.-(1) The Members of the Leadership Ethics and Accountability Commission shall be appointed by the President after being suggested by the Special Appointing Committee.

(2) The qualifications of the Members of the Leadership Ethics and Accountability Commission shall be as follows:

- (a) a citizen by right of birth of the United Republic;
- (b) a graduate from a university accredited according to the laws of the country;
- (c) a person with experience in leadership for a period of no less than ten years;
- (d) a respectful, competent, honest, diligent person and of unquestionable character before the society.

The Special Appointing Committee

202. There shall be a Special Appointing Committee which shall consist of the following Members:

- (a) The Chief Justice of the Judiciary of the United Republic
- (b) The Speaker of the United Republic Parliament
- (c) A Judge of the Tanganyika High Court
- (d) A Judge of the Zanzibar High Court
- (e) Speaker of the Tanganyika Parliament
- (f) Speaker of the Zanzibar House of Representatives; and
- (g) The Attorney General of the Government.

General responsibilities of the Commission

203. (1) The general responsibilities of the Leadership Ethics and Accountability Commission shall be to monitor and investigate characters and conduct of leaders and public servants for the purpose of supervising and ensuring that the Ethics and Morals of Public Leadership are observed, protected and respected in the service of the Government, Parliament, Judiciary, institutions and all other public departments.

(2) Without prejudice to the general conditions of sub-clause (1), the specific responsibilities of the Commission shall be:

- (a) to enforce ethics and accountability in the public service;
- (b) to conduct investigations in cooperation with other institutions;
- (c) to investigate character and conduct of a public servant or leader and take appropriate measures where necessary, including taking those public servants who shall be proven to have violated ethics and moral guidelines of leadership;
- (d) to enforce a law of the country regarding ethics and accountability of public leaders and servants;
- (e) to advise on matters about an misappropriation of an institution's funds;
- (f) to conduct a research of a public leader who is about to take over an office of authority;
- (g) to provide education about public leadership ethics and moral guidelines;
- (h) To conduct investigations on its own decisions, or after received complaints from any person, regarding performing or non-performing by a Leader or any public servant, or a government agent, if an act that was committed or not committed was contrary to the public ethics;
- (i) to inform, after having received complaints or as shall be appropriate, a leader or a public servant, institution or government agency or any other public organ to undertake any matter as is required by law, to stop, prohibit or correct any bad performance or which is incorrect of its responsibilities;
- (j) to give advice on measures to be taken against a public leader or any other servant;
- (k) to direct a public leader or servant, in accordance with the laws of the country, to produce documents related to expenditure of his office, use of funds or public property, or report about misuse to the Commission, for appropriate measures;
- (l) to request support or special reports from any authority of government or private in the course of implementing its duties and inspect important records and relevant documents;
- (m) by adhering to the law, to make public, all matters related to investigations it conducted, if the circumstances so allow;
- (n) investigating a matter or circumstances that contravene or causes the violation of the ethics; and
- (o) to prepare regulations of the procedure and application of authority or implementation of work and responsibilities of the Commission as shall be prescribed by the laws of the country.

Term of office of a Member of the Commission

204. –(1) The Chairman, the Vice Chairman and Members of the Commission each one of them shall serve for two periods of three years or another term of three years as shall be clarified in the letter of appointment, taking into consideration that the appointment of members of the Commission will be conducted in such a manner that the Commission will not start or end their terms at the same time.

(2) Without prejudice to the provisions of sub-clause (1), the Chairman, the Vice Chairman or a Member of the Commission can be re-appointed for another one three-year term or otherwise as it shall be.

(3) The Chairman, Vice Chairman and Members of the Commission at the time of serving their tenure in office shall not be allowed to be appointed, elected or hold any other position of authority.

Removal from office of Members of the Commission

205. -(1) The Chairperson, the Vice Chairperson or a Member of the Commission can be removed from office if:

- (a) he fails to discharge his functions because of an illness;
- (b) he violates the regulations of the public leadership ethics;
- (c) he violates the Public Leadership Moral Guidelines;
- (d) lacks competence; or
- (e) engages in a gross misconduct.

(2) The Chairman, the Vice Chairman or a Member of the Commission can be removed from office following recommendations of the Public Service Commission or complaints from any person to the Public Service Commission, on the conditions that:

- (a) the recommendations or complaints shall be made in writing; and
- (b) they must identify issues being recommended or for which there are complaints.

(3) After receiving the recommendations or complaints, the President shall form a Special Committee that would investigate about the complaints.

(4) After completing investigations, the Special Committee shall submit the recommendations to the President for decision.

(5) As for matters about number and qualifications of members, time and procedures of undertaking the functions of the Special Committee shall be decided by the President.

The Independence of the Commission

206. - (1) The Commission shall be independent and on that rationale shall not be interfered by anyone or any authority in the implementation of its responsibilities.

(2) Parliament shall enact a law that shall lay out conditions for:

- (a) the procedure of implementing the responsibilities of the Commission;

- (b) the preparation and issuance of reports of the Commission;
- (c) The procedure for the issuance of recommendations and decisions of the Commission;
- (d) Employees of the Commission; and
- (e) Other important matters about the Commission.

Material and Resource Empowerment

207. The Government will ensure that The Public Leadership and Accountability Commission is provided with sufficient funds, equipment and human resource, depending on the general conditions so as to fulfil its duties efficiently.

PART TWO

THE HUMAN RIGHTS COMMISSION

The Human Rights Commission

208. - (1) There shall be a Commission to be known as the “Commission for Human Rights” which shall be composed of the Chairman, Vice Chairman and no more than other seven Members.

(2) The Chairman and Vice Chairman and Commissioners of the Commission for Human Rights shall be appointed by the President after suggestions by the Appointing Committee.

(3) The appointment of the Chairman and Vice Chairman of the Commission for Human Rights shall be one by taking into consideration that if the Chairman shall come from one side of the United Republic, the Vice Chairman shall come from the other side of the United Republic.

(4) The Chairman and Vice Chairman shall take up the office after being vetted by Parliament.

(5) The qualifications of the Chairman and the Vice Chairman of the Commission shall be as follows:

- (a) a citizen by birth of the United Republic;
- (b) a holder of a law degree from a university accredited in accordance with the laws of the country;
- (c) a person who respects human rights;
- (d) a person who is well experienced in the public service, visionary in matters concerning human rights, governance and social affairs for a period of no less than ten years; and
- (e) a respectful person, competent, honest, diligent and is of an unquestionable character or conduct in society.

(6) The qualifications of the Commissioners of the Commission shall be as follows:

- (a) a citizen of the United Republic;

- (b) a person who respects human rights;
- (c) an experienced person for no less than ten years with at least some legal issues, human rights, governance, politics and social affairs;
- (d) a respectful person, competent, honest, diligent and is of an unquestionable character or conduct in society; and
- (e) a holder of a basic degree from a university accredited according to the laws of the country.

