

# THE CONSTITUTIONAL REVIEW ACT, 2011

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## NOTICE

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This Bill to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dar es Salaam,  
11<sup>th</sup> March, 2011

**PHILLEMONT L. LUHANJO**  
*Secretary to the Cabinet*

### A BILL *for*

**An Act to provide for the co-ordination and collection of public opinions on the Constitution; to establish an institutional framework for the co-ordination and collection of public opinions; to provide for national *fora* for constitutional review for validation of legislative proposals for a constitution; to provide for preparation and submission of the report on the public opinions to the relevant constitutional organs, the procedure to constitute the Constituent Assembly, the conduct of referendum and to provide for related matters.**

**ENACTED** by Parliament of the United Republic of Tanzania.

### PART I PRELIMINARY PROVISIONS

Short title and  
commencement

- 1.-(1) This Act may be cited as the Constitutional Review Act, 2011.
- (2) This Act shall come into operation on the First day of June, 2011.

Application

2. This Act shall apply to Mainland Tanzania as well as to Tanzania Zanzibar.

Interpretation

**3.** In this Act, unless the context otherwise requires:

“Attorney General” means the Attorney General referred to in Article 59 of the Constitution;

“Commission” means the Commission established or formed for purposes of coordination and collection of public opinions on constitutional review process;

“constitution” means the fundamental law, written or unwritten, that establishes the character of a state by defining the basic principles to which a society shall conform, distribution of powers and functions among pillars of the state, by describing the organization of the executive, legislature, judiciary and their regulation, distribution, and the limitation of different state organs, and by prescribing the extent and manner of the exercise of its sovereign powers, and, for the purposes of this Act it includes amendments to an existing constitution;

“constitutional organs” means, for the purposes of this Act, the President, the Constituent Assembly or the National Assembly;

“Minister” means the Minister responsible for constitutional affairs;

“public opinions” means ideas, views, information, opinions, proposals or recommendations collected from the general public for purposes of constitutional review process;

“Secretary” means the Secretary referred to under section 13(1);

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“the Constitution” means the Constitution of the United Republic of Tanzania, 1977.

## PART II OBJECTIVES

Objectives

**4.** The objectives of this Act are to:

- (a) provide for establishment of the Commission for purposes of collection and coordination of public opinions;
- (b) prescribe the oath and provide for the manner under which

- members of the Commission and the Secretariat shall take oath;
- (c) make provision for Terms of Reference of the Commission;
  - (d) provide for establishment of the Secretariat of the Commission to be headed by the Secretary;
  - (e) provide for a mechanism by which the public shall widely participate in expressing and transmitting public opinions on matters relating to the constitution;
  - (f) provide for a mechanism by which the Commission shall prepare and submit a report to the relevant constitutional organs for determination;
  - (g) provide for the functions and powers of the Commission;
  - (h) provide for the manner in which the Commission shall collect information from public and private institutions, civil societies and religious organizations;
  - (i) provide for a mechanism for procuring technical information by the Commission from consultants;
  - (j) generally, provide for a mechanism for consensus building in national issues during constitutional review process;
  - (k) provide for a mechanism for scrutiny of a Draft Constitution Bill; and
  - (l) put in place a legal mechanism for the President to constitute a Constituent Assembly.

### PART III ESTABLISHMENT OF A COMMISSION

Establishment  
of a  
Commission

5. The President may, upon consultation with the President of Zanzibar and, with the advice by the Attorney General and after considering any information or prevailing social, political and economic circumstances within the United Republic at all times and, by order published in the *Gazette*, establish a Commission to examine, analyse and recommend for the enactment of a constitution or existing constitution that shall exalt, entrench and promote the rule of law and good governance.

Appointment  
of members of  
the  
Commission

**6.**-(1) Members of the Commission shall be appointed by the President in equal numbers from Mainland Tanzania and Tanzania Zanzibar.

