

THE INTERIM CONSTITUTION OF TANZANIA, 1965.

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No. 43 OF 1965

I ASSENT,

Julius K. Nyerere
 President

8TH JULY, 1965

An Act to declare the Interim Constitution of Tanzania

[9TH JULY, 1965]

WHEREAS freedom, justice, fraternity and concord are founded upon the recognition of the equality of all men and of their inherent dignity, and upon the recognition of the rights of all men to protection of life, liberty and property, to freedom of conscience, freedom of expression and freedom of association, to participate in their own government, and to receive a just return for their labours:

AND when men are united together in a community it is their duty to respect the rights and dignity of their fellow men, to uphold the laws of the State, and to conduct the affairs of the State so that its resources are preserved, developed and enjoyed for the benefit of its citizens as a whole and so as to prevent the exploitation of one man by another:

AND WHEREAS such rights are best maintained and protected and such duties are most equitably disposed in a democratic society where the government is responsible to a freely elected Parliament representative of the People and where the courts of law are free and impartial:

NOW THEREFORE THIS CONSTITUTION, which makes provision for the Government of Tanzania as such a democratic society is HEREBY ENACTED BY THE PARLIAMENT OF THE UNITED REPUBLIC OF TANZANIA.

CHAPTER I

THE UNITED REPUBLIC, THE PARTY AND THE PEOPLE

PART 1

THE UNITED REPUBLIC AND THE PARTY

1. Tanzania is a United Sovereign Republic.
- 2.—(1) The territories of Tanzania consist of Tanganyika and Zanzibar, and include territorial waters.
- (2) The appropriate legislative authority may provide for the division of Tanzania into regions, districts and other areas.

The United
 Republic
 The territories
 and regions
 of the
 United
 Republic

The Party 3. -(1) There shall be one political Party in Tanzania.

(2) Until the union of the Tanganyika African National Union with the Afro-Shirazi Party (which United Party shall constitute the one political Party), the Party shall, in and for Tanganyika, be the Tanganyika African National Union and, in and for Zanzibar, be the Afro-Shirazi Party.

(3) All political activity in Tanzania, other than that of the organs of State of the United Republic, the organs of the Executive and Legislature for Zanzibar, or such local government authorities as may be established by or under a law of the appropriate legislative authority, shall be conducted by or under the auspices of the Party.

(4) The constitution set out in the First Schedule to this Constitution shall be the constitution of the Tanganyika African National Union, and such constitution may be amended from time to time (and provision made therein for and consequent upon the union of the Tanganyika African National Union with the Afro-Shirazi Party) in accordance with the provision in that behalf in that constitution.

PART 2

THE PEOPLE

The franchise 4. -(1) Every citizen of Tanzania who has attained the age of twenty-one years shall, unless he is disqualified for registration by an Act of Parliament, be entitled, on application at a time and place appointed in that behalf, to be registered as a voter for the purpose of elections by the People, and no other person may be so registered.

(2) Every person who is registered as aforesaid shall, unless he is disqualified from voting by an Act of Parliament, be entitled, on presenting himself at a time and place appointed in that behalf, to vote at elections by the People in the part of Tanzania in which he is so registered, and no other person may so vote:

Provided that an Act of Parliament may permit a person registered in one part of Tanzania to vote in some other part of Tanzania in an election for a constituency member of the National Assembly to represent that other part if he is a candidate at such election, and in an election for a President of the United Republic held contemporaneously with such election for a constituency member, and nothing in this subsection shall be construed as preventing any such person so voting in such other part in lieu of voting in the part where he is registered as a voter.

(3) No Act of Parliament shall provide for the disqualification of any citizen of Tanzania from registration as a voter for the purpose of elections by the People, or for the disqualification of any such registered voter from voting at such elections, except on the grounds of his allegiance to another State, infirmity of mind, criminality, absence or failure to produce evidence of age, citizenship or registration.

(4) Subject to the provisions of this Constitution, the registration of voters for the purpose of elections by the People and voting at such elections shall be regulated by Act of Parliament, and such registration shall be carried out and such elections shall be conducted, in accordance with this Constitution and any Act of Parliament in that behalf, under the direction and supervision of the Electoral Commission.

5. Every citizen of Tanzania who has attained the age of eighteen years and who subscribes to the beliefs, aims and objects of the Party as expressed in the constitution of the Party shall, on payment of the fees and subscriptions provided for in the constitution of the Party, be entitled to be a member of the Party.

Membership
of the Party

CHAPTER II

THE PRESIDENT OF THE UNITED REPUBLIC

6.-(1) There shall be a President of the United Republic who shall be the Head of State and the Commander-in-Chief of the Armed Forces.

Office of
President

(2) Except as may be otherwise provided by law, in the exercise of his functions the President shall act in his own discretion and shall not be obliged to follow Advice tendered by any other person.

7.-(1) The President shall be elected by the People in accordance with the provisions of this Constitution and, subject thereto, the provisions of an Act of Parliament for regulating the election of a President.

Election of
President

(2) An election of a President shall be held whenever one of the following events occurs, that is to say-

- (a) Parliament is dissolved;
- (b) the President dies;
- (c) the President resigns his office without first having dissolved Parliament;
- (d) where, in pursuance of section 9 of this Constitution, the Chief Justice has certified that the President is unable to discharge his functions and has not, within the succeeding period of six months, withdrawn such certificate.

(3) Within fifty days of the dissolution of Parliament, or twenty-one days of the occurrence of any other event on which an election of a President is to be held, an Electoral Conference of the Party, constituted in accordance with the provisions in that behalf in the constitution of the Party, shall meet; and such Electoral conference shall nominate a citizen of Tanzania who has attained the age of thirty years and is a member of the Party as the sole Presidential candidate.

(4) The Presidential candidate nominated by an Electoral Conference shall be presented for election by the People who may ballot either for or against the candidate; and if, on such a ballot-

- (a) the majority of the votes cast are in favour of the candidate, the candidate shall thereby be elected President and the Electoral Commission shall declare his election;
- (b) the majority of the votes cast are not in favour of the candidate, the candidate shall not be elected President; and the Electoral Conference shall nominate some other person as sole Presidential candidate in accordance with subsection (3), and a ballot shall be held in accordance with this subsection in respect of that candidate.

(5) Where a person has been declared by the Electoral Commission to have been elected President, his election shall not be questioned in any court.

Assumption
and tenure
of office

8.(1) The President shall assume office on the day following the declaration of his election and shall, unless he sooner dies or resigns, continue in office until the person elected President at the next following Presidential election assumes office.

(2) Upon his assumption of office, the President shall take and subscribe the oath of allegiance and such oath for the due execution of his office as may be prescribed by Act of Parliament.

Discharge of
President's
functions
during
vacancy, etc.

9.-(1) Whenever the office of President is vacant, or the President is absent from Tanzania, or the Chief Justice, acting in his discretion after receiving a resolution from the Cabinet requesting him to exercise his powers in that behalf and after considering medical evidence, certifies that the President is, by reason of physical or mental infirmity, unable to discharge the functions of his office, and has not subsequently withdrawn such certificate on the ground that the President has recovered his capacity, the functions of the office of President shall be discharged by the first of the following Ministers who is present and able to act: -

- (a) the First Vice-President of the United Republic;
- (b) the Second Vice-President of the United Republic;
- (c) some other Minister appointed by the President in that behalf;
- (d) some other Minister appointed by the Cabinet in that behalf;

and such Minister shall discharge such functions during the vacancy in the office, or the absence or incapacity, as the case may be, of the President, or, in the case of a Minister other than the First Vice-President, until some other Minister having a prior right, under the provisions of this subsection, to discharge such functions is present and able to act.

(2) If the President dies or resigns his office, or is absent from Tanzania, or if the Chief Justice, acting in his discretion after considering medical evidence, certifies that the President is, by reason of physical or

mental infirmity, unable to discharge the functions of his office, at any time when, due to vacancy in any office absence or inability to act, no Minister is empowered by subsection (1) to discharge the functions of the office of President and there are no other Ministers in the Cabinet present and able to act-

- (a) the certificate of the Chief Justice shall have effect as if it had been preceded by a resolution of the Cabinet requesting him to exercise his powers in that behalf and shall not be questioned in any court notwithstanding it was not preceded by such resolution; and
 - (b) the Speaker of the National Assembly shall appoint a the the National Assembly who appears to him likely to command the support of the majority of the. members of the National Assembly or, if Parliament is dissolved, a person who was a member of the National Assembly immediately before such dissolution, to discharge the functions of the office of President during the vacancy in the office, or the absence or incapacity, as the case may be, of the President, or, if such an appointment is made during the absence or inability to act of any Minister empowered by subsection (1) to discharge the functions of the office of President, until such Minister is present and able to act.
- (3) Whenever the President-
- (a) is absent from Dar es Salaam;
 - (b) is absent from Tanzania for a period which he believes will be of short duration; or
 - (c) by reason of illness that he has reason to believe will be of short duration, considers it desirable so to do,

he may, by directions in writing, appoint the First Vice-President, or, if for any reason he considers it expedient so to do, some other Minister, to discharge, subject to such restrictions and exceptions as he may specify, the functions of the office of President during such absence or illness:

Provided that nothing in this subsection shall be construed as derogating from the power of the President contained in any other law to delegate any function to any other person.

- (4) For the purposes-
- (a) of subsections (1) and (2)-
 - (i) the President shall not be regarded as absent from Tanzania by reason only of the fact that he is in passage from one part of Tanzania to another or where he has given a direction under subsection (3) and that direction is in force;

- (ii) references to presence or absence, or to ability to act, in relation to a Minister, are references to his presence or absence from Tanzania or, as the case may be, to the absence of any physical or mental infirmity rendering him unable to discharge his functions; and
- (iii) the certificate of the Chief Justice that any Minister is, by reason of physical or mental infirmity unable to act shall not be questioned in any court; and

(b) of subsection (1), the Cabinet shall be deemed to be duly constituted notwithstanding any vacancy or the absence of any member, and a resolution of the majority of the members of the Cabinet who are present and voting shall be deemed to be a resolution of the Cabinet.

(5) Notwithstanding the foregoing provisions of this section, a person discharging the functions of the office of President under this section shall not have the power to remove a Vice-President from Office.

(6) A Minister, a member of the National Assembly or other person shall not, by reason of his exercising the functions of the office of President under this section, vacate his seat in, or be disqualified for election as a constituency member of, the National Assembly.

Salary and allowances of President

10.-(1) The President shall receive such salary and allowances, and on retirement such pension, gratuity or allowances, as may be determined by the National Assembly, and such salary, allowances, pension and gratuity are hereby charged on the Consolidated Fund of the United Republic.

(2) The salary and allowances of the President shall not be reduced during his period of office.

Protection of President in respect of legal proceedings during office

11.-(1) No criminal proceedings whatsoever shall be instituted or continued against the President while in office.

(2) No civil proceedings in which relief is claimed against the President shall be instituted whilst he is in office in respect of anything done or not done, or purporting to have been done or not done, by him in his personal capacity, whether before or after he entered upon his office, unless, at least thirty days before the proceedings are instituted, notice in writing has been delivered to him or sent to him in the manner prescribed by Act of Parliament, stating the nature of the proceedings, the cause of action, the name, description and place of residence of the party by whom the proceedings are to be instituted and the relief which he claims.

CHAPTER III

THE EXECUTIVE AND LEGISLATURE OF THE UNITED REPUBLIC

PART 1

THE EXECUTIVE

12. (1) Executive power with respect to all Union matters in and for the United Republic and with respect to all other matters in and for Tanganyika is vested in the President.

Executive
power of
the United
Republic

(2) Subject to the provisions of this Constitution, the executive power may be exercised by the President either directly or through persons holding office in the service of the United Republic.

(3) Nothing in this section shall prevent a law from conferring functions on persons or authorities other than the President.

13.-(1) There shall be two Vice-Presidents of the United Republic (who shall be styled the First Vice-President and the Second Vice-President respectively), one of whom shall be the principal assistant of the President in the discharge of his executive functions in relation to Zanzibar and, under the style of President of Zanzibar, the head of the Executive for Zanzibar, and the other shall be the principal assistant of the President in the discharge of his executive functions in relation to Tanganyika and the leader of Government business in the National Assembly.

Vice-
Presidents
and
Ministers

(2) There shall be such other offices of Minister in the Government of the United Republic as the President may, from time to time, by instrument under the Public Seal establish.

(3) The Vice-Presidents and the other Ministers shall be responsible under the direction of the President for such departments of State or other business of the Government as the President may assign to them.

14. The President may appoint junior ministers to, assist Ministers in the performance of their functions.

Appointment
of junior
ministers to
assist
Ministers

15.-(1) The President shall appoint the Ministers and the junior ministers from among the members of the National Assembly:

Provided that the person appointed to be a Vice-President and leader of Government business in the National Assembly shall be appointed from among the constituency members of the National Assembly.

Appointment
of Ministers
and junior
ministers

(2) Notwithstanding the provisions of subsection (1), if occasion arises for making an appointment of a Minister or a junior minister while Parliament is dissolved, the President may appoint a person who was a member of the National Assembly (or in the case of the Vice-President to whom the proviso to the previous subsection refers, a constituency member) immediately before such dissolution.