The Appointing Committee

209.-(1) There shall be a Special Appointing Committee for the Chairman, the Vice Chairman and the Commissioners of the Human Rights Commission which shall consist of the following Members:

- (a) The Chief Justice of the Judiciary of the United Republic who shall be the Chairman;
 - (b) The Speaker of the United Republic Parliament who shall be the Vice Chairman;
 - (c) The Speaker of the Zanzibar House of Representatives
 - (d) The Speaker of the Tanganyika Parliament
 - (e) The Chief Justice of Tanganyika
 - (f) The Chief Justice of Zanzibar; and
 - (g) The Chairman of the Leadership Ethics and Accountability Commission
- (2) The Secretary of the Human Rights Commission shall be the Secretary to the Appointing Committee.
- (3) The Appointing Committee shall have the responsibility of receiving and sorting out names of people who had applied and suggested to become Commissioners of the Human Rights Commission in accordance with the procedures outlined by the laws of the country.
- (4) Subject to the provisions of sub-clause (3), the Appointing Committee immediately after sorting out names of applicants and those suggested to become Commissioners of the Human Rights Commission shall suggest to the President names of people who qualify to be appointed Commissioners to the Human Rights Commission.
- (5) The President shall appoint the Chairman, the Vice Chairman and Commissioners to the Human Rights Commission from among names that were submitted to him by the Appointing Committee and shall submit the names to Parliament for vetting.
- (6) For purposes of this Article, civic organisations and non-governmental organisation may suggest names of people who can be appointed the Chairman, the Vice Chairman and Commissioners of the Human Rights Commission.

(7) There shall be a Secretariat of the Human Rights Commission that shall be led by the Secretary who shall be appointed by the President from the list of three names suggested by the Public Service Commission.

(8) Parliament shall enact a law which, among other things, shall make provisions about the oath of the Chairman, the Vice Chairman and Commissioners of the Human Rights Commission.

Functions and responsibilities of the Commission

210. Duties and responsibilities of the Commission for Human Rights shall be as follows:

- (a) promotion the protection of human rights and social responsibility in accordance with the Constitution and laws of the country;
- (b) receiving complaints about violation of human rights in general;
- (c) to investigate human rights violations and violations of the principles of good governance;
- (d) conduct research and to educate the public about human rights and good governance;
- (e) to institute proceedings in court in order to prevent the violation of human rights or amend the rights arising from the violation of human rights or violation of principles of good governance;
- (f) investigate the conduct of any person or any entity associated with the provisions of this Article in the normal execution of the responsibilities or implementation that violates its powers;
- (g) to provide advice to Government and other public and private sector on human rights and good governance;
- (h) to take appropriate measures for promoting and developing mediation and reconciliation among people and institutions who come or are brought before the Commission;
- (i) to pay visits to prisons, police stations or any other place where a person or persons can be detained for the purpose of evaluating and inspecting the conditions of the people being held in those places and make recommendations that would enable the shortcomings to be rectified;
- (j) to make recommendations related with enacted laws or those being intended to be enacted, regulations or other administrative matters in order to ensure they meet international and regional standards of human rights;
- (k) to submit independent reports and opinions to organs and international and regional institutions about the status of human rights in the country, where necessary;
- (l) to bar the government from signing or ratifying an international convention or agreement about human rights, monitor and evaluate implementation of human rights as prescribed in this Constitution, Constitutions of the Partner Countries, country laws and international conventions or agreements for which the United Republic is accountable for; and

(m) through the Government, to cooperate with representatives of the United Nations, United Nations Agencies, Africa Union, the Commonwealth and other institutions for which there exist bilateral relations or at the regional level with other institutions of other Countries in the areas of protection and enhancement of human rights.

(2) The Human Rights Commission shall have special powers as follows:

(a) summon anyone before the Commission and demand him to submit any documents, records or anything that he has under his powers which is linked to anything under investigations by the Commission'

(b) demand anyone to provide information he knows to the Commission on a matter being investigated by the Commission; and

(c) to cause anyone who violates directives or procedures of the Commission and file a criminal charge in court.

Tenure of office of the Commissioner of the Commission

211.-(1) The Chairman, Vice Chairman and Members of the Commissioner of the Commission shall each be in office for only three-year term or another three-year term as will be so outlined in the appointment letter, taking into consideration that the appointment of Commissioners of the Commission shall be done in such a way that they will not all start their terms at the same time or end their terms at the same time.

(2) Without prejudice to sub-clause (1), the Chairman, Vice Chairman or Commissioner of the Commission may be re-appointed for another three-year term or as otherwise shall be.

(3) The Chairman, Vice Chairman and Commissioner of the Commission while serving their terms in office shall be prohibited from being appointed, elected or hold another office of authority.

Removal from office of the Commissioner of the Commission

212. - (1) The Chairman, Vice-Chairman of Commissioner of the Commission may be removed from office for:

(a) the inability to discharge his duties due to an illness;

(b) violating the Public Leaders Code of Ethics;

(c) violating the Leadership Morals;

(d) lack of competence; or

(e) misconduct.

(2) The Chairman, Vice Chairman or Commissioner of the Commission may be removed from office on the disapproval of the Public Service Commission or due to complaints from anyone sent to the Public Service Commission, on the condition that:

(a) the disapprovals or complaints shall be put in writing; and

(b) all issues being disapprovals or the complaints shall be outlined.

(3) Upon receipt of the disapprovals or complaints, the Public Service Commission shall form a Special Committee that shall probe the recommendations or complaints.

(4) After receiving the report of the Special Committee, the Public Service Commission will forward the recommendations of the Special Committee to the President for decision.

(5) The President shall take measures as was recommended by the Special Committee.

(6) Matters regarding the number and qualifications of the members, time and procedure for carrying out the work of the Special Committee shall be as will be decided by the Public Service Commission.

Independence of the Commission

213. - (1) The Commission shall be independent and shall not be interfered by any person or authority in discharging its duties.

(2) Parliament shall enact laws that shall set terms for:

(a) the manner of execution of the functions of the Commission;

(b) the preparation and delivery of Commission's reports;

(c) the procedure for the provision of recommendations and decisions of the Commission;

(d) staff of the Commission; and

(e) other relevant issues regarding the Commission.

Material and resource empowerment

214. The Government will ensure that the Commission for Human Rights is provided with sufficient funds, equipment and human resource so as to enable it implement its responsibilities effectively.

PART THREE

THE CONTROLLER AND AUDITOR GENERAL OF GOVERNMENT ACCOUNTS

The appointment of the Controller and Auditor General of Government Accounts

215. - (1) There shall be a Controller and Auditor-General of Government Accounts who shall be appointed by the President and United Republic Parliament vetting.

(2) The Controller and Auditor-General of Government Accounts shall hold the office only after he is sworn in by the President.

Qualifications of the Controller and Auditor General of Government Accounts

216.-(1) The Controller and Auditor-General of Government Accounts shall be appointed from the list of three names suggested by the Public Service Commission.