(2) In appointing members of the Commission, the President shall have regard to:

- (a) experience and professional qualifications of the members;
- (b) the diversity of the United Republic of Tanzania;
- (c) the national interests;
- (d) age, gender and representation of various social groups; and
- (e) such other criteria as the President may consider appropriate.

(3) Notwithstanding subsection (2), a person shall not qualify for appointment as a member of the Commission if that person is:

- (a) a Member of Parliament, a Member of Peoples' Representatives of Zanzibar, a Councilor or a leader of a political party;
- (b) a member of security organs;
- (c) a person who was convicted of, or is the subject of proceedings in the court of law for an offence involving dishonesty or moral turpitude; or
- (d) a non-citizen of Tanzania.

Composition of  
the  
Commission

**7.**-(1) The Commission shall consist of:

- (a) a Chairman;
- (b) a Vice-Chairman; and
- (c) not more than thirty other Commissioners.

(2) Appointment of the Chairman and the Vice Chairman shall be made on the basis of the principle that where the Chairman hails from one part of the United Republic, then the Vice Chairman shall be a person who hails from the other part of the United Republic.

(3) Members of the Commission shall be appointed by an order published in the *Gazette*.

Terms of  
Reference

**8.**-(1) The Terms of Reference for the Commission shall be issued by the President under the same order under which the appointment of members is made and specify the time within which the Commission shall complete and submit a report.

(2) The President may extend the time for the Commission where circumstances so require.

(3) The Terms of Reference shall be a legal document upon which the performance of the functions and the exercise of powers by the Commission shall, subject to the provisions of this Act, revolve.

Functions of  
the  
Commission

**9.-(1)** The principal functions of the Commission shall be to:

- (a) co-ordinate and collect public opinions;
- (b) examine and analyse the consistency and compatibility of the constitutional provisions relating to the sovereignty of the people, political systems, democracy, rule of law and good governance; and
- (c) make recommendations including a Draft Constitution Bill, on how best the United Republic is to be governed in accordance with the will of the people at all times.

(2) In the implementation of subsection (1), the Commission shall adhere to national values and ethos and shall, in that respect, observe inviolability and sanctity of the following matters:

- (a) the Union of Tanganyika and Zanzibar;
- (b) the existence of the Executive, Legislature and the Judicature;
- (c) the Presidency;
- (d) the existence of the Revolutionary Government of Zanzibar;
- (e) national unity cohesion and peace;
- (f) periodic democratic election based on universal suffrage;
- (g) the promotion and protection of human rights;
- (h) human dignity, equality before the law and due process of law;
- (i) the secular nature of the United Republic; and
- (j) the independence of the Judiciary.

Powers of the  
Commission

**10.** The Commission shall have powers and enjoy such independence and autonomy as may be necessary for the performance of its functions and exercise of its powers under this Act.

Oath of  
members and  
the Secretary

**11.** Every member of the Commission and the Secretary shall, before taking assignment, subscribe to an oath or affirmation, as the case may be, set

out in the First Schedule to this Act.

Cessation of membership

**12.**-(1) A person shall cease to be a member of the Commission upon the occurrence of any of the following events:

- (a) death;
- (b) resignation;
- (c) inability by reason of health;
- (d) removal by misconduct.
- (e) conviction for an offence which carries a custodial sentence of not less than one month.

(2) For the purpose of better discharge of the functions of the Commission, there shall be a code of conduct prescribed in the Second Schedule to this Act.

(3) A member of the Commission or the Secretariat who breaches the provisions of the Code of Conduct shall be disqualified from continuing to be a member as such.

Secretariat

**13.**-(1) There shall be a Secretariat of the Commission to be headed by the Secretary.

(2) The Secretary shall be appointed by the President.

(3) The Secretary shall be responsible to the Commission and shall perform such functions and discharge duties of the Secretariat.

(4) Other members of the Secretariat shall be appointed by the Minister.

(5) The Secretariat shall have such number of public officers as may be necessary for better performance of the functions and the exercise of powers of the Commission.