- Tenure of office of Ministers and junior ministers
- 16.** The office of Minister, or of a junior minister, shall become vacant-
- (a) if the President removes the holder from office by instrument under the Public Seal; or
 - (b) if the holder ceases to be a member of the National Assembly otherwise than by reason of a dissolution of Parliament; or
 - (c) on the acceptance by the President of his resignation by the holder of the office; or
 - (d) immediately before the assumption of office of a President.
- Cabinet
- 17.**-(1) There shall be a Cabinet consisting of the Ministers, and at the meetings of which the President, or in his absence a Minister appointed by the President, shall preside.
- (2) Subject to the powers of the President, the Cabinet shall be the principal instrument of policy and shall advise the President on such matters as may be referred to it under any general or special directions of the President.
- Oaths to be taken by Ministers and junior ministers
- 18.** A Minister or a junior minister shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Act of Parliament.
- Secretary to the Cabinet
- 19.** There shall be a Secretary to the Cabinet who shall have charge of the Cabinet Office, shall be responsible, in accordance with such instructions as may be given to him by the President, for arranging the business for, and keeping the minutes of, the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority, and shall have such other functions as the President may from time to time direct.
- Regional commissioners
- 20.** The President shall appoint a regional commissioner for every region within Tanganyika, and may suspend or remove from office any person so appointed.
- Constitution of and appointments to public offices
- 21.** Subject to the provisions of this Constitution and of any Act of Parliament, the powers-
- (a) of constituting and abolishing offices in the service of the United Republic; and
 - (b) of making appointments to such offices, and of promotion, termination of appointment, dismissal and disciplinary control of persons appointed to such offices,
- are vested in the President.
- Prerogative of mercy
- 22.**-(1) Subject to the provisions of this section, the President may-
- (a) grant to any person convicted of any offence a pardon, either free or subject to lawful conditions;
 - (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence.

- (c) substitute a less severe form of punishment for any punishment imposed on any person for any offence; and
 - (d) remit the whole or part of any punishment imposed on any person for any offence or of any penalty or forfeiture otherwise due to the United Republic on account of any offence.
- (2) An Act of Parliament may make provision for regulating the manner in which the President shall exercise his functions under this section.
- (3) The provisions of this section shall apply to persons convicted and punished and punishments imposed in Zanzibar under a law of the Parliament of the United Republic or a law of Tanganyika which extends to Zanzibar, and to persons convicted and punished and punishments imposed in Tanganyika.

PART 2

THE LEGISLATURE OF THE UNITED REPUBLIC

Composition of Parliament and the National Assembly

23. There shall be a Parliament of the United Republic which shall consist of the President and the National Assembly. Parliament

24.-(1) Subject to the provisions of this section, the National Assembly shall consist of the following members:- Members of
the national
Assembly

- (a) one hundred and seven constituency members;
 - (b) fifteen members elected by the National Assembly in accordance with section 30 of this Constitution;
 - (c) seventeen regional commissioners appointed for regions in Tanganyika and three regional commissioners appointed for regions in Zanzibar, by virtue of such offices;
 - (d) such members (whose number shall not exceed thirty-two) as may, subject to section 31 of this Constitution, be appointed by the President from among the members of the Revolutionary Council of Zanzibar;
 - (e) such members (whose numbers shall not exceed twenty) as may be appointed by the President in accordance with section 32 of this Constitution;
 - (f) such members (whose number shall not exceed ten) as may be appointed by the President in accordance with section 33 of this Constitution.
- (2) The President shall not be a member of the National Assembly.
- (3) An Act of Parliament may-
- (a) alter the number of constituency members;
 - (b) if the number of regions is other than seventeen in Tanganyika or three in Zanzibar, provide for a corresponding increase or decrease in the number of regional commissioners who shall be members of the National Assembly, or, in the event of an increase in the number of regions, provide for the selection of such members from among the regional commissioners,

and any such Act shall have effect for the alteration of the provisions of subsection (1) of this section notwithstanding that the Bill for the Act is not supported in the manner prescribed by section 51 of this Constitution.

Constituency Members

Constituencies

25.-(1) Tanganyika shall be divided into as many constituencies as there are constituency members and each such constituency shall return one constituency member to the National Assembly.

(2) The Electoral Commission, acting with the approval of the National Assembly signified by resolution, shall prescribe the boundaries of the constituencies, and the boundaries shall be such that the number of the inhabitants of each constituency is as nearly equal to the population quota as is reasonably practicable:

Provided that the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features and the difference between urban and rural areas in respect of density of population.

(3) The Electoral Commission shall review the division of Tanganyika into constituencies at intervals of not less than eight nor more than ten years and may, in accordance with the provisions of this section, alter the constituencies to such extent as it considers desirable in the light of the review:

Provided that the Electoral Commission shall carry out such a review and, in accordance with the provisions of this section, alter the constituencies whenever Parliament has altered the number of constituency members in the National Assembly; and, in addition, the Commission may at any time carry out such a review and, in accordance with the provisions of this section, alter the constituencies to such extent as it considers desirable in consequence of the holding of a census of the population in pursuance of any law.

(4) Any provision by Parliament altering the number of constituency members in the National Assembly shall come into effect when the alteration of the constituencies that, in accordance with the provisions of subsection (3) of this section, is consequential thereon, comes into effect; and any alteration of the constituencies shall come into effect upon the next dissolution of Parliament after the alteration has been approved by the National Assembly.

(5) In this section, "the population quota" means the number obtained by dividing the number of inhabitants of Tanganyika by the number of constituencies into which Tanganyika is to be divided under this section.

(6) For the purpose of this section, the number of inhabitants of Tanganyika shall be ascertained by reference to the latest census of the population held in pursuance of any law.

26. -(1) An election of a constituency member shall take place in every constituency after every dissolution of Parliament.

Elections in constituencies

(2) An election of a constituency member shall also take place in a constituency if the seat of the constituency member returned by the constituency falls vacant otherwise than on a dissolution of Parliament:

Provided that no such election shall take place in a constituency during the period of six months immediately preceding the date of the dissolution of Parliament when such date has been proclaimed by the President or can be inferred from the provisions of subsection (3) or (4) of section 40 of this constitution.

27.-(1) Any citizen of Tanzania who has attained the age of twenty-one years and is a member of the Party shall, unless he is disqualified under the following provisions of this section or an Act of Parliament to which this section refers, be qualified for election as a constituency member, and no other person shall be so qualified.

Qualifications of constituency members

(2) No person shall be qualified for election as a constituency member-

(a) if he is under a declaration of allegiance to some country other than Tanzania;

(b) if, under any law in force in Tanzania, he is adjudged or otherwise declared to be of unsound mind;

(c) if-

(i) he is under sentence of death imposed on him by any court in Tanzania or a sentence of imprisonment exceeding six months imposed on him by such a court; or

(ii) he is detained under an order made under the preventive Detention Act, 1962 and has been so detained under that order for a period exceeding six months; or

Acts 1962 No. 60

(iii) he has been deported, in accordance with the provisions of section 2 of the Deportation Ordinance, under an order made under that section which has been in force for a period exceeding six months, and is still in force;

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(d) if he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Tanzania;

(e) subject to such exceptions and limitations as may be prescribed by Act of Parliament, if he has any such interest in any such government contract as may be so prescribed,

(f) subject to such exceptions and limitations as may be prescribed by Act of Parliament, if he holds or acts in any office or appointment in the service of the United Republic, other than an office to which the President is required to or may, by this Constitution, make appointments from members of the National Assembly, specified (either individually or by reference to a class of office or appointment), by Act of Parliament;

Provided that a person otherwise qualified for election as a constituency member shall not be ineligible for primary nomination as a candidate for such election, and no objection to his nomination shall be allowed, solely by reason of his acting in or holding any office or appointment to which this paragraph refers at the time of such primary nomination or during the period between his primary nomination and the approval of his candidature or his selection to contest the election, as the case may be, by the National Executive Committee of the Party in accordance with section 28 of this Constitution; or

(g) if he is disqualified from registering as a voter for the purpose of elections to the National Assembly, or voting at any such election, under any Act of Parliament relating to offences connected with elections, whether to the National Assembly or otherwise.

(3) No person shall be qualified for election as a constituency member at any general election at which he is a candidate for the office of President, or at any by-election while he holds the office of President.

(4) An Act of Parliament may provide that a person who is the holder of or who acts in any office the functions of which involve responsibility for, or in connection with, the conduct of any election to the National Assembly or the compilation of any register of voters for the purposes of such an election shall not be qualified for election as a constituency member:

Provided that nothing in any such Act shall disqualify the Speaker of the National Assembly for election as a constituency member or cause a person elected Speaker to vacate that office or his seat in the National Assembly.

(5) An Act of Parliament may provide that a person shall not be qualified for election as a constituency member for such period (not exceeding five years) as may be prescribed by Parliament if he is convicted by any court of such offences connected with the election of members of the National Assembly as may be so prescribed.

(6) An Act of Parliament may, in order to permit any person who has been adjudged or declared to be of unsound mind, sentenced to death or imprisonment, adjudged or declared bankrupt or convicted of an offence prescribed under subsection (5) of this section to appeal against the decision in accordance with any law, provide that, subject to such conditions as may be thereby prescribed, the decision shall not have effect for the purposes of subsection (2) or subsection (5) of this section until such time as may be so prescribed.

(7) For the purposes of paragraph (c) of subsection (2) of this section—

(a) two or more sentences that are required to be served consecutively shall be regarded as separate sentences if none of them exceeds six months but if any of them exceeds six months they shall be regarded as one sentence; and

(b) no account shall be taken of a sentence of imprisonment imposed as an alternative to, or in default of, the payment of a fine.

(8) In paragraph (e) of subsection (2) of this section, "government contract" means any contract made with the United Republic, or with a department of State, or with an officer of the United Republic contracting as such.

28.-(1) Constituency members shall be elected by the People in accordance with the provisions of this Constitution and, subject thereto, the provisions of an Act of Parliament for regulating the election of constituency members to the National Assembly. Electoral
procedure

(2) Candidates for an election in a constituency shall be required to be-

(a) nominated at a primary nomination by not less than twenty-five persons registered in that constituency at the time of nomination as voters for the purpose of elections by the People; and

(b) subsequent to such primary nomination, approved or, if more than two candidates are so nominated, selected by the National Executive Committee of the Party in accordance with the following provisions of this section-

(3) Where less than three candidates are nominated at a primary nomination for an election in a constituency, the National Executive Committee shall, unless it is satisfied that the election procedure up to the time when its approval is sought (as prescribed by Act of Parliament and such rules of the Party as are not inconsistent therewith) has not been properly complied with, approve the candidate or, where there are two, both candidates for the purposes of this section.

(4) Where more than two candidates are nominated at a primary nomination for an election in a constituency-

(a) a meeting of the Annual District Conference of the Party for the district in which the constituency is situated shall be convened, and each member of that Conference present at the meeting may cast a preference by secret ballot for one of the persons so nominated; and

(b) the names of the persons so nominated (together with a certificate declaring the number of votes accorded to each at such ballot) shall be submitted to the National Executive Committee by the Returning officer, and that Committee shall, unless it is satisfied that the election procedure up to the time of such submission (as prescribed as aforesaid) has not been properly complied with, select by secret ballot two persons so nominated as the candidates to contest the election in that constituency,

and (unless the election is countermanded in accordance with any Act of Parliament in that behalf) the persons so selected shall be the candidates at that election in the constituency, and no other person shall be a candidate thereat.

(5) In the exercise of its functions under this section, the National Executive Committee shall not-

- (a) in any case where two or more candidates have been nominated for election in a constituency, approve or select one candidate only for such constituency;
- (b) be bound to make any selection in accordance with the order of preference indicated by the votes of the members of a meeting of an Annual District Conference.

Retirement
from public
service of
candidates
for election

29. Where any person who holds or acts in any office or appointment in the service of the United Republic to which paragraph (f) of subsection (2) of section 27 of this Constitution applies is approved or selected as a candidate for election by the National Executive Committee in accordance with section 28 of this Constitution, he shall be deemed to have resigned from such office or appointment immediately before such approval or selection, shall vacate such office forthwith, and shall be disqualified for appointment to or to act in that or any other such office or appointment before the declaration of the result of the election in the constituency concerned.

Other Members of the National Assembly

Member
elected by
the National
Assembly

30.-(1) The President may, from time to time, designate any institution which, in his opinion, is an institution of a national character to be a national institution for the purposes of this section, and may revoke or amend any such designation.

(2) Whenever-

- (a) Parliament is dissolved, every national institution may nominate not more than five persons;
- (b) a vacancy otherwise occurs among the number of the members of the National Assembly elected in accordance with this section, or such a vacancy is not filled, every national institution may nominate one person,

who shall be qualified, in accordance with section 27 of this Constitution, for election as a constituency member of the National Assembly.

(3) The names of the persons nominated in accordance with this section shall be submitted to the National Executive Committee of the Party and such as that Committee shall approve shall be presented to the National Assembly for election.

(4) The National Assembly shall elect from among the persons so nominated and approved such number of members of the National Assembly as there are then vacancies for members elected under this section.