(1) A person who may be appointed the Controller and Auditor General of Government Accounts shall have the following qualifications:

(a) is a citizen of the United Republic;

(b) has passed higher training in accountancy and is registered with the respective body;

(c) has experienced of no less than fifteen years in matters related to auditing of government accounts;

(d) has never been convicted for any criminal offence related to lack of diligence; and

(e) is a respectful, competent, honest, diligent person and of an unquestionable conduct in society.

Functions and responsibilities of the Controller and Auditor General of Government Accounts

217. - (1) The functions and responsibilities of the Controller and Auditor-General of the Government Accounts shall be:

(a) to ensure that any funds proposed to be paid from the Consolidated Fund of the Government has its expenditure authorised and that it shall be issued in accordance with the provisions of this Constitution, and if he is satisfied that such provisions will be implemented effectively, he will authorise the payment of such moneys;

(b) ensure that all the money that has been authorised must come from the money contained in the Consolidated Fund of the Government or the money whose expenditure has been authorised by the laws of the country, and which has been expended for activities related to the expenditure of the money and this expenditure has been implemented by observing authorization given in relation to the expenditure;

(c) at least once every year, to audit and produce audit reports on the accounts of-

(i) the accounts of the United Republic Government;

(ii) accounts being monitored by United Republic institutions and agencies

(iii) accounts of the United Republic Judiciary; and

(iv) accounts of the United Republic Parliament.

(2) The Controller and Auditor-General of the Government accounts shall be independent in the execution of his functions and responsibilities, and will not be interfered by any person or authority in the discharge of his functions.

(3) The Controller and Auditor-General of the Government accounts and every public servant who has been authorised by the Controller and Auditor General shall have the permission examine the accounts books, records, other documents related to accounts as outlined in sub-clause (1).

(4) The Controller and Auditor-General of the Government shall submit to the President every report he shall make in accordance with the provisions of this Constitution.

(5) After receiving the report, the President will direct the people in charge to submit the report to the first Parliament meeting since the President received the report and this shall be presented in the meeting before seven days have passed from the date the meeting was opened, and if the President will not take measures to present the report to the Speaker, then the Controller and Auditor General of Government Accounts will submit the report to the Speaker, who shall submit it to Parliament.

(6) The Controller and Auditor-General of the Government Accounts shall also be responsible for carrying out other duties and functions, and shall have other diversity authority as shall be prescribed by law regarding accounts of the United Republic Government, parastatals or corporations accounts.

(7) In discharging his functions in accordance with the provisions of sub-clauses (1), (3), (4) and (5) of this Article, the Controller and Auditor-General of Government Accounts shall not be obliged to follow orders or directives of any other person or authority or government department, but this clause shall not bar the Court from using its powers for the purpose of investigating whether the Controller and Auditor General of Government Accounts has discharged his functions in accordance with the provisions of this Constitution or not.

(8) Parliament may enact laws governing, among other things, the use of the authority of the Controller and Auditor-General of the Government Accounts.

Tenure of office of the Controller and Auditor General of Government Accounts

218. - (1) The term of office of the Controller and Auditor-General of Government Accounts shall be a one-off seven-year term served consecutively.

(2) Notwithstanding the provisions of sub-clause (1), the Controller and Auditor-General of the Government may resign from his office by serving a thirty-day notice to the President.

Removal from office of the Controller and Auditor General of Government Accounts

219. - (1) The Controller and Auditor-General of the Government Accounts may be removed from office for:

- (a) failure to discharge his functions due to an illness;
- (b) violating the Code of Ethics of Public Service;
- (c) violating the Morals of Public Service;
- (d) lack of professional competence; and
- (e) misconduct.

(2) The Controller and Auditor-General of the Government Accounts shall not be removed from office except for the provisions of sub-clauses (3) and (4).

(3) If the President shall be satisfied that the removal of the Controller and Auditor General shall require investigations:

(a) he shall appoint a Special Committee which shall have a Chairman and no less other members and at least half of the members shall be Judges or people who once served as Judges of the Supreme Court, Court of Appeal or the High Courts of the Partner Countries;

(b) The Special Committee shall investigate the matter and make recommendations to the President and advise the President that the Controller and Auditor General be removed from office or not.

(4) If the Special Committee shall advise the President that the Controller and Auditor General be removed from office, then the President shall remove him from office.

(5) While the matter of removing the Controller and Auditor General from office has been sent to the Special Committee for investigations, the President shall suspend the Controller and Auditor General.

(6) The President shall annul the decision to suspend the Controller and Auditor General if the Special Committee shall advise the President that the Controller and Auditor General should not be removed from office.

Material and resource empowerment

220. The Government shall ensure that the Office of the Controller and Auditor General is provided with sufficient funds, equipment and human resource in order to protect his independence in the implementation of his functions and responsibilities effectively.

CHAPTER FOURTEEN

CONDITIONS ABOUT FINANCES OF THE UNITED REPUBLIC

(a) Consolidated Treasury Fund and Moneys of the United Republic

Consolidated Treasury Fund

221. There shall be a Consolidated Fund of the United Republic Government that shall be called "Consolidated Fund" in which all moneys obtained from various sources shall be kept, except:

(a) funds that are set by the law that should be used for specific activities or deposited into another fund for special use; or

(b) funds which pursuant to the laws of the country, government institutions have been permitted to collect and remain with for the purpose of using it to cover the institution's operational costs.

Conditions of withdrawing expenditure moneys from the Consolidated Fund

222. - (1) Money may be withdrawn from the Consolidated Fund of the Treasury for use, under the following conditions:

(a) such money should be for expenditure that has been approved and for which the money shall come from the Consolidated Fund of the Treasury and the authorisation shall be given in accordance with this Constitution or laws of the country; and

(b) such money should be for expenditure that have been approved either by the Government Appropriation Act enacted specifically by Parliament or any other law enacted by Parliament.

(2) Subject to the provisions of sub-clause (1), funds kept in the Consolidated Fund of the Treasury shall be taken from the Fund for expenditure be had been authorised by the Controller and Auditor General of the Government Accounts.

(3) Moneys in any special fund of the Government, except the Consolidated Fund of the Government, shall not be withdrawn from the fund for expenditure except in accordance with the law that approves the expenditure.

Procedures of endorsing expenditure of funds held in the Consolidated Fund of the Treasury

223. - (1) The President shall give orders to people in charge to prepare and submit to Parliament in each financial year estimates of government revenue and expenditure of the Government of the United Republic for the period of the next financial year.

(2) When the National Assembly passes the estimates outlined in sub-clause (1) there shall be submitted to Parliament a Bill of Government Expenditure, for approving the use of funds from the Consolidated Fund of the Government to cover expenses of various activities related to those estimates.