Expenses of the Commission

**14.**-(1) The expenses of the constitutional review process incurred by the Commission in accordance with this Act shall be charged on and issued out of the Consolidated Fund.

(2) Members of the Commission and the Secretariat shall be remunerated in such manner as the Minister may determine.

Immunity of members of the

**15.** A member of the Commission or the Secretariat shall not be liable to a civil action or suit for or in respect of any matter or thing done or omitted



Commission  
and the  
Secretariat

to be done in good faith as a member of the Commission or the Secretariat.

Submission of  
the report

**16.**-(1) The Commission shall, after the completion of assignment, submit the report to the President.

(2) Upon receipt of the report, the President shall avail a copy of the report to the President of Zanzibar.

(3) After considering the report, the President shall, subject to section 21, direct the Minister to present a Constitution Bill to the Constituent Assembly for enactment of provisions for the constitution.

#### PART IV PROCEDURE OF THE COMMISSION

Mode of  
operation

**17.**-(1) The Commission shall perform its functions in accordance with this Act.

(2) For the purposes of the implementation of subsection (1), the Commission shall perform the following functions:

- (a) articulate and conduct awareness programmes on the existing constitution;
- (b) coordinate the collection of public opinions;
- (c) hold such number of meetings or similar *fora* in such places and at such times as it shall determine;
- (d) make recommendations to the relevant constitutional organs for consideration;
- (e) prepare a Draft Constitution Bill; and
- (f) prepare and submit a report to the relevant constitutional organs in accordance with the Terms of Reference.

(3) The Commission may:

- (a) for Mainland Tanzania, require the Ward Executive Officer or the Mtaa or Village Executive Officer to cause to be convened a meeting of residents of a ward or Mtaa or village, as the case may be; and
- (b) for Tanzania Zanzibar, require Sheha to cause to be convened a meeting of residents of a Shehia,

for the purpose of collecting public opinions on constitutional matters.

(4) The meetings in *fora* referred to in this section and in other provisions of this Act shall, exclusively, be for citizen of Tanzania.

(5) In order to facilitate effective discharge of its functions, the Commission may form committees and may assign to any of such committees general or specific matter to deliberate upon.

(6) The Commission may co-opt any person or engage any consultant as may be necessary for the proper performance of its functions.

(7) In the performance of its functions, the Commission shall devise a methodology that is uniform and applicable in each part of the United Republic in the collection and analysis of public opinions, conduct of *fora* for constitutional review and writing of the report.

Powers to  
collect  
information

**18.**-(1) The Commission may ask any person who is willing to appear before it for discussion, orally or by production of document, on any constitutional matters which the Commission considers relevant to the constitutional review process.

(2) In the performance of its functions under this Act, the Commission shall examine and analyse ideas, views, information, opinions, proposals and recommendations collected and collated including:

- (a) a summary of the public opinions;
- (b) all documents reflecting on ideas, views and opinions of the general public under the White Paper No. 1 of 1962 on the Establishment of the Republic of Tanganyika, the Presidential Commission on the Establishment of Democratic One-Party System, the National Executive Committee of CCM Proposed Amendments to the Constitution of the United Republic of Tanzania, 1977 and the Constitution of Zanzibar, 1979, the Presidential Commission on Single Party or Multi-Party System in Tanzania, 1991 and the Committee for the collection of views on the Constitution ( the White Paper, No. 1 of 1998);
- (c) the Independence Constitution of Tanganyika, 1961;
- (d) the Constitution of the Republic of Tanganyika, 1962;
- (e) the Articles of Union of the Republic of Tanganyika and the Peoples' Republic of Zanzibar;
- (f) the Interim Constitution of the United Republic of Tanzania, 1965;

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- (g) the Constitution of the United Republic of Tanzania, 1977;
- (h) the Constitution of Zanzibar, 1979;
- (i) the Constitution of Zanzibar 1984;
- (j) analytical and academic studies undertaken by the Commission; and
- (k) any other relevant documents as the Commission may consider necessary.