(5) Subject to the provisions of this section, an Act of Parliament may provide for the nomination and approval of persons for election by the National Assembly, and the election shall be regulated in accordance with the rules of the National Assembly.

31. The power of the President to make appointments under paragraph (d) of subsection (1) of section 24 of this Constitution, and to revoke such appointments, shall be exercised, at all times when there is a President of Zanzibar in office, with the agreement of the President of Zanzibar.

Appointment of members from the Revolutionary Council

32.-(1) In addition to member appointed under paragraph (d) of subsection (1) of section 24 of this constitution, the President may appoint not more than twenty persons who-

Additional appointed members to represent Zanzibar

- (a) are qualified for election as constituency members of the National Assembly; and
- (b) are, immediately preceding such appointment, or were, immediately preceding the twenty-sixth day of April, 1964, ordinarily resident in Zanzibar,

to be members of the National Assembly.

(2) The power of the President to make appointments under this section, and to revoke such appointments shall be exercised, at all times when there is a President of Zanzibar in office, with the agreement of the President of Zanzibar.

33.-(1) In addition to the members appointed under paragraph (d) of subsection (1) of section 24, or in accordance with section 32, of this Constitution, the President may appoint not more than ten persons qualified for appointment under this section to be members of the National Assembly.

Additional appointed members

(2) No person shall be qualified for appointment in accordance with this section unless he is qualified for election as a constituency member in accordance with the provisions of section 27 of this Constitution other than those of paragraph (f) of subsection (2) of that section.

Miscellaneous Provisions Relating to Members of the National Assembly

34. Every member of the National Assembly shall, before taking his seat therein, take and subscribe before the National Assembly the oath of allegiance; but a member may before taking that oath take part in the election of a Speaker.

Oath of members

35.-(1) A member of the National Assembly shall vacate his seat therein-

Tenure of seat of members

- (a) if such circumstances arise that, if he were not a member of the National Assembly, he would not be qualified for election or, as the case may be, appointment as such under the provisions of this Constitution in accordance with which he was, elected or appointed a member:

Provided that a person appointed a member of the National Assembly in accordance with section 32 of this Constitution shall not vacate his seat in the National Assembly by reason only of the fact that, since his appointment, he has ceased to be ordinarily resident in Zanzibar; or

- (b) if he is elected President; or
- (c) in the case of a member other than a regional commissioner who holds his seat in accordance with paragraph (c) of subsection (1) of section 24 of this Constitution, if he is absent from the sittings of the National Assembly without the leave of the Speaker for three consecutive meetings of the Assembly; or
- (d) in the case of a member appointed by the President (and subject, in respect of those members to whom section 31 or 32 refer, to the respective provisions of those sections), if his appointment is revoked by the President,

but, subject to this section and unless he sooner dies or resigns, shall hold his seat until Parliament is next dissolved.

(2) An Act of Parliament may, in order to permit any member of the National Assembly who has been adjudged or declared to, be of unsound mind, sentenced to, death or imprisonment, adjudged or declared bankrupt or convicted of any offence prescribed under subsection (5) of section 27 of this Constitution to, appeal against the decision in accordance with any law, provide that, subject to such conditions as may be prescribed by Parliament, the decision shall not have effect for the purposes of this section until such time as may be so, prescribed.

Determina-
tion of
questions
as to
membership
of National
Assembly

36.-(1) The High Court of the United Republic shall have exclusive jurisdiction to hear and determine any question whether-

- (a) any person has been validly elected or appointed as a member of the National Assembly; or
- (b) the seat in the National Assembly of a member thereof has become vacant:

Provided that where the Electoral Commission, in the exercise of its powers under subsection (4) of section 7 of this Constitution, has declared any member of the National Assembly to have been elected President, the High Court shall not inquire further into any question in relation to the vacation of such member's seat.

- (2) An Act of Parliament may make provision with respect to-
 - (a) the persons who may apply to the High Court for the determination of any question under this section;
 - (b) the circumstances and manner in which and the conditions upon which any such application may be made, and
 - (c) the powers, practice and procedure of the High Court in relation to any such application.
- (3) The determination by the High Court of any question under this section shall not be subject to appeal.

The Speaker and the Deputy Speaker of the National Assembly

37.-(1) There shall be a Speaker of the National Assembly who shall be elected by the members of the National Assembly from among persons who are members of the National Assembly or who are qualified to be elected as constituency members of the Assembly. Speaker

(2) A Minister, a junior minister or the holder of any other office prescribed by Act of Parliament for the purpose of this section shall not be qualified to be elected as Speaker.

(3) The Speaker shall vacate his office-

- (a) if, having been elected from among the members of the National Assembly, he ceases to be a member of the National Assembly otherwise than by reason of a dissolution of Parliament;
- (b) if any circumstances arise that, if he were not Speaker, would disqualify him for election as such;
- (c) subject to the provisions of subsection (5) of section 40 of this Constitution, when the National Assembly first meets after a dissolution of Parliament; or
- (d) if he is removed from office by a resolution of the National Assembly supported by the votes of not less than two-thirds of all the members thereof.

(4) No business shall be transacted in the National Assembly (other than an election to the office of Speaker) at any time when the office of Speaker is vacant.

(5) Any person elected to the office of Speaker who is not a member of the National Assembly shall, before entering upon the duties of his office, take and subscribe the oath of allegiance before the National Assembly.

38.-(1) There shall be a Deputy Speaker of the National Assembly who shall be elected by the members of the National Assembly from among persons who are members of the National Assembly other than Ministers, junior ministers or the holder of any other office prescribed by Act of Parliament for the purpose of this section. Deputy Speaker

(2) The members of the National Assembly shall elect a person to the office of Deputy Speaker—

- (a) when the National Assembly first meets after a dissolution of Parliament; and
- (b) at the first sitting of the National Assembly after the office of Deputy Speaker has become vacant otherwise than by reason of a dissolution of Parliament,

or as soon thereafter as may be convenient.

- (3) The Deputy Speaker shall vacate his office-
- (a) if he ceases to be a member of the National Assembly;
 - (b) if any other circumstances arise that, if he were not Deputy Speaker, would disqualify him for election as such; or
 - (c) if he is removed from office by a resolution of the National Assembly.

Voting at
election of
speaker and
Speaker

39. In any election of a Speaker or Deputy Speaker, the votes of the members of the National Assembly shall be given by ballot in such manner as not to disclose how any particular member votes.

Meetings and Proceedings of Parliament and the National Assembly

Summoning
and
dissolution
of
Parliament

40. (1) When Parliament has been dissolved, the President shall summon a new Parliament to meet within twenty-one days after the results have been declared in the general election following such dissolution in all the constituencies other than those in which the election has been countermanded and commenced afresh.

(2) The President may at any time dissolve Parliament.

(3) Subject to the provisions of subsection (4) of this section, Parliament, unless sooner dissolved, shall continue for five years from the date for which it is first summoned after any dissolution and shall then stand dissolved.

(4) At any time when the United Republic is at war, Parliament may from time to time extend the period of five years specified in subsection (3) of this section for not more than twelve months at a time:

Provided that the life of Parliament shall not be extended under this subsection for more than five years.

(5) If an emergency arises or exists which in the opinion of the President necessitates the summoning of a Parliament at a time when Parliament stands dissolved, and before the majority of results have been declared in the general election following the dissolution, he may, by Proclamation, summon Parliament and cause the Speaker and the persons who were the members of the National Assembly immediately before such dissolution to be summoned to such Parliament and, until midnight on the day on which such majority of results are declared, such persons shall be deemed to be the Speaker and members respectively of, and to constitute, the National Assembly.

41.-(1) Meetings of the National Assembly shall be held at such place as is customary for the holding of such meetings or at such other place in the United Republic as the President may appoint.

(2) The first meeting of the National Assembly in a Parliament shall commence on the date for which Parliament is summoned, and each succeeding meeting shall commence on such date as the National Assembly shall appoint or as may be prescribed by the rules of procedure of the National Assembly:

Meetings of
the National
Assembly

Provided that the President may at any time summon a meeting of the National Assembly.

42. There shall preside at a sitting of the National Assembly-
- (a) the Speaker; or
 - (b) in the absence of the Speaker, the Deputy Speaker; or
 - (c) in the absence of the Speaker and of the Deputy Speaker, such member of the National Assembly (not being a Minister, a junior minister or the holder of any other office prescribed by Act of Parliament for the purpose of this section) as the National Assembly may elect for that purpose.

Presiding in
National
Assembly

43. If objection is taken by any member of the National Assembly present, that there are present in the National Assembly (besides the person presiding) less than one-fourth of all the members of the National Assembly and, after such interval as may be prescribed in the rules of procedure of the National Assembly, the person presiding ascertains that the number of persons present is still less than one-fourth of all the members of the National Assembly, he shall thereupon adjourn the National Assembly.

Quorum in
National
Assembly

44.-(1) Save as otherwise provided in this Constitution, any question proposed for decision in the National Assembly shall be determined by a majority of the votes of the members present and voting.

Voting in
National
Assembly

(2) The person presiding in the National Assembly shall cast a vote whenever there would otherwise be an equality of votes but shall not vote in any other case.

(3) The rules of procedure of the National Assembly may make provision under which a member who votes upon a question in which he has a direct pecuniary interest shall be deemed not to have voted.

45.-(1) There shall be the following Standing Committees of the National Assembly: -

Committees
of the
National
Assembly

- (a) a Finance and Economic Committee;
- (b) a Political Affairs Committee;
- (c) a Public Accounts Committee;
- (d) a Social Services Committee;
- (e) a Standing Orders Committee; and
- (f) a General Purposes Committee'.

and, subject to the provisions of this Constitution, the composition and functions of such Committees shall be prescribed by the rules of procedure of the National Assembly.

(2) The National Assembly may establish such other Committees of the Assembly as it thinks fit.

President
may address
National
Assembly

46. The President may at any time address the National Assembly in person or by message which shall be read by a Minister.

Vacancies
and
regulation of
procedure in
National
Assembly

47.-(1) The National Assembly may act notwithstanding any vacancy in its membership (including any vacancy not filled when the National Assembly first meets after a dissolution of Parliament) and the presence or participation of any person not entitled to be present or to participate in the proceedings of the National Assembly shall not invalidate those proceedings.

(2) Subject to the provisions of this Constitution, the National Assembly may regulate its own procedure.

Unqualified
persons
sitting or
voting

48. Any person who, sits or votes in the National Assembly knowing or having reasonable grounds for knowing that he is not entitled to do so shall be liable to a penalty not exceeding four hundred shillings or such other sum as may be prescribed by Act of Parliament for each day on which he so sits or votes in the National Assembly, which shall be recoverable by action in the High Court at the suit of the Attorney-General.

The Legislative Power

Legislative
power vested
in
Parliament

49. Legislative power with respect to all Union matters in and for the United Republic and with respect to all other matters in and for Tanganyika is vested in Parliament.

Legislation

50.-(1) Subject to the provisions of this Constitution, the legislative power of Parliament shall be exercised by Bills passed by the National Assembly and assented to by the President, and a Bill shall not become law unless it is so passed and assented to.

(2) When a Bill is presented to the President for assent, he shall either assent to the Bill or withhold his assent and return the Bill to the National Assembly with a message stating the reasons why he has withheld his assent.

(3) A Bill returned to the National Assembly under this section shall not be presented to the President for his assent a second time within six months of its being so returned unless it is supported in the National Assembly at the last stage before it is again presented by the votes of not less than two-thirds of all the members of the Assembly.

(4) When a Bill which has been returned to the National Assembly and has thereafter been supported in the National Assembly, in the manner specified in subsection (3) of this section, by the votes of not less than two-thirds of all the members of the Assembly, is presented to the President for assent a second time within six months of its being so returned, the President shall, unless he has first dissolved Parliament, assent to the Bill within twenty-one days of its presentation.

(5) Nothing in this section or in section 49 of this Constitution shall prevent an Act of Parliament from conferring on any person or authority the power to make provisions having the force of law or from conferring the force of law on any provision made by any person or authority.

51.-(1) An Act of Parliament may alter any of the provisions of this Constitution, but, save as provided in section 24 of this Constitution, a Bill for an Act to alter any provision of this Constitution or any of the provisions of the laws set out in the Second Schedule to this Constitution shall not be passed by the National Assembly unless it is supported by the votes of not less than two-thirds of all the members of the Assembly at not less than two of its stages in the Assembly.

Alteration of
certain
laws

(2) In this section references to the alteration of any provision of this Constitution or of a law set out in the Second Schedule include references to the amendment, modification or re-enactment, with or without amendment or modification, of that provision, the suspension or repeal of that provision and the making of different provision in lieu of that provision, otherwise than where this Constitution expressly provides that an Act of Parliament may make different provision.