(3) If in any financial year it appears that:

(a) funds authorised by the Government Funds Expenditure Act for purposes of covering special activities is not sufficient;

(b) it has been necessary to pay the costs of activities that were not included in the expenditure plan in accordance with the laws of the country;

(c) there is money that has been spent for certain objectives but the amount has exceeded what was provided for by Government Moneys Expenditure Act on that activity;

(d) money has been spent to cover for the costs or activities that were not included in expenditure in accordance with the laws of the country;

there shall be submitted to Parliament for additional expenditure estimates or, as the case may be, the use of additional information, and after Parliament's approval of the additional expenditure, there shall be tabled in Parliament a Bill of the Government Moneys Expenditure or the Bill for Government Moneys Additional Expenditure for the purpose of approving the expenditure of the money from the Consolidated Fund of the Treasury, and the money shall cover relevant activities as per the estimates or that statement.

The procedure of endorsing expenditure before the Government Funds Expenditure Act is put in force

224. - (1) Where the financial year has begun and the Government Funds Expenditure Act for that particular year has not become into force, the President may authorise the money to be withdrawn from the Consolidated Fund of the Treasury to cover expenses of key activities of the Government, and the money shall be expended in a period four months from the commencement of the Financial Year until the Government Money Expenditure Act comes into force, depending on which between the two shall come earlier.

(2) Parliament shall enact laws for purposes of imposing conditions for approving the expenditure of moneys from the Consolidated Fund of the Treasury in accordance with the procedure described in sub-clause (1).

Emergency Expenditure Fund

225. - (1) There shall be an Emergency Expenditure Fund for which conditions of expenditure shall be laid down in the laws of the country.

(2) The law referred to in sub-clause (1) will allow the President or the Minister responsible for finance, whenever he is satisfied that there is:

(a) an urgent matter and of an emergency nature and which was not anticipated before and therefore no money was set aside for it, borrow money from the Emergency Expenditure Fund to cover for the expenses of the matter; or

(b) an urgent matter and emergency as described in paragraph (a) of sub-clause (2), expending funds allocated specifically for certain activities to cover the expenses of that matter.

(3) If the money is borrowed from the Emergency Expenditure Fund or funds allocated specifically for certain activities have been used to cover this urgent matter and emergency, there shall be submitted to Parliament estimates of additional expenditure, and after the National Assembly endorses the estimates, the Bill of Government Expenditure shall be tabled in Parliament for approval and such use shall ensure that any funds borrowed from Emergency Expenditure Fund shall be returned to the Fund from the money endorsed for use by the Bill.

Salaries of some public servants to be guaranteed by the Consolidated Fund

226. - (1) Government servants to who shall be managed by the provisions of this Article shall be paid salaries and allowances as may be prescribed by the laws of the country.

(2) Funds for payment of salaries and allowances of Government servants covered by this clause and old age pension and gratuity, which shall be provided shall be withdrawn from the Consolidated Fund.

(3) The salary paid to a Government servant under the provisions of this Article along with conditions of his work shall not be changed in such a manner that that shall infringe upon the interests of the servant after his appointment, except that these conditions are not responsible with the allowances paid to that servant.

(4) If a Government servant who is responsible with conditions of this Article is free to choose the minimum wage or kind of conditions of work, then for purposes of these provisions of sub-clause (3), the salary at that grade that he shall choose and that kind of conditions that he shall choose shall be considered to carry more interests to him than any other salary scale that he could have chosen or other conditions of work which he could have chosen.

(5) The provisions of this Article shall apply to the Chief Justice, Deputy Chief Justice, Supreme Court Judges, Chairman of the Court of Appeal, the Vice Chairman of the Court of Appeal, Judges of the Court of Appeal, Chairman and member of the Commission on Human Rights, the Chairman of the Independent Electoral Commission, the Vice Chairman of the Independent Electoral Commission, The Chairman of the Public Service Commission, the Chairman of the Leadership Ethics and Accountability Commission, the Vice Chairman of the Leadership Council and Accountability Action, the Controller and Auditor General and all other Government servants as shall be specified in the laws of the country.

(b) National Debt and Loans of the United Republic

The National Debt

227. - (1) National Debt shall be guaranteed by the Consolidated Fund of the Treasury.

(2) For the purposes of interpretation of this Article, the National debt means the United Republic Government and any other debt guaranteed by the United Republic Government.

Borrowing Powers of the United Republic Government

228. - (1) The Government of the United Republic shall have powers to borrow money from within and outside of the United Republic for purposes of financing activities under its mandate.

(2) Parliament may enact a law that:

(a) shall set conditions to be followed by the Government any time it was to take a loan;

(b) shall establish the cap of the National debt and the purpose of the debt; and

(c) shall set a mechanism for the Government to report to the National Assembly about loans and the National debt.

(3) Subject to the provisions of sub-clause (2) (b), the report to be tabled in Parliament, among other things, shall explain:

(a) the size of the existing debt and its interest;

(b) the expenditure made or expected to be made from the money of the relevant debt;

(c) a procedure established of paying the respective debt; and

(d) stage reached in clearing the respective debts.

Borrowing Powers of the Partner Country's Government

229. - (1) The Government of the Partner Country shall have powers to borrow externally and from within the United Republic for purposes of financing activities under their mandate.

(2) If the loan shall need a loan collateral, the Government of the United Republic, after consultation and agreement with Partner Country, may offer guarantorship for the loan being sought.

(3) Parliament shall enact a law that shall set the procedure for the Government to guarantee loans of the Partner Countries.

(4) In the period of three months since the completion of the Financial Year, the Government shall publish a Report in the Government Gazette which shall explain loans guaranteed by the Government in the last Financial Year.

Conditions for imposing tax

230. There shall be no tax imposed by the United Republic government authority except by observing the laws of the country.

(c) Sources of Revenue for the United Republic Government and Public Procurement

The sources of revenue for the United Republic Government

231. Sources of revenue for the United Republic Government shall be:

- (a) excise duty;
- (b) non-tax revenue from the Union institutions;
- (c) the contributions from the Partner Countries;
- (d) loans from within and outside the United Republic; and
- (e) other revenue sources.

Public procurement

232. - (1) In conducting public procurement, the Government and all public institutions shall be bound to use the system and procedure that shall adhere to just, transparent, public interest, accountability, competitive and which take into account the actual value for money.

(2) In making public procurement, the Government and its institutions should use or set up a system that would consider buying goods produced or services provided in the country to comply with the terms specified in this Article and laws of the country.

(3) Parliament shall enact a law that shall set the conditions of the management and control of public procurement.

(d) The Federal Bank

The Federal Bank of the United Republic

233. - (1) There shall be a Federal Bank of the United Republic to be known as "the Federal Bank" which will have the following responsibilities:

- (a) issue the currency, control and manage circulation of the currency;
- (b) prepare and administer policies and programmes relating to the currency;
- (c) to control and manage the affairs of foreign exchange; and
- (d) monitor Banks of the Partner Countries.

(2) In performing its functions, the Federal Bank shall be independent and shall not be interfered nor given instructions or controlled by any person or authority.

(3) Parliament shall enact a law that shall lay the conditions for the structure of the Federal Bank that shall take into consideration representation of each side of the United Republic, authority, activities and operations of the Federal Bank.