Report of the  
Commission

**19.**-(1) On the basis of the examination and analysis undertaken pursuant to section 19, the Commission shall prepare a report containing:

- (a) a summary of public opinions on each Terms of Reference;
- (b) recommendations of the Commission on each terms of reference;
- (c) reports by consultants engaged by the Commission;
- (d) a Draft Constitution Bill; and
- (e) any other relevant information.

(2) The Draft Constitution Bill shall form an annex to the report of the Commission.

(3) For the purposes of subsection (3), there shall be *fora* for constitutional review.

(4) The *fora* for constitutional review shall be formed on *ad hoc* basis by the Commission based on geographical distribution of the United Republic and shall involve and bring together representatives of various groups of people within the communities.

(5) The *fora* for constitutional review shall advise on the Draft Constitutional Bill through meetings organized by the Commission.

Inviolability of  
Commission

**20.**-(1) The Commission shall be inviolable and the conduct of constitutional review shall not be called in question in a court of law nor shall the court entertain a petition in which the complainant or an applicant seeks to challenge the constitutionality or legal propriety of the Commission or the conduct of constitutional review.

(2) A person who obstructs, hinders or prevents a member of the Commission or the Secretariat from performing the functions or exercising powers of the Commission or the Secretariat, commits an offence.

(3) A person who is convicted for contravention of subsection (1)

shall be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding twelve months.

**PART V**  
**PROCLAMATION OF A CONSTITUENT ASSEMBLY**

Proclamation  
of  
Constituent  
Assembly

**21.**-(1) The President may, upon consultation with the President of Zanzibar and with advice of the Attorney General, by proclamation published in the *Gazette*, constitute a Constituent Assembly for the enactment of provisions for a constitution.

(2) The powers of the President to constitute the Constituent Assembly shall not be construed as derogating powers of the President to proclaim the National Assembly to resolve itself into a Constituent Assembly.

(3) Without prejudice to any provisions of this section, the President shall, by notice in the *Gazette*, publish names of persons appointed as members of the Constituent Assembly.

Powers of  
Constituent  
Assembly

**22.**-(1) The Constituent Assembly shall have and exercise powers to make provisions for the constitution and to make provisions consequential to, and supplementary to the enactment of a constitution and to make such other provisions as the Constituent Assembly may find necessary, and the powers may be exercised notwithstanding any power of a similar nature conferred on the Parliament.

(2) The powers of the Constituent Assembly to make provisions for the constitution shall be exercised by a Bill tabled by the Minister and passed by the Constituent Assembly.

Provisions  
relating to  
the  
Constituent  
Assembly

**23.**-(1) Subject to such necessary modification, the Constitution and the Standing Orders of the National Assembly, all other provisions relating to the passing of Bills for Acts of Parliament by the National Assembly shall apply to the Constituent Assembly and to the passing of Bills for Acts of the Constituent Assembly as they apply to the National Assembly and, subject to subsection (2), the passing of Bills for Acts of Parliament.

(2) Without prejudice to subsection (1), the passing of a Constitution Bill shall require support of two third majority of the total number of the Members of the Constituent Assembly.

(3) For the purposes of giving effect to the provisions of the new constitution, the President shall assent to enactment of the Constituent Assembly under the same procedure provided for under Article 97 of the Constitution.

(4) Unless it is otherwise provided in an enactment of the Constituent Assembly, the Minister shall, by order published in the *Gazette*, appoint a date on which a constitution shall come into operation.

Acts of  
Constituent  
Assembly  
Cap. 1

**24.** Subject to the provisions of any Act of the Constituent Assembly, the Interpretation of Laws Act shall apply to the interpretation of an Act of the Constituent Assembly and references in that or in any other law to an Act shall, except where the context otherwise requires, include reference to an Act of the Constituent Assembly.

Abatement  
of powers of  
Constituent  
Assembly

**25.**-(1) On the coming into operation of the provisions enacted by the Constituent Assembly, the Constituent Assembly shall stand dissolved and powers to enact provisions for a constitution or existing constitution shall abate.