52. Except upon the recommendation of the President signified by a Minister, the National Assembly shall not —

Restriction
with
regard to
certain
financial
measures

(a) proceed upon any Bill (including any amendment to a Bill) that in the opinion of the person presiding, makes provision for any of the following purposes: —

- (i) for the imposition of taxation or the alteration of taxation otherwise than by reduction;
- (ii) for the imposition of any charge upon the Consolidated Fund or any other public fund or the alteration of any such charge otherwise than by reduction;
- (iii) for the payment, issue or withdrawal from the Consolidated Fund or any other public fund of any moneys not charged thereon, or any increase in the amount of such payment, issue or withdrawal; or
- (iv) for the composition or remission of any debt due to the United Republic; or

(b) proceed upon any Motion (including any amendment to a Motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes:

Provided that nothing in this section shall apply to a Bill or any amendment to a Bill introduced by, or a Motion or an amendment to a Motion moved by, a Minister or junior minister.

CHAPTER IV

THE EXECUTIVE AND LEGISLATURE FOR ZANZIBAR

53.-(1) There shall be an Executive and a Legislature for Zanzibar.

Executive
and
legislature
for
Zanzibar

(2) The head of the Executive for Zanzibar shall be the Vice-President of the United Republic appointed for that purpose, and he shall be styled the President of Zanzibar:

Provided that where the office of such Vice-President is vacated, in accordance with paragraph (d) of section 16 of this Constitution, immediately before the assumption of office of a President of the United Republic, the person who held the office of such Vice-President shall not thereupon cease to be head of the Executive for Zanzibar, but he shall continue as head of such Executive until a new appointment is made of such a Vice-President of the United Republic.

(3) Subject to the provisions of this section, the Executive and Legislature for Zanzibar shall be constituted in accordance with the law in force in Zanzibar immediately before the commencement of this Constitution which relates to the Executive and Legislative authorities of Zanzibar; and the constitution of the said Executive and Legislature may be varied from time to time in accordance with the provisions of any such law.

Executive
and
legislative
powers

54.(1) Executive power with respect to all matters in and for Zanzibar other than Union matters is vested in the Executive for Zanzibar.

(2) Legislative power with respect to all matters in and for Zanzibar other than Union matters is vested in the Legislature for Zanzibar.

Regional
com-
missioners

55. Subject to any law in force in Zanzibar regulating the power of appointment, regional commissioners may be appointed for regions in Zanzibar, and the persons so appointed may be suspended or removed from office in the exercise of the executive power in and for Zanzibar.

CHAPTER V

THE JUDICATURE OF THE UNITED REPUBLIC AND OF ZANZIBAR

PART 1

THE HIGH COURT OF THE UNITED REPUBLIC

Establish-
ment of
High Court
of
Tanzania

56.-(1) There shall be a High Court of the United Republic which shall have such jurisdiction and powers as may be conferred on it by this Constitution or any other law.

(2) The judges of the High Court of the United Republic shall be the Chief Justice of Tanzania and such number of other judges, not being less than eight (hereinafter referred to as "the puisne judges") as may be prescribed by Parliament:

Provided that the office of a puisne judge shall not be abolished while there is a substantive holder thereof.

(3) The High Court shall be a superior court of record and, save as otherwise provided by Act of Parliament, shall have all the powers of such a court.

57.-(1) The Chief Justice of Tanzania shall be appointed by the President.

Appointment
of judges
of High
Court

(2) The puisne judges of the High Court of the United Republic shall be appointed by the President after consultation with the Chief Justice.

(3) (a) Subject to the provisions of subsection (4), a person shall not be qualified for appointment as a judge of the High Court unless-

(i) he is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth, or in any country outside the Commonwealth that may be prescribed by Act of Parliament, or a court having jurisdiction in appeals from any such court; or

(ii) he holds one of the specified qualifications and has held one or other of those qualifications for a total period of not less than five years.

(b) In this subsection and in subsections (4) and (6) "the specified qualifications" means the professional qualifications specified by the Advocates Ordinance (or by or under any law amending or replacing that Ordinance) one of which must be held by any person before he may apply under that Ordinance (or under any such law) to be admitted as an advocate in Tanganyika.

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(4) Where the President is satisfied that by reason of special circumstances a person who holds one of the specified qualifications is worthy, capable and suitable to be appointed a judge of the High Court notwithstanding that he has not held some one or other of those qualifications for a total period of not less than five years, the President may dispense with the requirement that such person shall have held some one or other of the specified qualifications for a total period of not less than five years, and may, after such consultation aforesaid, appoint him a judge of the High Court.

(5) If the office of Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, as the case may be, those functions shall be performed by such one of the puisne judges as may be designated in that behalf by the President.

(6) If the office of any puisne judge is vacant or if any such judge is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office, or if the Chief Justice advises the President that the state of business in the High Court so requires, the President may appoint a person qualified for appointment as a judge of the High Court to act as a puisne judge of that Court:

Provided that-

- (a) notwithstanding the provisions of subsection (1) of section 58 of this Constitution, no person shall be disqualified for appointment under this subsection by reason only of his age;
- (b) the President may dispense with the requirement that a person shall not be qualified for an appointment as a judge of the High Court unless he has held some one or other of the specified qualifications for a total period of not less than five years in the case of an appointment of a person who has one of the specified qualifications to act as a puisne judge of the High Court for the like reasons as he may dispense with that requirement under the provisions of subsection (4).

(7) Any person appointed under subsection (6) of this section to act as a puisne judge shall continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the President:

Provided that, notwithstanding the expiration of the period of his appointment or the revocation of his appointment, he may thereafter continue to act as a puisne judge for so long as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.

Tenure of
office of
judges of
High Court

58.-(1) Subject to the provisions of this section, a person holding the office of a judge of the High Court shall vacate that office on attaining the age of sixty-two years:

Provided that the President may permit such a person to continue in office until he has attained the age of sixty-five years.

(2) Notwithstanding that he has attained the age at which he is required by the provisions of this section to vacate his office, a person holding the office of a judge of the High Court may continue in office for so long after attaining that age as may be necessary to enable him to deliver judgment or to do, any other thing in relation to proceedings that were commenced before him before he attained that age.

(3) A judge of the High Court may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of subsection (5) of this section.

(4) If the President considers that the question of removing a judge under this section ought to be investigated, then-

- (a) he shall appoint a tribunal which shall consist of a chairman and not less than two other members, the chairman and at least one half of the other members being persons who hold or have held office as judges of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth, or in any country outside the Commonwealth that may be prescribed by Parliament, or a court having jurisdiction in appeals from any such court;
- (b) the tribunal shall inquire into the matter and report on the facts thereof to the President and advise the President whether the judge ought to be removed from office under this section for inability as aforesaid or for misbehaviour.

(5) Where a tribunal appointed under subsection (4) advises the President that a judge ought to be removed from office for inability as aforesaid or misbehaviour, the President shall remove such judge from office.

(6) If the question of removing a judge from office has been referred to a tribunal under subsection (4) of this section, the President may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the President and shall in any case cease to have effect if the tribunal advises the President that the judge ought not to be removed from office.

(7) The provisions of this section shall be without prejudice to the provisions of subsection (7) of section 57 of this Constitution.

59. A judge of the High Court shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Act of Parliament.

Oaths to be taken by judges

PART 2

APPOINTMENT OF OTHER JUDICIAL OFFICERS IN TANGANYIKA AND THE JUDICIAL SERVICE COMMISSION

60.-(1) There shall be a Judicial Service Commission in and for the United Republic in Tanganyika which shall consist of-

Judicial Service Commission

- (a) the Chief Justice of Tanzania, who shall be Chairman;
- (b) such puisne judge of the High Court of the United Republic as may for the time being be designated in that behalf by the President after consultation with the Chief Justice;
- (c) a member appointed by the President.

(2) A person shall not be qualified to be appointed under the Provisions of paragraph (c) of subsection (1) of this section if he is a member of the National Assembly or the holder of an office prescribed by Parliament for the purpose of this section.

Appointment
and
removal of
Judicial
Officers

61.-(1) Subject to the provisions of any Act of Parliament, the power-

- (a) to appoint persons to hold offices to which this section applies (including the power of confirming appointments and promotions) is vested in the President;
- (b) to exercise disciplinary control over persons holding or acting in such offices, to terminate appointments and to remove such Persons from office, is vested in the Judicial Service Commission.

(2) The offices to which this section applies are the offices of Registrar and Deputy Registrar of the High Court of the United Republic, Resident Magistrate and any other magistrate, and such other offices connected with any court (other than a court-martial) as, subject to the provisions of this Constitution, may be prescribed by Act of Parliament:

Provided that this section shall not apply to any such office or magistrate of a court in Zanzibar.

(3) The power of the President to abolish offices in the service of the United Republic shall not be exercised in respect of any office to which this section applies while there is a substantive holder of that office, unless the Judicial Service Commission concurs in such abolition.

PART 3

THE HIGH COURT OF ZANZIBAR

High Court
Of
Zanzibar

62. Nothing in this Chapter shall be construed as Precluding the continuance or establishment under and in accordance with the law of Zanzibar of a High Court in and for Zanzibar or courts subordinate thereto.

Jurisdiction
of High
Court of
Zanzibar

63.-(1) Subject to sections 36 and 64 of this Constitution, the High Court of Zanzibar shall have such jurisdiction as may be conferred on a High Court by or under any law in force in, including a law "tended to, Zanzibar.

(2) Subject to this Constitution and to any express provision of an Act of Parliament, where jurisdiction is conferred on a High Court by a law of the Parliament of the United Republic which applies to, or a law in force in Tanganyika which is extended to, Zanzibar, the jurisdiction of the High Court of Zanzibar shall be concurrent with that of the High Court of the United Republic.

PART 4

INTERPRETATION OF THE INTERIM CONSTITUTION AND

APPEALS

Interpreta-
tion of the
Constitution

64.-(1) An appeal shall lie as of right direct to a full bench of the High Court of the United Republic from final decisions of any court or judge in Tanzania on questions as to the interpretation of this Constitution, and a decision of a full bench of the High Court on any such question shall be final and no appeal shall lie therefrom to any other court.

- (2) An Act of Parliament may make provision-
- (a) regulating appeals to a full bench of the High Court;
 - (b) for the reservation or reference to a full bench of the High Court of questions as to the interpretation of this Constitution.

(3) In this section a full bench of the High Court means a court composed of not less than five judges of the High Court of the United Republic.

65.-(1) The appropriate legislative authority may make provision for appeals to lie from decisions of a High Court or of a magistrate to another court in East Africa in cases other than questions as to the interpretation of this Constitution.

Appeals

(2) The provisions of this section shall be subject to the provisions of section 36 of this Constitution.

(3) The appropriate legislative authority may make provision regulating the circumstances and manner in which, and the conditions on which, appeals under this section shall be prosecuted.

PART 5

PROCESS OF THE COURTS

66. (1) The criminal and civil process (including warrants of arrest) of the courts of the United Republic and of Zanzibar may be served and executed in any place within the limits of Tanzania.

Process to run throughout Tanzania

Provided that-

- (a) the service or execution of any process outside the local limits of the court by which the process was issued shall be effected in the like manner and subject to the like conditions as is the service and execution of the process of the courts having local and comparable jurisdiction at the place where the service or execution of such first-mentioned process is to be effected; and
- (b) if any law in force in the place where the service or execution of process is to be effected requires, that the process of courts which are not courts having local jurisdiction shall be endorsed or otherwise authenticated by a court or magistrate having local jurisdiction, the process of the former courts shall, before being served or executed, be so endorsed or otherwise authenticated.

(2) Subject to any law in force in the place where any arrest is made, where any person has been arrested in one part of Tanzania in pursuance of any process issued in some other part, such person may be removed in custody to the court by which such process was issued.

(3) Nothing in this section shall prejudice, or preclude the making of, any provision for giving effect to the process, or enabling effect to be given to the process, of the courts of the United Republic or of Zanzibar outside the limits of Tanzania.

CHAPTER VI
THE PERMANENT COMMISSION OF ENQUIRY

The
Permanent

67-(1) There shall be a Permanent Commission of Enquiry which shall have jurisdiction to enquire into the conduct of any person to whom this section applies in the exercise of his office or authority, or in abuse thereof.

(2) Subject to the provisions of this section, the Permanent Commission shall make an enquiry into the conduct of any such person aforesaid whenever so directed by the President, and may, unless the President otherwise directs, make such enquiry in any case in which it considers that an allegation of misconduct or abuse of office or authority by any such person ought to be investigated.

(3) The Permanent Commission shall report the proceedings of every enquiry, and of its conclusions and recommendations thereon, to the President.

(4) This section applies to persons in the service of the United Republic, persons holding office in the Party, the members and persons in the service of a local government authority and the members and persons in the service of such Commissions, corporate bodies established by statute and public authorities or boards, as may be specified by Act of Parliament, but does not apply to the President or the head of the Executive for Zanzibar.

(5) Nothing in this section or in any Act of Parliament enacted for the purpose of this Chapter shall confer on the Permanent Tribunal any Power to question or review any decision of any judge, magistrate or registrar in the exercise of his judicial functions or any decision of a tribunal established by law for the performance of judicial functions in the exercise of such functions.

Members of
the
Permanent
Commission

68.-(1) The Permanent Commission shall comprise a chairman and two other members who shall be appointed by the President.

(2) A person appointed a member of the Permanent Commission shall forthwith vacate any office of Minister or junior minister, any office prescribed by Act of Parliament for the purpose of this section and any office in the Party.