The Central Banks of the Partner Countries

234. The Governments of the Partner Countries that shall have the mandate of holding accounts of the respective Partner Countries, monitor financial policies and commercial banks under their jurisdictions.

CHAPTER FIFTEEN

DEFENCE AND SECURITY OF THE UNITED REPUBLIC

(a) National Defence and Security

National Security

235. - (1) Every citizen has the mandate for the defence and security of the United Republic.

(2) Security of the United Republic entails the protection of all the borders of the territory of the United Republic including the land, atmosphere and the ocean, its people, their properties, rights, freedom and other national interests against threats from both within and outside.

(3) Protection and Security of the United Republic shall be strengthened in accordance with the following principles:

(a) national defence and security of the United Republic is governed under the powers of this Constitution;

(b) national defence and security shall be implemented in compliance with the laws of the country and international laws, and by fully respecting rule of law and human rights; and

(c) National security institutions shall respect the different kinds of cultures of communities in the discharge of their functions.

Organs of the national defence and security

236. - (1) Organs for the national defence and national shall be-

(a) the Tanzania People's Defence Force;

(b) the Police Force of the United Republic; and

(c) The Department of National Security.

(2) The mandate of the organs of national defence and security and the security system is to protect boundaries of the United Republic, interests of citizens and other people, their properties, rights and liberty, national sovereignty, peace and national unity.

(3) In the implementation of their responsibilities, the organs of national defence and security and every employee of these organs shall not be allowed-

(a) to be biased in any way;

(b) promote the interests of any political party or its policies;

(c) sabotage political interests or political programmes which is legitimate under this Constitution;

(d) threatening, exploit or subject citizens and other people to unjust treatment; and

(e) to obey any unlawful order.

(4) A person shall not be allowed to establish an institution, company, community or organisation related to national defence and security or military operatives, except as permitted by this Constitution or laws of the country.

(5) Organs for national defence and security shall be under the authority of the President.

(6) The President may create an organ for national defence and security in consultation with the National Council for Defence and Security.

(7) Parliament shall enact laws that shall lay down the conditions on the implementation responsibilities, procedures and monitoring of the organs for national defence and security.

Establishment of the National Defence and Security Council

237. - (1) There shall be a National Defence and Security Council consisting of the following members-

(a) The Vice President;

(b) The President of Tanganyika;

(c) the President of Zanzibar;

(d) the Minister responsible for defence;

(e) the Minister responsible for the home affairs;

(f) the Minister responsible for foreign affairs;

(g) the Minister responsible for national defence;

(h) the Minister responsible for finance;

(i) the Attorney General;

- (j) The head of the Tanzania People's Defence Force;
 - (k) The Director General of the Department of National Security;
 - (l) the Inspector General of Police of the United Republic; and
 - (m) the Commissioner General of Immigration.
- (2) The Chairman may invite any person to participate in the meeting of the National Defence and Security Council.
- (3) There shall be a Secretariat of the National Defence and Security Council to be headed by the Chief Secretary.
- (4) Meetings of the National Defence and Security Council will be led by the President, if the President.
- (5) The National Defence and Security Council shall make the order of the conduct of its proceedings.
- (6) Parliament shall enact laws that shall establish the conditions regarding implementation of the responsibilities of the National Defence and Security Council.

Responsibilities of the National Defence and Security Council

238. - (1) The National Defence and Security Council shall have the following mandates:

- (a) integrating domestic policy, foreign policy and those of the military in connection with national security in order to enable the organs of National Defence and Security to fully cooperate;
 - (b) receive, assess and examine the reports from the organs of National Defence and Security and other Government institutions related to the security of the country;
 - (c) to give instructions related to matters of National defence and security to the Government of the United Republic, the Governments of the Partner Countries and the Organs for the National Defence and Security;
 - (d) to establish policies about collective interests for security for the security organs and control monitoring of the organs; and
 - (e) implement any other duties as shall be instructed by the President.
- (2) The President shall report to Parliament on the annual basis about the defence and security situation in the United Republic.

(b) The Tanzania People's Defence Force

The establishment of the Tanzania People's Defence Force

239. - (1) There shall be the Tanzania People's Defence Force vested with the mandate of protecting the freedom and boundaries of the United Republic and supervise defence and security of the people.

(2) The President may establish other forces of the Tanzania People's Defence Force as he deems it fit.

Appointment of the Chief Commander

240. There shall be a Chief of Defence Forces, who shall be appointed by the President after consultation with the National Defence and Security Council.

Powers of the Commander-in-Chief

241. Without prejudice to the provisions that shall be established by the laws of the country, the President in the powers of Commander-in-Chief shall have the powers to order the country forces:

(a) to act in matters related to wars in the defence of the United Republic;

(b) rescue lives and properties of the people in danger;

(c) support and cooperate with other authorities during emergencies or disasters;

(d) support authorities of Government leadership to quash riots, violence or help to maintain tranquillity;

(e) to cooperate with the international community in the peace operations where it shall be required; and

(f) to implement other matters as shall be determined by the Commander-in-Chief.

(2) In implementing conditions of this Article and taking into consideration the laws of the country, powers over the following matters shall be in the hands of the Commander-in-Chief -

(a) to appoint leaders in the defence forces of the United Republic;

(b) to appoint soldiers who shall commandeer different units of the national defence;

(c) to order any soldier not to use the powers vested in him and which he has for his being a soldier; and

(d) to protect the freedom and boundaries of the United Republic.

(3) For purposes of this Article, any matter that a soldier shall act contrary to the order of the Commander-in-Chief shall be void.

The Tanzania People's Defence Forces Service Commission

242. - (1) There shall be a Public Service Commission for the Tanzania People's Defence Forces which will be responsible for managing all aspects of the service of soldiers of the Tanzania People's Defence and its forces.

(2) Parliament shall enact laws that shall set conditions for the structure, functions and other matters relating to the Public Service Commission of the Tanzania People's Defence Force.

(c) the Police Force of the United Republic

The Police Force of the United Republic

243. - (1) There shall be a Police Force of the United Republic which shall have the mandate of defence and security of the people and their properties in accordance with the provisions of this Constitution.

(2) Parliament shall enact laws for the purpose of establishing conditions for the implementation of the mandate of the Police Force of the United Republic by taking into consideration rights of the citizens and international laws.

The basis for the execution of duties of the Police Force

244. In the implementation of its mandates, the Police Force of the United Republic shall consider -

- (a) the highest standards of professionalism and discipline among its staff;
- (b) the protection and promotion of human rights;
- (c) the principles of transparency and accountability; and
- (d) promotion of good relations with the community.

(2) The Police Force, in implementing its responsibilities, shall cooperate with organs responsible for fighting against crime in the Partner Countries in investigating and handling bribery and corruption offences.

The appointment of the Inspector General of Police

245. There shall be a Chief of Police of the United Republic who shall be appointed by the President after consultation with the National Defence and Security Council.

Independence of the Inspector General of Police

246. The Inspector General of Police shall implement his functions independently, without fear, favour or bias and in accordance with the provisions of this Constitution and the laws of the country.