(2) Dissolution of, and abatement of powers of the Constituent Assembly shall not be construed as derogating powers of the President to proclaim a Constituent Assembly in future for enactment of provisions for a constitution or existing constitution.

## PART VI VALIDATION OF A CONSTITUTION

Conduct of  
referendum

**26.** For purposes of giving effect to the provisions of the Constitution, there shall be a referendum to be organized, conducted and supervised by the National Electoral Commission.

Referendum  
question

**27.**-(1) The National Electoral Commission shall, within seven days of the publication of the Constitution, frame and publish the question to be

determined by the referendum.

(2) The question referred to in subsection (1) shall be framed in consultation with the Attorney General.

(3) The question to be submitted to the referendum shall require the voter to indicate whether the voter approves or does not approve the constitution and shall be so framed as to require the voter to answer “Yes” or “No”,

(4) The voting at a referendum shall be by secret ballot.

Notice of holding a referendum

**28.**-(1) The National Electoral Commission shall, within fourteen days after publication of the question in the *Gazette*, specify-

(a) the day on which the referendum is to be held;

(b) the polling time of the referendum; and

(c) the referendum campaign.

(2) For the purposes of paragraph (c) of subsection (1), the referendum campaign shall be conducted by the Commission and no political party or affiliate organization to a political party shall participate in the referendum campaign.

(3) A person who contravenes the provisions of subsection (2) commits an offence and shall on conviction be liable to imprisonment, without fine, for a term not exceeding two years.

(4) The returning officer of every constituency shall, within twenty one days of publication of the notice by the National Electoral Commission, notify the public of the referendum.

Right to vote in a referendum  
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**29.** A person whose name is entered in the register of voters established under the National Elections Act shall, unless prohibited from voting by any other written law, be entitled to vote at the referendum.

Procedure for conduct of a referendum  
Caps. 342 and 292

**30.** The procedure for conducting the General Elections under the National Elections Act and the Local Authorities (Elections) Act shall, with necessary modifications, apply to the conduct of a referendum under this Act.

Dissolution  
of the  
Commission

**31.**-(1) Upon declaration of the results of the referendum by the National Electoral Commission, the President shall, by an order published in the *Gazette*, dissolve the Commission.

(2) Dissolution of the Commission by the Order of the President shall entail abatement of powers of the Commission and the Secretariat.

**FIRST SCHEDULE**

*(Under section 11)*

PART I

OATH/AFFIRMATION OF A MEMBER OF A COMMISSION

I,.....having been appointed  
as..... by the President on the ..... day  
of.....20.....to perform the functions of a member of Commission, do hereby  
swear/affirm that I will faithfully, impartially and, to the best of my knowledge and ability,  
discharge the duties and perform the functions devolving upon me by virtue of being a member of  
the Commission.

So help me God

.....  
*Member of Commission*

PART II  
OATH/AFFIRMATION OF A SECRETARY

I,.....having been appointed as..... by the President on the ..... day of.....20.....to perform the functions of a Secretary, do hereby swear/affirm that I will faithfully, impartially and, to the best of my knowledge and ability, discharge the duties and perform the functions devolving upon me by virtue of being a Secretary.

So help me God

.....  
*Secretary*

**SECOND SCHEDULE**

*(Under Section 12(2))*

CODE OF CONDUCT OF MEMBERS OF THE COMMISSION AND SECRETARIAT

1. Every member of the Commission/Secretariat shall serve impartially and independently and perform the functions of his office in good faith and without fear, favour or prejudice.
2. A member of the Commission/Secretariat shall not, during tenure of office, be eligible for appointment or nomination to any political office.
3. A member of the Commission or Secretariat shall not-
  - (a) by his membership, association, statement, conduct or in any other manner jeopardize the perceived independence of the member or prejudice the credibility, impartiality, independence or integrity of the Commission; or
  - (b) make private use of or profit from any confidential information gained as a result of being a member of the Commission.