(3) Notwithstanding the provisions of subsection (3) of section 83 of this Constitution, a person shall not be qualified to be reappointed a member of the Permanent Commission within two years of his last ceasing to hold such office.

(4) Subject to the provisions of this section, the office of a member of the Permanent Commission shall become vacant-

(a) at the expiration of two years from the date of his appointment:

Provided that one of the first members of the Permanent Commission, other than the chairman, shall vacate his office at the expiration of one year from the date of his appointment and, if no provision in that behalf is made in the instrument of appointment of one of such members, the member who shall so vacate his office shall be determined by lot; or

(b) if he accepts any office of a kind which he would be required to vacate on his being appointed a member of the Permanent Commission.

(5) A member of the Permanent Commission may be removed from office by the President only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour.

(6) The Permanent Commission may act notwithstanding any vacancy or the absence of any member.

69. Subject to this Constitution, the powers and immunities of the Permanent Commission for the discharge of its functions, and its procedure, shall be prescribed and regulated by Act of Parliament.

Power and
procedure

CHAPTER VII

FINANCIAL PROVISIONS RELATING TO THE UNITED REPUBLIC

70. No taxation shall be imposed otherwise than by or under the authority of an Act of Parliament or by or under the authority of a provision upon which Parliament has conferred the force of law:

Restriction
on taxation

Provided that nothing in this section shall be construed as restricting any power of the Legislature for Zanzibar to impose any tax within the limits of its competence.

71. All revenues or other moneys raised or received for the purpose of the United Republic (not being revenues or other moneys payable by or under any law for some other purpose or into some other fund established for a specific purpose) shall be paid into and form one Consolidated Fund.

Consolidated
Fund

72.-(1) No moneys shall be withdrawn from the Consolidated fund of the United Republic except-

Withdrawals
from
Consolidation
Fund or
other public
funds

(a) to meet expenditure that is charged upon the Fund by this Constitution or by any other law; or

(b) where the issue of those moneys has been authorized by an Appropriation Act or by an Act enacted in pursuance of section 75 of this Constitution.

(2) No moneys shall be withdrawn from any public fund of the United Republic other than the Consolidated Fund unless the issue of those moneys has been authorized by or under any law.

(3) No moneys shall be withdrawn from the Consolidated Fund unless such withdrawal has been approved by the Controller and Auditor-General and except in the manner prescribed by an Act of Parliament.

73.-(1) The President shall cause to be prepared and laid before the National Assembly in each financial year estimates of the revenue and expenditure of the United Republic for the next following financial year.

Authorization
of
expenditure
from
Consolidated
Fund by
appropriation

(2) When the estimates of expenditure (other than expenditure charged upon the Consolidated Fund by this Constitution or by any other law) have been approved by the National Assembly, a Bill, to be known as an Appropriation Bill, shall be introduced into the National Assembly providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums, under separate votes for the several services, required, for the purposes specified therein.

(3) If in respect of any financial year it is found-

- (a) that the amount appropriated by the Appropriation Act for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by that Act; or
- (b) that any moneys have been expended for any purpose in excess of the amount appropriated for that purpose by the Appropriation Act or for a purpose for which no amount has been appropriated by that Act.

a supplementary estimate or, as the case may be, a statement of excess showing the sums required or spent shall be laid before the National Assembly and, when the supplementary estimate or the statement of excess has been approved, a supplementary Appropriation Bill shall be introduced into the National Assembly, providing for the issue of such sums from the Consolidated Fund and appropriating them for the purposes specified therein.

Authorization
of
expenditure
in advance
of
appropriation

74. An Act of Parliament may make provision under which, if the Appropriation Act in respect of any financial year has not come into operation by the beginning of that financial year, the President may authorize the withdrawal of moneys from the Consolidated Fund for the purpose of meeting expenditure necessary to carry on the services of the Government until the expiration of four months from the beginning of that financial year or the coming into operation of the Appropriation Act, whichever is the earlier.

Contingen-
cies fund
and
virement

75.-(1) An Act of Parliament may make provision-

- (a) for the establishment of a Contingencies Fund and for authorizing the President or a Minister appointed by him, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from that Fund to meet that need; and
- (b) for authorizing the President or a Minister appointed by him, if satisfied as aforesaid, to apply sums voted for other purposes to meet such need.

(2) Where any advance is made from the Contingencies Fund or money voted for one purpose is applied in pursuance of such authority aforesaid, a supplementary estimate shall be presented for approval by the National Assembly and the Supplementary Appropriation Bill introduced on the approval thereof shall, where money is advanced from the Contingencies Fund, make provision for replacing the amount so advanced.

76.-(1) The public debt of the United Republic shall be secured on the Consolidated Fund of the United Republic. Public debt

(2) For the purposes of this section, the public debt includes the interest on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt.

77.-(1) There shall be paid to the holders of the offices to which this section applies such salary and such allowances as may be prescribed by Act of Parliament. Remuneration of certain officers

(2) The salaries and any allowances payable to the holders of the offices to which this section applies, and where any such holder is appointed on terms by which he is entitled to a pension or gratuity, such pension or gratuity shall be a charge on the Consolidated Fund of the United Republic.

(3) The salary payable to the holder of any office to which this section applies and his terms of office, other than allowances, shall not be altered to his disadvantage after his appointment.

(4) Where a person's salary or terms of office depend upon his option, the salary or terms for which he opts shall, for the purpose of subsection (3) of this section, be deemed to be more advantageous to him than any others for which he might have opted.

(5) This section applies to the offices of judge of the High Court of the United Republic, of chairman and member of the Permanent Commission, and of Controller and Auditor-General of the United Republic.

78.-(1) There shall be a Controller and Auditor-General of the United Republic. Controller and Auditor-General of the United Republic

- (2) It shall be the duty of the Controller and Auditor-General-
- (a) to satisfy himself that any proposed withdrawal from the Consolidated Fund is authorized by, or as provided by section 72 of this Constitution, and, if so satisfied, to approve such withdrawal;
 - (b) to satisfy himself that all moneys that are charged on the Consolidated Fund or have been appropriated by Act of Parliament, and disbursed, have been applied to the purposes for which they were so charged or appropriated and that the expenditure conforms to the authority that governs it; and
 - (c) at least once in every year to audit and report on the public accounts of the United Republic, the accounts of all officers and authorities of the Government of the United Republic, the accounts of all courts of the United Republic (other than courts no part of the expenses of which are paid directly out of moneys, provided by Parliament) and the accounts of the Clerk of the National Assembly.

(3) The Controller and Auditor-General and any officer authorized by him shall have access to all books, records, returns, reports and other documents relating to any of the accounts referred to in subsection (2) of this section.

(4) The Controller and Auditor-General shall submit every report made by him in pursuance of subsection (2) of this section to the President who shall, not later than seven days after the first sitting of the National Assembly next after the receipt of such a report, cause it to be laid before the National Assembly; and if the President makes default in laying the report before the National Assembly, the Controller and Auditor-General shall submit the report to the Speaker of the National Assembly (or, if the office of Speaker is vacant or if the Speaker is for any reason unable to perform the functions of his office, to the Deputy Speaker) who shall cause it to be laid before the National Assembly.

(2) The Controller and Auditor-General shall perform such other duties and exercise such other powers in relation to the public accounts of the United Republic or the accounts of other public authorities or other bodies as may be prescribed by or under any law.

(6) In the exercise of his functions under subsections (2), (3) and (4) of this section, the Controller and Auditor-General shall not be subject to the direction or control of any other person or authority:

Provided that nothing in this subsection shall be construed as precluding a court from exercising jurisdiction in relation to any question whether the Controller and Auditor-General has performed those functions in accordance with this Constitution.

Removal of
Controller
and
Auditor-
General

79.-(1) Subject to the provisions of this section, a person holding the office of Controller and Auditor-General of the United Republic shall vacate that office when he attains the age of sixty years or such other age as may be prescribed by Act of Parliament.

(2) A person holding the office of Controller and Auditor-General may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of subsection (4) of this section.

(3) If the President considers that the question of removing the Controller and Auditor-General under this section ought to be investigated, then-

(a) the President shall appoint a tribunal which shall consist of a chairman and not less than two other members, the chairman and at least one-half of the other members being persons who hold or have held office as judges of a court having unlimited jurisdiction in civil and criminal matters in some part of the

Commonwealth, or in any country outside the Commonwealth that may be prescribed by Parliament, or a court having jurisdiction in appeals from any such court; and

(b) that tribunal shall inquire into the matter and report on the facts thereof to the President and recommend to him whether the Controller and Auditor-General ought to be removed under this section for inability as aforesaid or misbehaviour.

(4) Where a tribunal appointed under subsection (3) advises the President that the Controller and Auditor-General ought to be removed from office for inability as aforesaid or misbehaviour, the President shall remove him from office.

(5) If the question of removing the Controller and Auditor-General has been referred to a tribunal under this section, the President may suspend the Controller and Auditor-General from performing the functions of his office and any such suspension may at any time be revoked by the President and shall in any case cease to have effect if the tribunal recommends to the President that the Controller and Auditor-General should not be removed.

(6) A person who holds or has held the office of Controller and Auditor-General shall not be eligible for appointment to or to act in any other office in the service of the United Republic.

(7) Nothing in this section shall apply to any person appointed to act in the office of Controller and Auditor-General.

CHAPTER VIII

THE ARMED FORCES

80. No person shall raise or maintain any military, naval or air forces in Tanzania except under the authority of an Act of Parliament

Prohibition
of irregular
forces

81.-(1) Subject to the provisions of any Act of Parliament, the powers of the President as Commander-in-Chief of the Armed Forces of the United Republic shall include the power to order any such forces to engage in operations for the defence of the United Republic, for the preservation of public order, for relief in cases of emergency and for any other purposes, whether within or outside Tanzania, appearing to the Commander-in-Chief to be expedient.

Power of
the
commander-
in-chief

(2) Subject to the provisions of any Act of Parliament, the power to commission officers in the Armed Forces of the United Republic, to terminate the appointment of and dismiss any member of such Armed Forces and to appoint members of the Armed Forces to command, and the power to order a member of the Armed Forces not to exercise any authority conferred on him as such, is vested in the Commander-in-Chief.

(3) A purported exercise of any authority in contravention of any such order as aforesaid shall be void.

CHAPTER IX

MISCELLANEOUS

Electoral
Commission

82.-(1) There shall be an Electoral Commission for the United Republic which shall consist of-

- (a) the Speaker of the National Assembly, who shall be chairman; and
- (b) not less than three nor more than five appointed members who shall be appointed by the President.

(2) A person shall not be qualified to be an appointed member of the Commission if he is a Minister, a junior minister, the holder of any office prescribed by Parliament for the purpose of this section, a member of the National Assembly or the holder of any office (other than the office of Clerk or Clerk-Assistant of the National Assembly) specified by Act of Parliament under the provisions of paragraph (f) of subsection, (2) of section 27 of this Constitution.

(3) Subject to the provisions of this section, the office of an appointed member of the Electoral Commission shall become vacant-

- (a) at the expiration of five years from the date of his appointment; or
- (b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(4) An appointed member of the Electoral Commission may be removed from office by the President only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour.

(5) The Electoral Commission may act notwithstanding any vacancy or the absence of any member:

Provided that any decision of the Commission shall require the concurrence of a majority of all the members thereof.

(6) An Act of Parliament may provide for the appointment by the Electoral Commission of delegates for the supervision of elections of constituency members of the National Assembly and, subject to any such Act of Parliament and the directions of the Electoral Commission, the functions of the Electoral Commission for the supervision of such elections may be exercised by such delegates.

(7) In the exercise of its functions the Electoral Commission shall not be subject to the direction or control of any other person or authority.

(8) The question whether the Electoral Commission has validly performed any function vested in it by this Constitution shall not be inquired into by any court.

Provisions
relating to
offices
established

83.-(1) Any person who is appointed, elected or otherwise selected to any office established by this Constitution (including the office of Minister or junior minister or of a member of the National Assembly other than a member thereof who holds his seat virtue of his tenure of some other office) may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed, elected or selected:

Provided that-

- (a) in the case of a person who holds office as President, his resignation from that office shall be addressed to the Chief Justice of Tanzania;
- (b) in the case of a person who holds office as Speaker or Deputy Speaker of the National Assembly, his resignation from that office shall be addressed to the National Assembly; and
- (c) in the case of a member of the National Assembly, his resignation from that Assembly shall be addressed to the Speaker.

(2) The resignation of any person from any such office as aforesaid shall take effect when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorized by that person or authority to receive it, unless it is stated in such writing that it is to take effect at a later date in which case it shall take effect at such later date.

(3) Where any person has vacated any office established by this Constitution (including the office of Minister or junior minister or of such member of the National Assembly aforesaid), he may, if qualified, again be appointed, elected or otherwise selected to hold that office in accordance with the provisions of this Constitution:

Provided that nothing in this subsection shall prevent a person who holds office as President from being re-elected to that office during his tenure thereof .

84.-(1) The powers conferred by this Constitution to make appointments to offices in, the service of the United Republic shall include the power to appoint Persons to act in or to perform the functions of such a offices:

Provisions
relating to
power of
appointment

Provided that nothing in this subsection shall apply to any Minister, junior minister, judge of the High Court, or member of the Permanent Commission or the Electoral Commission.