The Police Force Service Commission

247. - (1) There shall be a Public Service Commission of Police that shall be responsible for overseeing public service in the Police Force.

(2) In recruiting officers to the Police Force, the Public Service Commission of the Police Force shall maintain principles and regulations of public service as outlined in this Constitution.

(3) Parliament shall enact laws that shall establish the structure and implementation of the functions of the Public Service of the Police Force.

(d) The Department of National Security of the United Republic

The establishment of the National Intelligence Department

248. - (1) There shall be a National Security Department of the United Republic which shall be known as "The National Security Department".

(2) The National Security Department will be responsible for activities aimed at strengthening the security of the United Republic and protect this Constitution, the national interests and of the people and shall exercise such other functions as shall be outlined in the laws of the country.

The Appointment of the Director of National Intelligence Service

249. - The President shall appoint the Director of National Intelligence Service after consultations with the National Defence and Security Council.

Security in the Partner Countries

250.-(1) Without prejudice to the provisions of this Chapter, Heads of the Partner Countries may instruct any leader of the Police Force or National Security Department to take any measure for the purpose of protecting and enforcing security in any part of the respective Partner Country.

(2) Parliament shall enact laws that shall outline conditions for best practice in the implementation of sub-clause (1).

CHAPTER SIX

MISCELLANEOUS

The procedure of resigning from public service

251. - (1) Any person in charge of any office established by this Constitution may resign by serving a written notice and signed with his own hand, in accordance with the following conditions:

(a) if the person was appointed or elected by one person, then the notice of resignation shall be presented to the person who appointed or chose him, or if he was appointed or elected by a body of persons, the notice of resignation shall be submitted to the respective meeting;

(b) if that person is the President, the notice of resignation shall be submitted to the Speaker;

(c) if that person is the Vice President, then he shall tender the resignation notice to the President;

(d) If that person is the Speaker or Deputy Speaker of the National Assembly, then notice of resignation shall be submitted to Parliament; and

(d) if that person is a Member of Parliament, the notice of resignation shall be submitted to the Speaker.

(2) A person who has given notice of resignation in accordance with the provisions of sub-clause (1), shall be considered to have resigned from the day that his statement of resignation shall be received by a person or body of persons concerned and once received by any person authorised to receive such information by the person or a particular session, but if the statement of resignation states that he will resign the next day after the notice is received by the person or body concerned, then that person shall be deemed to have resigned from such later day.

(3) If any person in charge of any office established by this Constitution resigns, if he has all the qualifications required and by any means deserves, he may be re-appointed or re-elected to hold the position in accordance with the provisions of this Constitution.

The conditions of delegating powers

252. - (1) For the purposes of interpreting the provisions of this Constitution about the procedure of handling office of service in the Government of the United Republic, any person holding an office, according to this Constitution, shall appoint another person to hold his office also shall have the powers to appoint an acting or person who shall temporarily implement the powers.

(2) The following rules shall also apply for purposes of interpreting the provisions of this Constitution concerning the procedure of delegating office in the service of the Government of the United Republic:

(a) if there is a person holding an office handed over to him in accordance with the provisions of this Constitution and that person is on leave while waiting to leave the office, then another person may be appointed and handed over the office, without regard to the existence of the other person who is waiting to leave the office;

(b) if there are two or more people who concurrently hold a certain office due to their selection conducted in accordance with the rules laid down in paragraph (a), then in case it is important to execute a certain matter related to the office, the last person to be appointed shall be considered as being the only one with the mandate; and

(c) if the person shall be appointed, in accordance with the provisions of this Constitution, to act or hold an office when the person appointed to that office has failed to discharge his activities related to his office, then it shall be prohibited to carry out any investigation or raise an argument over the appointment of the acting because the person who was appointed to hold the office has failed to discharge functions related to the office.

Some public servants not holding political positions

253. The following public servants shall have no right to contest, be elected or be appointed to hold political office unless a period of three years elapses from the date they left or retired from the office they were holding:

(a) The Chief Justice, the Deputy Chief Justice and Judge of the Supreme Court of the United Republic;

(b) The Chairman, the Vice Chairman and Judge of the Court of Appeal;

(c) The Attorney General of the United Republic Government;

(d) The Speaker and Deputy Speaker of the United Republic Parliament;

(e) Heads of Defence and Security Organs;

(f) The Controller and Auditor General of the United Republic Government Accounts;

(g) The Chief Secretary of the United Republic Government;

(h) Permanent Secretaries of the United Republic Government;

(i) The Chairman, the Vice Chairman, Members of the Independent Electoral Commission and the Director of Elections;

(j) The Chairman, the Vice Chairman and Commissioners of the Human Rights Commission;

(k) The Chairman, Vice Chairman and Members of the Leadership Ethics and Accountability Commission;

(l) The Chairman and Members of the Public Service Commission; and

(m) the Registrar of Political Parties.

(2) Parliament may enact laws about other kinds of public servants who shall not be allowed to hold political positions in accordance with this Article.

Definitions

254. - (1) In this Constitution, unless otherwise stated:

“political party” shall mean any registered political party according to the laws of the country;

“the United Republic” shall mean the United Republic of Tanzania;

“the Chief Justice” shall mean the Chief Justice of the Judiciary of the United Republic;

“the Force” shall mean the Tanzania People’s Defence Force of the United Republic and any other organ that shall be established in accordance with this Constitution or laws of the country and which shall be commandeered by the Commander-in-Chief.

“an office of authority” shall mean an office, rank, status, authority of leadership or executive powers in the public service;

“Judiciary” shall mean the Supreme Court and the Court of Appeal;

“the High Court” shall mean the High Courts of the Partner Countries;

"Attorney General" means the Attorney General of the United Republic Government;

“the Deputy Minister” shall mean a person who was appointed and empowered to function as a Deputy Minister;

“Partner Countries” means Tanganyika and Zanzibar;

“the Government” means the United Republic Government and any person exercising the powers or authority on behalf of the Government;

“General Election” means the Presidential election and elections of Parliamentarians representing electoral constituencies conducted after Parliament has completed its term;

“Minister” means a person who was appointed to hold the position of Minister and the position of the “Deputy Minister” shall be interpreted in that context;

“Senior Minister” means a person who was appointed to hold the position of the Senior Minister in accordance with the provisions of this Constitution;

“Resident Ministers” means a Minister appointed by the Government of a Partner Country to hold the position of Resident Ministers.