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## OBJECTS AND REASONS

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This Bill, divided into Six Parts, proposes the enactment of the Constitutional Review Act, 2011, for the purposes of establishing the Constitutional Review Commission and the Secretariat for collecting public opinions on the constitutional review. The constitutional review is intended to examine consistency and compatibility of the existing constitution with regards to sovereignty, political systems, democracy and good governance throughout the United Republic of Tanzania. The legal mechanism that is proposed will enable participation of the people of Tanzania in the constitutional review process. Once enacted into law, there shall be a legal framework for the President to establish a Commission for reviewing the Constitution and to constitute the Constituent Assembly for purposes of enacting a new constitution.

Part I provides for the preliminary matters which include the title, date of commencement and application of the proposed Act. It further provides for the interpretation of certain terms, designations and words used in the proposed enactment.

Part II provides for objectives of the proposed Act. The Part specify in details the objectives and the essence of constitutional review process, including oath of members of the Commission and members of the Secretariat and the procedure through which the constitutional review process will be undertaken.

Part III of the Bill provides for the establishment of a Commission which will coordinate and collect public opinions for purposes of constitutional review. This Part also deals with the composition of the Commission and Terms of Reference and manners in which they can be given by the President; powers of the proposed organs, subscription of oath or affirmation by members of the Commission and the Secretariat, and other procedural matters of the Secretariat. This Part also makes provisions for adherence to and sanctity of certain matters of national values and ethos. Further, it provides for submission of a report by the Commission to the President. Furthermore it make provisions for immunity of

members of the Commission and the Secretariat and expenses of the Commission chargeable on the Consolidated Fund.

Part IV deals with and specify in broad sense the mode under which the Commission will discharge its duties. It further specifies powers of the Commission. Further more, the Part lay downs the procedure for collection of public opinions by involving the Ward Development Committee or Mtaa Assembly or a Village Assembly and Shehia Assembly, in the case of Tanzania Zanzibar and participation of Tanzanian nationals living outside Tanzania. Finally, it makes provisions in relation to inviolability of the Commission and the prohibition by any person to interfere with a member of the Commission or the Secretariat in performance of, or exercise of their functions and powers, as the case may be.

Powers of the President to establish a Constituent Assembly, and powers of the Constituent Assembly to enact provisions for a new constitution by way of Bills are provided under Part V. In effect, the President will consult the President of Zanzibar and by proclamation published in the *Gazette* proclaim the National Assembly to resolve itself into a Constituent Assembly.

The procedure for conduct of business by the Constituent Assembly will, without further assurance, be as stipulated under the Constitution of the United Republic of Tanzania, and the Standing Orders of the National Assembly. It also makes provision for Acts of the Constituent Assembly and the manner under which the powers of the Constituent Assembly will, after the completion of the review process, abate.

Part Six provides for validation of the Constitution through a Referendum to be conducted and supervised by the National Electoral Commission.

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## **MADHUMUNI NA SABABU**

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Muswada huu, ambao umegawanyika katika Sehemu Sita, unapendekeza kutungwa kwa Sheria ya Mabadiliko ya Katiba ya Nchi ya Mwaka 2011. Muswada

huu unakusudia kuweka masharti ya uanzishaji wa Tume, pamoja na Sekretarieti kwa madhumuni ya kuendesha na kusimamia mchakato wa mabadiliko ya Katiba ya Jamhuri ya Muungano wa Tanzania. Mchakato wa mabadiliko ya Katiba pamoja na masuala mengine utaangalia chimbuko na mahusianano ya Katiba iliyopo kwa kuzingatia uhuru wa wananchi, mfumo wa siasa, demokrasia na utawala bora. Utaratibu wa kisheria unaopendekezwa utawahusisha na kuwashirikisha wananchi wa Jamhuri ya Muungano wa Tanzania katika mchakato wa mabadiliko ya Katiba ya Nchi.

Pindi Muswada huu utakapopitishwa na kuwa Sheria, kutakuwa na utaratibu wa kisheria kwa Rais kuunda Tume ya mabadiliko ya Katiba na Bunge la Katiba kwa dhamira kutayarisha Katiba Mpya.