(2) Where a power is conferred by this Constitution-

- (a) upon any person or authority to make any appointment to any office, a person may be appointed to that office, notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending the relinquishment of the office; and where two or more persons are holding the same office by reasons of an appointment made in pursuance of this paragraph, then, for the purposes of any function conferred on the holder of that office, the person last appointed shall be deemed to be the sole holder of that office;
- (b) upon any person or authority to appoint any person to act in or perform the functions of any office if the holder thereof is himself unable to perform those functions, no such appointment shall be called in question on the ground that the holder of the office was not unable to perform those functions.

Interpreta-
tion

85.-(1) In this Constitution, unless the context otherwise requires-

"appropriate legislative authority" means Parliament or the Legislature for Zanzibar according to their respective powers;

"Chief Justice" means the Chief Justice of Tanzania or, in the absence or inability to act of the Chief Justice and of any person appointed to act for him, the senior puisne judge who is present and able to act;

C.A. Act 15

"the Commonwealth" means the United Republic, any country to which section 7 of the Citizenship Act, 1961, applies and any dependency of any such country;

"the constitution of the Party" means the constitution set out in the First Schedule to this Constitution, as amended from time to time as provided in subsection (4) of section 3;

"elections by the People" means an election of a President and an election of a constituency member of the National Assembly;

"law" includes any provision that has the force of law;

"Minister" includes a Vice-President but does not include a junior minister;

"oath" includes affirmation;

"oath of allegiance" means such oath of allegiance to the United Republic as may be prescribed by Act of Parliament;

"office in the service of the United Republic" includes membership of the Armed Forces of the United Republic and of a police force established by law;

"the Party", except when used in the expression "the constitution of the Party", means the one political Party provided for in section 3 and, until the union of the Tanganyika African National Union with the Afro-Shirazi Party, means, in, and for Tanganyika, the Tanganyika African National Union and, in and for Zanzibar, the Afro-Shirazi Party:

Provided that, until such union-

(a) "the Party" where it first occurs in subsection (3) of section 7, means a joint meeting of the Tanganyika African National Union and the Afro-Shirazi Party; and

(b) "the Party" where it last occurs in subsection (3) of section 7, means either the Tanganyika African National Union or the Afro-Shirazi Party;

"Tanganyika" means the territories formerly comprising the Republic of Tanganyika, and the waters thereof;

"Union matters" means matters relating to—

(i) this Constitution and the government of the United Republic;

(ii) External Affairs;

(iii) Defence

(v) Police;

(v) Emergency Powers;

(vi) Citizenship;

- (vii) Immigration;
- (viii) External trade and borrowing;
- (ix) the Public Service of the United Republic;
- (x) Income Tax, corporation tax, customs and excise duties;
- (xi) Harbours, civil aviation, posts and telegraphs;
- (xii) Currency, coinage and legal tender (including paper money); banks (including savings banks) and banking; foreign exchange and exchange control;

"Zanzibar" means the territories formerly comprising the People's Republic of Zanzibar, and the waters thereof.

(2) In this Constitution, references-

to the functions of the office of President shall be construed as references to his powers and duties in the exercise of the executive power of the United Republic and to any other powers and duties conferred or imposed on the President by this Constitution or by any other law;

to persons holding offices or to organs of State are, unless otherwise specified, references to offices in the service of the United Republic and organs of the United Republic.

(3) Where this Constitution requires any matter or thing to be done by an organ of the Party, that matter or thing shall be done, subject to this Constitution and any Act of Parliament in that behalf, in accordance with the constitution of the Party and any rules of the Party applicable thereto.

(4) For the purposes of this Constitution, a person shall not be considered as holding an office in the service of the United Republic by reason only of the fact that he is in receipt of a pension or other like allowance in respect of service under the United Republic or any former Government of Tanganyika, or in the armed or police forces of the United Republic or any former Government of Tanganyika or Zanzibar.

(5) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person for the time being lawfully acting in or performing the functions of that office,

(6) References in this Constitution to the power to remove the holder of an office in the service of the United Republic from his office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the service of the United Republic:

Provided that nothing in this subsection shall be construed as conferring on any person or authority power to require a judge of the High Court or the Controller and Auditor-General to retire from his office.

(7) Any reference in this Constitution, to a law that amends or replaces any other law shall be construed as including a reference to a law that modifies, re-enacts, with or without amendment or modification, or makes different provision in lieu of that other law.

Title,
application
and
commence-
ment

86.-(1) This Act may be cited as the Interim Constitution of Tanzania, 1965, and shall extend to and in respect of Zanzibar as well as to and in respect of Tanganyika.

(2) This Act shall come into operation immediately after the dissolution of the present Parliament.

FIRST SCHEDULE

(Section 3)

TANGANYIKA AFRICAN NATIONAL UNION

CONSTITUTION

ARTICLE I

1. The name of the organization is the Tanganyika African National Union (hereinafter to be referred to as T.A.N.U. or, interchangeably the Party).

2. The Head Office of T.A.N.U. shall be at Dar es Salaam.

ARTICLE II

Preamble

WHEREAS T.A.N.U. believes:

- (a) That all human beings are equal;
- (b) That every individual has a right to dignity and respect;
- (c) That every citizen is an integral part of the Nation and has the right to take an equal part in Government at local, regional and national level;
- (d) That every citizen has the right to freedom of expression, of movement, of religious belief and of association within the context of the law;
- (e) That every individual has the right to receive from society protection of his life and of property held according to law;
- (f) That every individual has the right to receive a just return for his labour;
- (g) That all citizens together possess all the natural resources of the country in trust for their descendants;
- (h) That in order to ensure economic justice, the State must have effective control over the principal means of production; and

- (i) That it is the responsibility of the State to intervene actively in the economic life of the Nation so as to ensure the well-being of all citizens and so as to prevent the exploitation of one person by, another or one group by another, and so as to prevent the accumulation of wealth to an extent which is inconsistent with the existence of a classless society;

NOW, THEREFORE, the principal aims and objects of T.A.N.U. shall be as follows: -

- (a) To consolidate and maintain the independence of this country and the freedom of its people;
- (b) To safeguard the inherent dignity of the individual in accordance with the Universal Declaration of Human Rights;
- (c) To ensure that this country shall be governed by a democratic socialist government of the people;
- (d) To co-operate with all political parties in Africa engaged in the liberation of all Africa;
- (e) To see that the Government mobilizes all the resources of this country towards the elimination of poverty, ignorance and disease;
- (f) To see that the Government actively assists in the formation and maintenance of Co-operative organizations;
- (g) To see that wherever possible the Government itself directly participates in the economic development of this country;
- (h) To see that the Government gives equal opportunity to all men and women irrespective of race, religion or status;
- (i) To see that the Government eradicates all types of exploitation, intimidation, discrimination, bribery and corruption;
- (j) To see that the Government exercises effective control over the principal means of production and pursues policies which facilitate the way to collective ownership of the resources of this country;
- (k) To see that the Government co-operates with other States in Africa in bringing about African Unity;
- (l) To see that the Government works tirelessly towards world peace and security through the United Nations Organization.

ARTICLES III

Membership

A. Individual Membership

(1) Membership of T.A.N.U. shall be open to all citizens of this country who accept the beliefs, aims and objects as set out in Article II and who, in addition, are of the age of 18 years or above.

(2) A person wishing to become a member of T.A.N.U. shall make his application on T.A.N.U.'s application form and submit it to the Secretary of the Branch of T.A.N.U. of the area in which he ordinarily resides.

(3) Upon admission to membership he shall pay an entrance fee of Shs. 2/- to T.A.N.U. and a receipt shall be given therefor. In addition he shall pay a monthly subscription of 50 cents on or before the last day of each month, provided that a member may pay a lump sum of Shs. 6/- by way of subscription for a period of 12 months in advance, or such sum for such period as may be agreed by the Branch Executive Committee.

(4) Membership of T.A.N.U. may be lost through-

- (a) resignation;
- (b) expulsion under Article IV E. 2 (6).

(5) In the case of resignation no refund of entrance fee or subscription shall be made.

(6) In the case of expulsion no refund of entrance fee shall be made; refund may, however, be made of a sum of money paid by way of subscription in respect of any unexpired period.

B. Affiliate Membership

(1) Affiliate membership of T.A.N.U. shall be open to any bona fide organization which accept the beliefs, aims and objects of T.A.N.U. as set out in Article II.

(2) Any organization wishing to become an affiliate member of T.A.N.U. shall apply in writing enclosing a resolution to that effect of the competent organ of that organization to the Secretary-General of T.A.N.U.

(3) The Secretary-General of T.A.N.U. shall place the application before the National Executive Committee of T.A.N.U. which shall decide whether to grant membership or not.

(4) Upon admission to membership the organization shall pay an entrance fee of Shs. 200/-.

(5) An affiliate organization may be called upon by T.A.N.U. to make such financial contribution towards the funds of the Party as may be agreed between T.A.N.U. and that organization.

(6) Affiliate membership may be lost through—

- (a) withdrawal by that organization-
- (b) expulsion under Article IV E. 2 (6).

(7) No affiliate organization may withdraw from T.A.N.U. unless it has given notice to that effect six months in advance. No refund of fee shall be made upon withdrawal or upon expulsion.

(8) The following organizations are hereby declared to be affiliate members of T.A.N.U. —

National Union of Tanganyika Workers (N.U.T.A.).

Co-operative Union of Tanganyika (C.U.T.).

Tanganyika African Parents' Association (T.A.P.A.).

ARTICLE IV

Organs of T.A.N.U.**A. The Cell**

- (1) The basic organ of T.A.N.U. shall be the cell.
- (2) A cell shall consist of ten houses grouped together for the purpose. All T.A.N.U. members living in those ten houses shall comprise a cell.
- (3) Each cell shall elect a Leader who will take overall charge of the affairs of the Party in that cell and who will be its delegate to the Branch Annual Conference.

B. Branch Organs

1. There shall be the following organs of T.A.N.U. at the branch level: -

Branch Annual Conference.
Branch Executive Committee.

2. *Branch Annual Conference.*

- (1) There shall be a Branch Annual Conference for each Branch of T.A.N.U. Its composition shall be as follows: -

- (a) The Branch Chairman;
- (b) The Branch Secretary;
- (c) All members of the Annual District Conference in that Branch;
- (d) All Cell Leaders;
- (e) All Local Government councillors in that Branch;
- (f) One representative from each of the following sections of T.A.N.U. in that Branch: -

Women's Section.
T.A.N.U. Youth League.
Elders Section.

- (2) The Branch Annual Conference shall elect the Branch Chairman.
- (3) It shall elect delegates to the Annual District Conference.
- (4) It shall elect 6 delegates to sit on the Branch Executive Committee.
- (5) It shall be competent to discuss such matters of local interest as it may deem fit and may make recommendations thereon to the Annual District Conference.
- (6) It shall consider and adopt the report on the activities of the Party within the Branch submitted to it by the Branch Secretary.
- (7) It may form such sub-committees as it may deem necessary for the better carrying out of the activities of the Party.
- (8) It shall meet in ordinary session once a year or whenever there is convened a meeting of the Annual District Conference.

(9) The Branch Chairman, or in his absence any other person elected for the purpose, shall preside over the meetings of the Conference.

(10) The quorum of its meeting shall be at least half the members entitled to attend, one of whom must either be the Chairman or the Branch Secretary.

3. Branch Executive Committee.

(1) There shall be a Branch Executive Committee in each Branch. Its composition shall be as follows: -

- (a) The Branch Chairman;
- (b) The Branch Secretary;
- (c) Six delegates elected by the Branch Annual Conference;
- (d) All delegates from the Branch to the Annual District Conference;
- (e) One representative from each of the following sections of T.A.N.U. in the Branch: -

Women's Section.

T.A.N.U. Youth League.

Elders Section.

(2) The Branch Executive Committee shall be responsible for the carrying out of the decisions of the National Conference, the National Executive Committee, the Regional Conference, the Annual District Conference and the Branch Annual Conference in so far as they concern that Branch.

(3) It shall generally supervise and co-ordinate the activities of the Party within the Branch and shall report thereon to the Branch Annual Conference.

(4) It may appoint such sub-committees as may be necessary for the better carrying out of the functions and activities of the Party within the Branch.

(5) It shall meet in ordinary session once a month.

(6) The Branch Chairman, or in his absence any other person elected for the purpose, shall preside over the meetings of the Committee.

(7) The quorum of its meeting shall be at least half the members entitled to attend.

Officers of the Branch

There shall be the following officers at the local level:-

The Branch Chairman;

The Branch Secretary.

1. Chairman.

(i) The Chairman shall be elected by the Annual Conference of the Branch and shall hold office for a term of two years provided that he shall be eligible for re-election;

(ii) He shall take overall charge of the affairs of the Party in the Branch;

- (iii) He may be paid such salary and allowances (if any) as the Central Committee may determine;

2. *Branch Secretary.*

- (i) The Branch Secretary shall be appointed by the Central Committee;
- (ii) He shall be the chief executive officer of the Branch;
- (iii) He shall convene all the meetings of Branch Annual Conference and the Branch Executive Committee;
- (iv) He may be paid such salary and allowance (if any) as the Central Committee may determine.