(2) The following principles shall be used for the purpose of interpreting provisions of this Constitution:

(a) whenever reference is made to the powers of the President, it should be known that the respective powers include the powers to implement different activities as well as implementing different activities as the Head of the Government of the United Republic, and other powers as such or another duty as such if it has so been explained in this Constitution or another law that the other powers of the President or that other duty is of the President;

(b) whenever reference is made to the work of service in the Government, it shall be known that the respective work is in the service of the Government of the United Republic except if it has been stated otherwise, and each time it is mentioned a Department of Government, it shall be known that the respective Department is that of the United Republic Government except when stated otherwise;

(c) If according to the provisions of this Constitution there is any matter to be implemented or dealt with by any political party, then, the matter shall be implemented or dealt with by the respective party in accordance with the procedure established by the party for that purpose, and by maintaining conditions of this Constitution or laws of the country enacted for that purpose;

(d) a person shall not be considered to have authority in the service of the United Republic simply because he is pensionable or receives any other payment of that nature for his previous service in the United Republic Government, the former Government of Zanzibar, the Tanzania People's Defence Forces, the Police Force of the United Republic and the National Security Department or;

(e) unless otherwise the context shall so explain, whenever a person of authority is mentioned by mentioning his authority, the respective person shall be among any person who is the Acting or legally appointed to hold the position of authority;

(f) whenever authority was referred to in recalling a person from a position of authority in the service of the United Republic Government, the respective authority shall include the authority given in accordance with the provisions of any law that requires the person or that permits the person to retire;

Unless that these conditions shall not be about the Judge of the Supreme Court, the Judge of the Court of Appeal or the Controller and Auditor General of Government Accounts; and

(g) Whenever reference is made to a law which annuls or repeals another law, it shall be known that the respective law includes the law that amends the other law or which furthers the use of the other law, or the amendment or after the change or amendment; or the law which establishes new conditions in another law.

Name of the Constitution and Date of Commencement of Use

255.-(1) This Constitution shall be known as the Constitution of the United Republic of Tanzania of 2014.

(2) This Constitution shall become effective once inaugurated by the President of the United Republic of Tanzania.

The repealing of the Constitution of the United Republic of Tanzania of 1977, Chapter 2

256. The Constitution of the United Republic of Tanzania of 1977 shall be repealed by, except in matters explained in Provisions of Any Other Businesses, the Transitional Temporary Provisions, shall cease to have legal power immediately after the commencement of use of this Constitution.

CHAPTER SEVENTEEN

THE CONDITIONS EMANATING FROM TRANSITIONAL CONDITIONS

PART ONE

CONSEQUENTIAL CONDITIONS

Use of some of the conditions of the Constitution, Chapter 2.

257.-(1) The Resulting Conditions and the Transitional Conditions outlined in this Chapter of the Constitution shall commence being used on the date the Constitution of the United Republic of Tanzania of 2014 shall come into force.

(2) In order to remove any doubt, the Constitution of the United Republic of Tanzania of 1977 shall have been abolished by, except on matters outlined in the Second Part of this Chapter, shall not have legal powers from the date of commencement of use of the Constitution of the United Republic of Tanzania of 2014.

PART TWO

CONSTITUTIONAL CONDITIONS AND LAWS OF THE COUNTRY

Continued use of the conditions of the Constitution

258.-(1) The Resulting Conditions and the Transitional Conditions of this Chapter of the Constitution and those established in the Change of “the Special Law” which continue to be used in the Constitutions outlined in this Article, shall continue to be in force.

(2) For the purpose of this Article, “the Special Law” means “the Republic of Tanganyika (Consequential, Transitional and Temporary Provision) Act, 1962, the Interim Constitution

(Consequential, Transition and Temporary Provisions) Act, 1965, the Constitution (Consequential, Transitional and Temporary Provisions) Act, 1977, the Constitution (Consequential, Transitional and Temporary Provisions) Act, 1984 and “the Constitution (Consequential, Transitional and Temporary Provisions) Act, 1992”.

Continued use of the laws of the country

259.-(1) Provisions of law outlined in sub-clause (2) and which shall come into force on the date of the commencement of use of the Constitution of the United Republic of Tanzania of 2014 shall continue to be in force in such a manner as will be determined in this Article.

(2) The laws of the country which:

(a) have been enacted by the United Republic Parliament before the coming into force of the Constitution of the United Republic of Tanzania of 2014 shall continue to be used for the purposes of matters explained in the relevant laws; and

(b) have been enacted by the United Republic Parliament which apply in Tanzania Mainland shall continue to be used in Tanganyika for the purposes of matters explained in the relevant laws.

(3) For purposes of provisions of sub-clause (2) during and after the Transitional Period:

(a) all laws enacted by the United Republic Parliament which are in force in Tanzania Mainland and Zanzibar and by taking into consideration the required amendments, shall be laws of the country which shall be in force in the United Republic for Matters of the Union;

(b) by taking into consideration division of the Matters of the Union and non-Union matters as elaborated in the Constitution of the United Republic of Tanzania of 2014, all laws enacted by the United Republic Parliament being applied in Tanzania Mainland and Zanzibar, by taking into consideration the required amendments, shall apply in Tanganyika and Zanzibar for non-Union matters until when Tanganyika or Zanzibar shall enact laws about the same matters; and

(c) all laws enacted by the United Republic Parliament which are in force in Tanzania Mainland and by taking into consideration the required amendments, shall be laws of the country which shall apply in Tanganyika.

(4) Without prejudice to provisions of sub-clause (3), the United Republic Parliament may enact any law about Union Matters and non-Union matters that are about Tanganyika until the United Republic Parliament of Tanzania shall be formed in accordance with the provisions of the Constitution of the United Republic of Tanzania of 2014.

PART THREE

PUBLIC SERVICE

(a) The Government of the United Republic

Continued existence of the President in office

260. The person who was holding the position of the office of President of the United Republic before the commencement of this Constitution, shall continue to hold the office of President under the provisions of this Constitution until when another person shall be elected in the General Election of 2015 to take over the office of President in accordance with this Constitution.

Continued existence of the Vice President in office

261. The person who was holding the position of office of the Vice President of the United Republic before the commencement of use of this Constitution, shall continue to hold the position of office of the Vice President until the President of the United Republic shall be elected in the General Election of 2015.

Continued existence of the Prime Minister, Ministers and Deputy Ministers

262.-(1) The person holding the position of the Prime Minister of the United Republic of Tanzania, shall continue to serve in the position of the Prime Minister until the General Election of 2015 are held and the President of the United Republic of Tanzania is elected.

(2) The person holding the office of Minister or Deputy Minister shall continue to hold the position of that authority until the General Election of 2015 is held and the office shall cease twenty four hours before the President of the United Republic of Tanzania is sworn in to hold the position of the President.

(b) Public Servants

Continued existence of public servants

263.-(1) Every person holding or acting a position of authority in the public service in the United Republic Government, the United Republic Parliament or the Court of Appeal of the United Republic before the commencement of the Constitution of the United Republic of Tanzania of 2014, shall continue and shall be recognised as having been selected, appointed or employed to hold or act the position of authority in the public service in the United Republic Government, the United Republic Parliament or the Court of Appeal and that the provisions of the Constitution of the United Republic of 2014 or laws of the country related to selection, appointment, employment or taking oath have been taken into consideration and implemented.

(2) Every person who according to the Constitution of the United Republic of Tanzania of 1977 or laws of the country, shall be required to vacate the position of authority after a special period has

elapsed or upon attaining the retirement age shall cease to hold the position of authority in the public service at the end of the special period or upon attaining the retirement age.