Muswada huu umegawanyika katika Sehemu Sita.

Sehemu ya Kwanza inaweka masharti ya Utangulizi ambayo yanajuisha jina la Sheria inayopendekezwa, tarehe ya kuanza kutumika na matumizi ya Sheria inayopendekezwa. Inaendelea kutoa tafsiri ya baadhi ya misamiati, vyeo na maneno yaliyotumika katika Muswada.

Sehemu ya Pili inaweka masharti yanayohusu madhumuni ya Muswada. Sehemu hii inaainisha kwa undani madhumuni ya chimbuko ya mchakato wa mabadiliko ya Katiba, ikijumuisha viapo na uthibitisho wa wajumbe wa Tume na Sekretarieti na utaratibu kwayo mchakato wa mabadiliko ya Katiba utafanywa.

Sehemu ya Tatu ya Muswada inaweka masharti ya kuanzishwa kwa Tume, ambayo itaratibu na kukusanya maoni ya wananchi kwa azma ya kufanya mabadiliko ya Katiba. Sehemu hii pia inahusu wajumbe wa Tume na sifa zao pamoja na Hadidi za Rejea na namna ambavyo zitatolewa na Rais; mamlaka ya vyombo vinavyopendekezwa kuazishwa, viapo au uthibitishaji kwa wajumbe wa Tume na Sekretarieti na masuala mengine ya Sekretarieti. Pamoja na hayo, Sehemu hii pia inazungumzia mambo ambayo yanapaswa kuzingatiwa na kulindwa katika mchakato wa kukusanya maoni kutokana na uzito wake katika Taifa letu na inaweka masharti ya utaratibu wa Tume kuwasilisha taarifa ya Tume kwa Rais na kuainisha masuala yanayohusu gharama za Tume zitakazotolewa toka Mfuko Mkuu wa Hazina na kinga kwa wajumbe wa Tume na Sekretarieti.

Sehemu ya Nne inazungumzia kwa undani utaratibu wa utendaji kazi wa Tume. Inazungumzia mamlaka ya Tume na utaratibu wa ukusanyaji wa maoni ya wananchi kwa kuhusisha Kamati ya Maendeleo ya Kata au Mtaa au Mkutano wa Kijiji na Shehia, kwa upande wa Tanzania Zanzibar na ushiriki wa Watanzania wanaoishi nje ya nchi. Mwisho, inaweka masharti yanayohusu kutoshtakiwa kwa Tume na kuzuiwa kwa mtu yeyote kuingilia masuala ya Tume au Sekretarieti katika kutekeleza kazi na majukumu yake.

Mamlaka ya Rais kuunda Bunge la Katiba, na mamlaka ya Bunge la Katiba kutunga Katiba Mpya kwa utaratibu wa Miswada yanaainishwa chini ya Sehemu ya Tano. Kwa mantiki hiyo, Rais atashauriana na Rais wa Zanzibar na kuteua wajumbe wa Bunge la Katiba kutoka pande zote mbili za Jamhuri ya Muungano kwa kulitamka Bunge la Jamhuri ya Muungano kuwa Bunge la Katiba.

Utaratibu wa utekelezaji wa majukumu ya Bunge la Katiba utaaainishwa, bila ya uhakika wa kuendelea kuwepo, katika Katiba ya Jamhuri ya Muungano na Kanuni za Bunge. Sehemu hii pia inaweka masharti ya sheria za Bunge la Katiba na namna ambavyo mamlaka ya Bunge la Katiba baada ya kumaliza mchakato wa mabadiliko ya Katiba, yatakavyosita.

Sehemu ya Sita inahusu uhalalishaji wa Katiba kwa kura ya Maoni itakayoendeshwa na kusimamiwa na Tume ya Taifa ya Uchaguzi.

Dar es Salaam,  
8 Machi, 2011

**CELINA KOMBANI**  
*Waziri wa Katiba na Sheria*