

THE UNITED REPUBLIC OF TANZANIA



No. 8 OF 1975

I ASSENT,

Julius K. Nyerere
President

11TH JUNE, 1975

An Act to amend the Interim Constitution of Tanzania, 1965

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1.-(1) This Act may be cited as the Interim Constitution of Tanzania (Amendment) Act, 1975, and shall be read as one with the Interim Constitution of Tanzania, 1965 (hereinafter in this Act referred to as "the Constitution").

Short title,
construc-
tion and
commence-
ment
Cap. 596

(2) The provisions of this Act which amend the Constitution so as to vary the composition of the National Assembly or alter the number of constituencies shall not come into effect until upon the next dissolution of Parliament following the enactment of this Act.

2. The Constitution is amended by the deletion of the preamble and substitution therefor the following preamble:-

The preamble
to the
Constitution
replaced

"WHEREAS freedom, justice, fraternity and concord are founded upon-

- (a) the recognition of the equality of all men and of their inherent dignity;
- (b) the recognition of the right of all men-
 - (i) to protection of life, liberty and property;
 - (ii) to freedom of conscience, freedom of expression and freedom of association;
 - (iii) to participate in their own government;
 - (iv) to receive a just return for their labour; and
- (c) the adherence by all men to the fundamental principles of socialism and self-reliance:

AND WHEREAS 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 and socialist 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 and socialist society, is HEREBY ENACTED BY THE PARLIAMENT OF THE UNITED REPUBLIC OF TANZANIA."

Section 3
of the
Constitution
amended

3. Section 3 of the Constitution is amended by renumbering subsection (4) thereof as subsection (5), and by deleting subsection (3) and substituting therefor the following new subsections:

"(3) All political activity in Tanzania shall be conducted by or under the auspices of the Party.

(4) The functions of all the organs of State of the United Republic shall be performed under the auspices of the Party."

Section 20
of the
Constitution
repealed and
replaced

4. Section 20 of the Constitution is repealed and replaced by the following section:

"Regional
secretaries

20.-(1) The President shall appoint a regional secretary for every region within Tanganyika and may suspend or remove from office any person so appointed.

(2) The person appointed as the regional secretary for any region shall be the regional commissioner for that region and shall have vested in him the functions of a regional commissioner conferred by any written law."

Section 24
of the
Constitution
repealed and
replaced

5. Section 24 of the Constitution is repealed and replaced by the following section:

"Members of
the National
Assembly

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

(a) eighty-eight constituency members;

(b) fifteen national members elected by the National Assembly in accordance with section 30 of this Constitution;

(bb) twenty national members elected by the National Assembly in accordance with section 30A of this Constitution;

- (c) twenty regional secretaries appointed for the regions in Tanganyika, by virtue of such offices;
- (cc) five 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 number 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 in Tanganyika is other than twenty, provide for a corresponding increase or decrease in the number of the national members to be elected by the National Assembly in accordance with section 30A of this Constitution;
- (c) if the number of regions in Tanganyika is other than twenty or the number of regions in Zanzibar is other than five, provide for a corresponding increase or decrease in the number of the regional secretaries or, in relation to Zanzibar, the number of the regional commissioners, who shall be members of the National Assembly,

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

6. Section 25 of the Constitution is repealed and replaced by the following section:-

"Consti-
tuencies

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.

Sections 25
of the
Constitution
repealed and
replaced

(3) The Electoral Commission shall review the division of Tanganyika into constituencies and alter the constituencies whenever Parliament has altered the number of constituency members in the National Assembly.

(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.

Section 30
of the
Constitution
repeated and
replaced

7. Section 30 of the Constitution is repealed and replaced by the following sections:-

"National
members
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:

Provided that no person shall be nominated under this subsection unless he is 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.

National
members
to be elected
by the
National
Assembly
on regional
basis

30A.-(1) Whenever-

- (a) Parliament is dissolved, every Regional Development Committee shall 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, the Regional Development Committee of the region in relation to which such vacancy occurs shall nominate not more than five persons:

Provided that no person shall be nominated under this subsection unless he is qualified, in accordance with section 27 of this Constitution, for election as a constituency member of the National Assembly.

(2) 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:

Provided that-

- (a) subject to the provisions of paragraph (b), the National Executive Committee of the Party shall approve for presentation to the National Assembly the names of at least two persons from amongst the persons nominated by a Regional Development Committee;
- (b) in the event of the National Executive Committee of the Party not approving the name of any person, or approving the name of only one person, from amongst the persons nominated by a Regional Development Committee, the National Executive Committee shall request the Regional Development Committee to nominate three other persons and upon such request being made the procedure prescribed in this subsection shall be repeated.

(3) The National Assembly shall elect from among the persons so nominated by a Regional Development Committee and approved by the National Executive Committee of the Party a national member of the National Assembly in relation to the region for which the Regional Development Committee which nominated him is established.

(4) Subject to the provisions of this section, the election by the National Assembly shall be regulated in accordance with the rules of the National Assembly.

(5) In this section "Regional Development Committee" in relation to a region means the Regional Development Committee of that Region established by the Decentralization of Government Administration (Interim Provisions) Act, 1972 or any written law replacing that Act."

Act, 1972
No. 27

Section 68
of the
Constitution
amended

6. Section 68 of the Constitution is amended in subsection (1) by deleting the word "two" in the second line and substituting therefor the words "not more than four"

Section 82
of the
Constitution
amended

7. Section 82 of the Constitution is amended by adding immediately below subsection (1) the following subsection:-

"(1A) The President may appoint, from amongst the members appointed by him under paragraph (b) of subsection (1), a vice-chairman of the Electoral Commission and the person so appointed as vice-chairman shall-

(a) continue to hold office of vice-chairman for so long as he continues as a member of the Electoral Commission;

Provided that the President may terminate the appointment of a vice-chairman and appoint another member as vice-chairman;

(b) in the absence of the chairman from any meeting of the Electoral Commission preside over that meeting."

I hereby certify that the Bill for this Act was passed by the National Assembly in accordance with the provisions of section 51 of the Constitution.

Dar es Salaam
..10. June, 1975

...  Speaker

Passed in the National Assembly on the third day of June, 1975.

 Clerk of the National Assembly