(3) Provisions of sub-clauses (1) and (2), shall not be interpreted that they remove or weaken the authority a particular person is holding in accordance with the Constitution of the United Republic of Tanzania of 1977 or laws of the country to repeal the position of authority and take over his authority or remove the person holding or acting in the position of authority or require the public servant to resign.

(4) For purposes of the payment of gratuity or other retirement benefits, the period of service in the public service covered under this Article, shall be considered to include the period of service that a particular person had before the commencement of the Constitution of the United Republic of Tanzania of 2014.

(5) Unless when it shall be implemented otherwise, the conditions of work in public service of a person who is covered by provisions of this Article shall not be weak or without effect compared with conditions of work that he had before the commencement of the Constitution of the United Republic of Tanzania of 2014 or laws of the country that shall be enacted for that purpose.

PART FOUR

PARLIAMENT OF THE UNITED REPUBLIC

Continued existence of the Parliament and Leadership of the Parliament

264.-(1) By taking into consideration provisions of sub-clause (2) and laws of the country regarding election of Members of Parliament of the United Republic and election of the Speaker, Deputy Speaker and Leaders of Parliamentary Committees, the Speaker, Deputy Speaker, Leaders of Parliamentary Committees and Members of Parliament shall continue to be the Speaker, Deputy Speaker, Leaders of Parliamentary Committees and Members of Parliament, until the General Election of 2015.

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(2) Provisions of sub-clause (1) shall not be interpreted that they bar the removal of the Speaker, Deputy Speaker, Leaders of Parliamentary Committees or Member of Parliament, in accordance with the Constitution of the United Republic of 1977, National Election Law and Parliamentary Standing Orders.

The dissolution of Parliament

265.-(1) If, according to the Constitution of the United Republic of Tanzania of 1977 or laws of the country, any matter or issue will be required to be done or can be done, the matter or issue may be done due to or following the dissolution of Parliament of the United Republic of Tanzania.

(2) If the need to summon Parliament shall occur before the announcement of the results of the General Election which was held after the dissolution of the United Republic Parliament:

(a) for purposes of moving Parliament, the Speaker, Deputy Speaker and Members of Parliament who were elected according to the Constitution of the United Republic of 1977, laws of the country and Parliamentary Orders may be called to become the Speaker, Deputy Speaker and Member of Parliament of the United Republic that shall be moved;

Chapter 2

(b) For purposes of appointment in the position of office after the dissolution of Parliament, a person may be appointed conditionally to become a Member of Parliament, the appointment can be done by a person who was a Member of Parliament in accordance with the Constitution of the United Republic of Tanzania of 1977 and the respective Laws of the country.

PART FIVE

THE JUDICIARY OF THE UNITED REPUBLIC

Continued existence of the Court of Appeal and the Supreme Court

266.-(1) The Court of Appeal of the United Republic and the High Court of Tanzania Mainland shall continue and shall have the power to hear cases and decide on them or give order in accordance with the Constitution of the United Republic of Tanzania of 1977 and the laws of the country.

(2) For purposes of sub-clause (1), Judges of the Court of Appeal and Judges of the High Court shall have the power to hear cases, make decisions or orders related to cases filed or that shall be filed with the Court of Appeal or the High Court.

Continuation of matters that are in progress in the courts of law

267.-(1) Any matter which has not been concluded or has been concluded at the Court of Appeal or the High Court shall continue to be heard until it is finalised; and a ruling, document of emphasizing ruling or order that was issued or which shall be given in the matter may be removed and implemented by the Court of Appeal or the High Court.

(2) For purposes of sub-clause (1), every ruling, document of emphasizing ruling and order handed by the Court of Appeal or the High Court which has not been fully implemented before the repealing of the Constitution of the United Republic of Tanzania of 1977 may be implemented fully after the commencement of the Constitution of the United Republic of Tanzania of 2014.

(3) Any decision of the Court of Appeal given about any matter filed before the commencement of the Supreme Court in accordance with the Constitution of the United Republic of 2014, shall not be appealed in the Supreme Court.

PART SIX

TRANSITIONAL CONDITIONS

Transitional period

268. The Transitional Period shall be all the period from the date of the commencement of the Constitution of the United Republic of Tanzania of 2014 until 31st December, 2018.

Implementation of the conditions of the New Constitution

269.-(1) The following matters shall be done and finalised during the Transitional Period:

- (a) the making of the Constitution of Tanganyika;
- (b) the amendment of the Zanzibar Constitution of 1984 so that it agrees with the provisions of the Constitution of the United Republic of Tanzania of 2014;
- (c) division of resources between the Government of the United Republic and the Governments of the Partner Countries;
- (d) to enact and amend various laws of the Partner Countries in order to make them agree with the provisions of the Constitution of the United Republic of Tanzania of 2014;
- (e) division of public servants between the United Republic Government and the Governments of the Partner Countries;
- (f) division of debts between the United Republic Government and the Governments of the Partner Countries;
- (g) formation of the constitutional Commissions and institutions outlined in the Constitution of the United Republic of Tanzania of 2014 and by observing the provisions of the Constitution;
- (h) to make appointments into various positions in accordance with the procedure outlined in the Constitution of the United Republic of Tanzania of 2014;
- (i) to make preparations for the General Election of 2015 by taking into consideration the provisions of the Constitution of the United Republic of 2014; and
- (j) to make preparations and all key issues for the best implementation of the provisions contained in the Constitution of the United Republic of Tanzania of 2014.

(2) The opinions of the people collected by the Constitutional Review Commission that were used to prepare the Draft Constitution of the United Republic of 2014 may be used in writing the Draft Constitution of Tanganyika.

The Committee to Oversee the Transition Period

270.-(1) For purposes of implementation of issues that need elaboration and finalised during the Transition Period, the President shall appoint the Committee of Implementation of the Constitution during the Transition Period.

(2) The Committee for the Implementation of the Constitution shall be composed of:

(a) The Chairman; and

(b) Eight other members.

(3) The Secretariat of the Committee for the Implementation of the Constitution shall be led by the Secretary and shall have staff of sufficient number in the execution of the work efficiently.

(4) The appointment of the Chairman, Members and staff of the secretariat shall take into consideration representation of each side of the United Republic.

The cancellation of the Resulting Conditions and the Transitional Conditions

271. After the completion of the Transition Period, provisions of Chapter Seventeen shall cease and shall have no legal powers.

ADDITIONAL/APPENDIX

[Cited in Article 63]

Union matters

1. Constitution and the authority of the United Republic of Tanzania;
2. Protection and Security of the United Republic of Tanzania;
3. Citizenship and Immigration;
4. Currency and the Central Bank;
5. Foreign Affairs;
6. Registration of Political Parties.
7. Excise duty of Goods and non-tax revenue accrued from Union matters.

Please Note: This is NOT the official translation of the Second Draft Constitution of 2014.