C. District Organs

1. There shall be the following organs of T.A.N.U. at the District level: -

- Annual District Conference.
- District Executive Committee.
- District Working Committee.

2. *Annual District Conference.*

(1) There shall be an Annual Conference for each District. its composition shall be as follows: -

- (a) The District Chairman;
- (b) The District Secretary;
- (c) All members of the Regional Executive Committee resident in that District;
- (d) Members of the District Working Committee appointed by the District Chairman;
- (e) All members of the Regional Conference resident in that District;
- (f) All Members of Parliament representing constituencies in that District;
- (g) Two delegates elected by each Branch in that District;
- (h) All Chairmen of the Branches in that District;
- (i) All Branch Secretaries;
- (j) A delegate from each of the affiliate organizations in that District;
- (k) One representative from each of the following sections in the District: -

- Women's Section.
- T.A.N.U. Youth League.
- Elders Section.

Categories (d) and (i) of members shall have no vote.

(2) The Annual District Conference shall be competent to discuss matters of district interest and may make recommendations thereon to the Regional. Conference or through its_ delegates to the National Conference.

(3) It shall consider and adopt the report on the activities of the Party within the District submitted to it by the District Executive Committee.

(4) It shall elect ten delegates to the District Executive Committee.

(5) It shall elect two delegates to the National Conference.

(6) It shall elect the District Chairman.

(7) It shall consider all names of candidates for Parliamentary elections and local government elections in accordance with the provisions of the electoral law and local government law in force.

(8) It shall meet in ordinary session once a year. It may however meet at any time if so instructed by the Central Committee.

(9) The District Chairman, or in his absence any other person elected for the purpose, shall preside over its meetings.

(10) Voting at meetings of the Conference shall be by simple majority. For the purpose of electing the Chairman, considering names of candidates for Parliamentary election, and local government election, voting shall be by secret ballot.

(11) The quorum of the Conference shall be at least half of the members entitled to attend, provided that where the Conference is meeting for the purpose of considering names of candidates for Parliamentary and local government election the quorum shall be at least two-thirds of the members entitled to attend.

3. District Executive Committee.

(1) There shall be a District Executive Committee for each District. Its composition shall be as follows: -

(a) The District Chairman;

(b) The District Secretary;

(c) All members of the Regional Executive Committee resident in that District;

(d) All Members of Parliament representing Constituencies in that District;

(e) Members of the District Working Committee appointed by the District Chairman;

(f) Ten delegates elected by the Annual District Conference;

(g) A delegate from each of the affiliate organizations: -

(h) A representative from each of the following sections in the District: -

Women's. Section.

T.A.N.U. Youth League.

Elders Section.

Category (e) shall have no vote.

(2) The District Executive Committee shall be responsible for the carrying out of the decisions of the National Conference, the National Executive Committee and the Regional Conference as far as that District is concerned.

(3) It shall generally supervise and co-ordinate the activities of the Party in the District and shall report thereon to the Annual Conference.

(4) It may appoint such sub-committees as may be necessary for the better carrying out of the policies and activities of the Party in that District.

(5) It shall meet in ordinary session once every three months. It shall however meet in extraordinary session if so instructed by the Central Committee.

(6) The District Chairman, or in his absence any other person elected for the purpose, shall preside over its meetings.

(7) The quorum of its meetings shall be at least half the members entitled to attend, one of whom must be either the Chairman or the District Secretary.

4. District Working Committee.

(1) There shall be a District Working Committee for each District. Its composition shall be as follows: -

- (a) The District Chairman,
- (b) The District Secretary;
- (c) Up to four persons appointed by the Chairman.

(2) The District Working Committee shall be the organ concerned with the supervision of the day to day administration of the affairs of the Party in the District.

(3) It shall approve all items of expenditure in that District and shall authorize all payments out of monies raised in that District.

(4) It shall meet at least once every two weeks.

(5) The District Chairman or in his absence the District Secretary shall preside over its meetings.

(6) A quorum of its meetings shall be at least half its members.

Officers of the District

There shall be the following officers at the District level: -

- The District Chairman.
- The District Secretary.,

1. Chairman.

- (i) The Chairman shall be elected by the Annual District Conference and shall hold office for a term of two years provided that he shall be eligible for re-election.
- (ii) He shall take overall charge of the Party in the District.
- (iii) He shall, in accordance with the provisions of the Local Government Ordinance, also be the Chairman of any City Council, Municipal Council, Town Council or District Council in that District.

- (iv) He may be paid such salary and allowances (if any) as the Central Committee may determine.

2. *District Secretary.*

- (i) The District Secretary shall be appointed by the President of the United Republic.
- (ii) He shall be the chief executive officer of the Party in the District and shall be responsible to the District Executive Committee for the day to day administration of the affairs of the Party.
- (iii) He shall be responsible for convening all meetings of the District Executive Committee and the District Working Committee.
- (iv) He may be paid such salary and allowances (if any) as the Central Committee may determine.

D. *Regional Organs*

1. There shall be the following organs of T.A.N.U. at the Regional level: -

- Regional Conference.
- Regional Executive Committee.
- Regional Working Committee.

2. *Regional Conference.*

(1) There shall be a Regional Conference for each administrative Region. Its composition shall be as follows: -

- (a) The Regional Chairman;
- (b) The Regional Secretary;
- (c) Members of the Regional Executive Committee;
- (d) Members of the Regional Working Committee appointed by the Regional Chairman;
- (e) Five delegates elected from each District;
- (f) All District Chairmen in the Region;
- (g) All District Secretaries in the Region;
- (h) All members of the National Executive Committee resident in the Region;
- (i) All Members of Parliament representing Constituencies in the Region;
- (j) A delegate from each of the affiliate organizations-
- (k) A representative from each of the following sections of the Party in the Region: -
 - Women's Section.
 - T.A.N.U. Youth League.
 - Elders Section.

Category (d) shall have no. vote,

(2) The Regional Conference shall elect the Regional Chairman.

(3) It shall be competent to discuss matters of Regional interest and may make recommendations thereon to the National Conference.

(4) It shall consider and adopt the report on the activities of the Party within the Region submitted to it by the Regional Executive Committee.

(5) It shall meet in ordinary session once every two years and shall do so immediately before the meeting of the National Conference. It shall meet in extraordinary session if so instructed by the Central Committee.

(6) The Regional Chairman, or in his absence any other person elected for the purpose, shall preside over all its meetings.

(7) A quorum of its meeting shall be at least half the members entitled to attend, one of whom must be either the Regional Chairman or the Regional Secretary.

3. *Regional Executive Committee.*

(1) There shall be a Regional Executive Committee for each Region. Its composition shall be as follows: -

- (a) The Regional Chairman;
- (b) The Regional Secretary;
- (c) All members of the National Executive Committee resident in the Region;
- (d) Members of the Regional Working Committee appointed by the Regional Chairman;
- (e) All District Chairmen in the Region;
- (f) All District Secretaries in the Region;
- (g) All Members of Parliament representing Constituencies in the Region;
- (h) One delegate from each District elected by the Regional Conference;
- (i) One delegate from each of the affiliate organizations;
- (j) One representative from each of the following sections: -
 - Women's Section.
 - T.A.N.U. Youth League.
 - Elders Section.

Categories (d) and (f) shall have no vote.

(2) The Regional Executive Committee shall be responsible for the carrying out of the decisions of the National Conference and the National Executive Committee as far as that Region is concerned, and also those of the Regional Conference.

(3) It shall be responsible to the Regional Conference.

(4) It shall generally supervise and co-ordinate the activities of the Party in the Region and shall report thereon to the Regional Conference.

(5) It may appoint such sub-committees as may be necessary for the better carrying out of the policies and activities of the Party in that Region.

- (6) It shall meet in ordinary session once every three months.
- (7) The Regional Chairman, or in his absence any other person elected for the purpose, shall preside over the meetings of the Committee.
- (8) The quorum of its meeting shall be at least half the members entitled to attend.

4. *Regional Working Committee.*

- (1) There shall be a Regional Working Committee for each Region. Its composition shall be as follows: -
 - (a) The Regional Chairman;
 - (b) The Regional Secretary;
 - (c) Up to four persons appointed by the Regional Chairman.
- (2) The Regional Working Committee shall be the organ concerned with the supervision of the day to day administration of the affairs of the Party in the Region.
- (3) It shall meet at least once every two weeks.
- (4) The Regional Chairman or in his absence the Regional Secretary shall preside over its meetings.
- (5) A quorum of its meetings shall be at least half the members.

General Officers of the Region

There shall be the following general officers at the Regional level-

- The Regional Chairman.
- The Regional Secretary.

In addition, the Central Committee may appoint such other officers as it may deem necessary for the better carrying out of the Party activities and functions.

1. *Chairman.*

- (i) The Chairman shall be elected by the Regional Conference and shall hold office for a term of two years provided that he shall be eligible for re-election.
- (ii) He shall take overall charge of the Party in the Region.
- (iii) He may be paid such salary and allowances (if any) as may be determined by the Central Committee.

2. *Regional Secretary.*

- (i) The Regional Secretary shall be appointed by the President of the United Republic.
- (ii) He shall be the chief executive officer of the Party in the Region and shall be responsible to the Regional Executive Committee for the day to day administration of the affairs of the Party.
- (iii) He shall be responsible for convening all meetings of the Regional Conference, the Regional Executive Committee and the Regional Working Committee.
- (iv) He may be paid such salary and allowances (if any) as the Central Committee may determine

E. National Organs

1. There shall be the following organs of T.A.N.U. at the National level: -

- National Conference.
- Electoral Conference.
- National Executive Committee.
- Central Committee.
- Disciplinary Committee.
- Cabinet.

2. *National Conference.*

(1) The National Conference shall be composed of: -

- (a) The President, the Vice-President, the Secretary-General and the National Treasurer;
- (b) Two elected delegates from each District;
- (c) All Members of Parliament or, if Parliament has been dissolved, all those persons who were Members of Parliament immediately before dissolution;
- (d) All Regional Chairmen of T.A.N.U.;
- (e) All District Chairmen of T.A.N.U.;
- (f) All District Secretaries of T.A.N.U.;
- (g) Members of the Central Committee appointed by the President;
- (h) Members of the National Executive Committee elected by the National Conference;
- (i) A delegate from each of the affiliate organizations of T.A.N.U.

Categories (f) and (g) shall have no vote.

Category (c): Only T.A.N.U. members shall have the vote.

(2) The National Conference shall be the supreme organ of T.A.N.U. and shall be responsible for formulating the general policy of T.A.N.U. and shall generally superintend the activities of T.A.N.U. To this end it may form such Committees as it may deem fit.

(3) It shall elect the President and the Vice-President of the Party.

(4) It shall elect 17 persons to sit on the National Executive Committee.

(5) It shall have the power to confirm, amend, repudiate or revoke any decision made by any other organ of the Party or by any officer of the Party.

(6) It shall have the power to expel any member or any affiliate organization from the Party. To this, end it may make regulations governing expulsion.

(7) Subject to paragraph 3 it, shall have the power to amend this Constitution by a two-thirds majority of all those entitled to vote.

(8) It shall meet in ordinary session once every two years: provided that it may at any time meet in extraordinary session if so summoned by the President of the Party or at the request of at least two-thirds of the Members of the National Assembly and two-thirds of the members of the National Executive Committee.

(9) Notice of the date of meeting of the National Conference shall be given at least three months in advance. Shorter notice may, however, be given for an extraordinary meeting of the National Conference.

(10) The Chairman of the National Conference shall be the President of the Party or in his absence the Vice-President or such other person as may be specifically elected by the Conference for the purpose.

(11) The quorum of the National Conference shall be half the number of all those entitled to attend.

(12) Subject to sub-paragraph (7), all decisions of the National Conference shall be by a simple majority of those present and voting: provided that for the election of President and Vice-President voting shall be by secret ballot and the simple majority shall be that of all members entitled to vote.

(13) The National Conference may, without prejudice to its own power to exercise the same functions, delegate any of its functions to any other organ of the Party.

(14) The functions of delegates elected by the National Conference to the National Executive Committee shall consist in the general supervision of the implementation of the decisions of the National Conference.

3. Electoral Conference.

(1) An Electoral Conference shall be held whenever a Presidential election is contemplated.

(2) The Electoral Conference shall be composed of: -

(a) All those entitled to attend the National Conference of T.A.N.U.;

(b) Delegates from the Afro-Shirazi Party.

(3) The Secretary-General of T.A.N.U. shall, in conjunction with the Secretary-General of the Afro-Shirazi Party, fix the date of the Conference; provided that such date shall not be later than 21 days before the date appointed for the Presidential election.

(4) The sole function of the Conference shall be to select the name of the candidate for election to the office of President of the United Republic.

(5) The composition of the Conference shall not be changed except by agreement of both T.A.N.U. and the Afro-Shirazi Party.

4. National Executive Committee.

(1) There shall be a National Executive Committee of T.A.N.U.

(2) The National Executive Committee shall be the chief executive organ of the Party and shall be directly answerable to the National Conference.

(3) The composition of the National Executive Committee shall be as follows: -

- (a) The President, the Vice-President, the Secretary-General and the National Treasurer of T.A.N.U.,
- (b) Members of the Central Committee of T.A.N.U. appointed by the President;
- (c) Seventeen delegates elected by the National Conference;
- (d) The Secretary-General of the National Union of Tanganyika Workers;
- (e) The Secretary-General of the Co-operative Union of Tanganyika;
- (f) All Regional Chairmen of T.A.N.U.;
- (g) All Regional Secretaries of T.A.N.U.,
- (h) A delegate from each of the affiliate organizations;
- (i) Two delegates from the T.A.N.U. Youth League;
- (j) The Principal Secretary to the President of the United Republic provided he is a member of T.A.N.U.;
- (k) The Attorney-General or the Solicitor-General provided he is a member of T.A.N.U.

Categories (b), (g), (j) and (k) shall have no vote.

(4) The functions of the National Executive Committee shall be as follows: -

- (a) To elect the Secretary-General, and the National Treasurer of the Party;
- (b) To appoint auditors of the Party;
- (c) To consider names of candidates for Parliamentary election;
- (d) To consider names of candidates for Parliamentary election submitted to it by certain organizations designated for the purpose by the President of the United Republic;
- (e) To consider the annual statement of income and expenditure for the previous year and the report of the auditors thereon;
- (f) To consider the estimates of expenditure for the current year;
- (g) To consider the general report submitted to it by the Secretary-General of the Party;
- (h) To consider reports submitted to it annually by all the organizations affiliated to the Party;
- (i) To draw up a programme of activities of the Party in pursuance of the decisions of the National Conference;
- (j) To consider such matters as are required to be submitted for consideration by the National Conference;
- (k) To maintain watch over the activities of members of the Party and where satisfied that a member is clearly conducting himself in a manner inconsistent with his membership of the Party to report such member to the National Conference.

(5) The National Executive Committee may appoint such Committee or Committees as it may deem necessary for the better exercise of its functions.

(6) It shall meet in ordinary session once every three months. It shall meet in extraordinary session if summoned by the President of the Party or at the request of at least half of its members.

(7) Meetings of the National Executive Committee shall ordinarily be held in Dar es Salaam; provided that the Central Committee of T.A.N.U. may direct the holding of a meeting in a place other than Dar es Salaam.

(8) Notice of the date and place of meeting shall be given by the Secretary-General at least two weeks in advance.

(9) All meetings of the National Executive Committee shall be presided over by the President of the Party or in his absence by the Vice-President of the Party or in his absence by any other person elected by the National Executive Committee for the purpose.

(10) Its quorum shall be at least half of the members entitled to attend.

(11) Voting at all meetings shall be by simple majority of those present and voting except that for the election of the Secretary-General, and the National Treasurer a simple majority of all voting members shall be required.

5. *Central Committee.*

(1) There shall be a Central Committee of T.A.N.U.

(2) Its composition shall be as follows: -

- (a) The President;
- (b) The Vice-President;
- (c) The Secretary-General;
- (d) The National Treasurer;
- (e) Such persons as may be appointed by the President.

(3) The Central Committee shall be the organ concerned with the day to day administration of the affairs of the Party and shall be responsible to the National Executive Committee.

(4) It shall have the power to appoint and remove from office all the officers of the Party other than those listed in paragraph (2) above or those appointed by the President of the United Republic. For this purpose it may establish a Service Commission that shall exercise such functions on its behalf.

(5) It may establish such specialized departments of the Headquarters as may be necessary for the better fulfilment of the aims and objects and general functions of the Party.

(6) It may raise a levy for special purposes.

(7) It shall have the power to consider names of candidates for local government election; provided that it may delegate this power to the Annual District Conference.

(8) It shall meet at least once a month.

(9) The President of the Party, or in his absence the Vice-President, shall preside over all its meetings.

(10) its quorum shall be at least half its members, one of whom must be either 'the President or the Vice-President of the Party.

6. Disciplinary Committee.

- (1) There shall be a Disciplinary Committee of T.A.N.U.
- (2) It shall be composed of three persons elected by the National Conference for a term of two years.
- (3) It shall investigate all allegations of improper conduct made against members of the Party and shall report thereon to the National Executive Committee-

7. Cabinet.

- (1) There shall be a Cabinet of the Party. Its Composition shall be as follows: -
 - (a) The President;
 - (b) The Vice-President;
 - (c) The Secretary-General;
 - (d) The National Treasurer.
- (2) It shall have the power in an emergency to spend up to Shs. 20,000/- for any purpose; provided that it shall be required to make a full report thereon to the meeting of the National Executive Committee next following-
- (3) The President or in his absence the Vice-President of the Party shall be required to sign a certificate certifying the emergency nature of the occasion.

Elected National Officers of the Party

The following shall be the elected National officers of the Party: -

- The President.
- The Vice-president.
- The Secretary-General.
- The National Treasurer.

1. President.

- (i) The President of the Party shall be the Leader of the Party and shall also be its Chief Spokesman;
- (ii) He shall be elected by the National Conference of the Party. He shall hold office for a term of five years provided that he shall be eligible for re-election;
- (iii) He may be removed from office by resolution of the National Conference supported by at least two-thirds of all voting members of the National Conference;
- (iv) He shall be answerable to the National Conference for the general direction of the policy of the Party;
- (v) He may be paid such salary and allowances (if any) as the National Executive Committee may determine.

2. Vice-President.

- (i) The Vice-President shall be elected by the National Conference. He shall hold office for a term of two years provided that he shall be eligible for re-election.
- (ii) He may be removed from office by resolution of the National Conference supported by at least two-thirds of all voting members of the National Conference.
- (iii) He shall be the principal assistant to the President in the discharge of the functions of the Party.
- (iv) He shall perform such functions of the Party as may be assigned to him by the President.
- (v) He may be paid such salary and allowances (if any) as the National Executive Committee may determine.

3. Secretary-General.

- (i) The Secretary-General of the Party shall be elected by the National Executive Committee. He shall hold office for a term of two years provided that he shall be eligible for re-election.
- (ii) He may be removed from office by resolution of the National Executive Committee supported by at least two-thirds of all voting members of the National Executive Committee.
- (iii) He shall be the Party's chief executive officer and shall be responsible for the day to day administration of the Party. He shall attend all meetings of the National Conference, the National Executive Committee and the Central Committee. He shall record the business and generally carry out the policy of the Party and the instructions of the National Conference, the National Executive Committee and the Central Committee. He shall also be responsible to the President for the overall supervision of the Party.
- (iv) He shall, in addition to the above, perform such functions as the President may from time to time assign to him.
- (v) He may be paid such salary and allowances (if any) as the National Executive Committee may determine.

4. National Treasurer.

- (i) The National Treasurer of the Party shall be elected by the National Executive Committee. He shall hold office for a term of two years provided that he shall be eligible for re-election.
- (ii) He may be removed from office by resolution of the National Executive Committee supported by at least two-thirds of all voting members of the National Executive Committee.
- (iii) He shall keep and maintain the accounts of the Party and make such payments as the Central Committee may approve. Subject to Standing Orders that may be made by the National

Executive Committee he shall ensure that all monies that are received are regularly paid into the Party banking accounts. He shall keep and produce such books, vouchers and documents as may be required by the National Executive Committee and the Central Committee. He shall prepare and present to the National Executive Committee at the end of each financial year appropriate accounts of income and expenditure of the Party during the period under review and shall give such assistance to the auditors of the Party as they shall require. He shall be responsible to the National Executive Committee for all monies passing through his hands. He shall be responsible for keeping the Headquarters' cash book and other books of account, the handling of petty cash and the making of payments on behalf of the Party, and for keeping copies of all receipts and expenditure. He shall prepare all cheques and payment vouchers. All cheques must be signed by at least one Trustee and any two signatories out of a panel of five signatories appointed by the Central Committee.

- (iv) He may be paid such salary and allowances (if any) as the National Executive Committee may determine.

ARTICLE V

Miscellaneous

A. Sections of the Party

1. There shall be the following sections of the Party: -
 - T.A.N.U. Youth League Section.
 - Women's Section.
 - Elders' Section.
2. *T.A.N.U. Youth League Section.*
 - (1) The Youth League Section shall be open to any citizen who subscribes to the beliefs, aims and objects of T.A.N.U. and whose age is between six and thirty-five years.
 - (2) It may make rules governing its *modus operandi*; provided that such rules shall require to be approved in advance by the National Executive Committee.
3. *Women's Section.*
 - (1) There shall be a Women's Section to which all T.A.N.U women shall belong.
 - (2) It may make rules governing its *modus operandi*; provided that such rules shall require to be approved in advance by the National Executive Committee.

4. Elders' Section.

(1) There shall be an Elders' Section of T.A.N.U. to which all T.A.N.U. elders shall belong.

(2) It may make rules governing its *modus operandi*; provided that such rules shall require to be approved in advance by the National Executive Committee.

B. Quorum

Unless otherwise specifically stated in this Constitution the quorum for all T.A.N.U. organs shall be at least half the members entitled to attend and vote at the meetings of the organ in question.

C. Casual Vacancies

Whenever there is a vacancy in any of the offices of the Party the appointing or electing organ shall be required to fill the vacancy without delay; provided that nothing in this provision shall necessitate the convening of an extraordinary meeting of the National Conference for the sole purpose of electing a delegate or delegates to the National Executive Committee.

D. Board of Trustees

1. Constitution of the Board of Trustees.

(1) There shall be a Board of Trustees of T.A.N.U. (hereinafter referred to as "the Board"). It shall consist of the following members who shall be ordinarily resident in Tanzania: -

- (a) Four Trustees in the following persons holding the offices for the time being of President, Vice-President, Secretary-General and National Treasurer of T.A.N.U.; and
- (b) Not less than two nor more than five persons elected by the National Conference for a term of two years provided that they shall be eligible for re-election;
- (c) No person shall be eligible for election unless he is a fully paid-up member of the Party.

(2) Trustees appointed by virtue of their office as above-mentioned shall be Trustees only during the tenure of their office.

(3) A Trustee shall, unless he dies or resigns or he sooner vacates office in accordance with this Constitution, hold office until the conclusion of the next National Conference held after he assumed the duties of his office.

(4) The President and Vice-President of T.A.N.U. shall be the Chairman and Vice-Chairman respectively of the Board.

(5) In the absence of the Chairman and Vice-Chairman the Trustees present at the meeting shall elect a Chairman for the purpose of conducting the business of that meeting only.

(6) All decisions of the Board shall be taken by a majority of the Trustees present at the meeting. In the event of an equality of votes the Chairman at the meeting shall have a casting vote in addition to his deliberative vote.

(7) The quorum of the Board's meeting shall be at least five Trustees.

2. *Functions of the Board of Trustees.*

(1) All immovable property of T.A.N.U. and such other property as the Central Committee may direct shall vest in the Board.

(2) The Board shall have all the powers of trustees under the law.

(3) The Board may engage in such business activities as may further the beliefs, aims and objects of the Party and for this purpose may form such bodies as it may deem desirable.

(4) The Mwananchi Development Corporation Limited, a private limited liability company, is hereby declared to be a body formed for the purpose of paragraph (3) above.

E. Members' Pledges

We T.A.N.U. members have tried to play our part always remembering that our strength lies in our unity and steadfastness. We try to be humble. Our actions are motivated by our determination to do the greatest good to the greatest number. We desire to form a Government that is just and fair to all. It is in the light of this background that all members of T.A.N.U. make the pledges enumerated here below.

All members of T.A.N.U. shall be required to repeat before an officer of the Party the following pledges: -

- (i) I believe in the universal brotherhood of man and in the Unity of Africa.
- (ii) I shall faithfully serve my country and its people.
- (iii) I shall apply all my efforts towards the elimination of poverty, disease, ignorance and corruption.
- (iv) Corruption perverts justice; I shall neither offer nor accept bribes.
- (v) I shall never use my official position nor that of another person for my personal gain or private benefit.
- (vi) I shall make available to the people of this country all my knowledge and skill, which I shall constantly strive to advance.
- (vii) I shall actively take part in the building of the Nation.
- (viii) I shall always tell the truth and shall never bear any grudges against anybody.
- (ix) I shall be a faithful member of T.A.N.U. and a good citizen of Tanzania and Africa.
- (x) I shall be loyal to the President of the United Republic of Tanzania


SECOND SCHEDULE

(Section 51)

The Republic of Tanganyika (Consequential, Transitional and Temporary Provisions) Act, 1962	...	...	...	...	Sections 3, 17, 18, 23 and 26.
The Civil Service Act, 1962	...	...	...	...	Sections 22, 23 and 24.
The Judicial Service Act, 1962	...	...	...	...	Sections 22, 23 and 24.
The Citizenship Act, 1961	...	...	...	...	The whole Act.
The Acts of Union of Tanganyika and Zanzibar	...	...	...	...	The whole Act and law.

I hereby certify that the Bill for this Act was passed by the National Assembly in accordance with the provisions of section 35 of the Constitution.

Dar es Salaam,
8th July, 1965


.....
Speaker

Passed in the National Assembly on the fifth day of July, 1965.


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Clerk of the National Assembly