

Articles of the Constitution of the United Republic of Tanzania relevant to The Written Laws Miscellaneous Amendments No.3, 2020

4(1) All state authority in the United Republic shall be exercised and controlled by two organs vested with executive powers, two organs vested with judicial powers and two organs vested with legislative and supervisory powers over the conduct of public affairs.

(2) The organs vested with executive powers shall be the Government of the United Republic and the Revolutionary Government of Zanzibar; the organs vested with judicial powers shall be the Judiciary of the United Republic and the Judiciary of the Revolutionary Government of Zanzibar; and the organs vested with legislative and supervisory powers over public affairs shall be the Parliament of the United Republic and the House of Representatives.

(3) For the purposes of the efficient conduct of public affairs in the United Republic and for the allocation of powers among the organs specified in this Article, there shall be Union Matters as listed in the First Schedule and there shall also be non-union matters which are all other matters not so listed.

(4) Each organ specified in this Article shall be established and shall discharge its functions in accordance with the other provisions of this Constitution.

13(1) All persons are equal before the law and are entitled, without any discrimination, to protection and equality before the law.

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

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

(4) No person shall be discriminated against by any person or any authority acting under any law or in the discharge of the functions or business of any state office.

(5) For the purposes of this Article the expression "discriminate" means to satisfy the needs, rights or other requirements of different persons on the basis of their nationality, tribe, place of origin, political opinion, colour, religion, sex or station in life such that certain categories of people are regarded as weak or inferior and are subjected to restrictions or conditions whereas persons of other categories are treated differently or are accorded opportunities or advantage outside the specified conditions or the prescribed necessary qualifications except that the word "discrimination" shall not be construed in a manner that will prohibit the Government from taking purposeful steps aimed at rectifying disabilities in the society.

(6) To ensure equality before the law, the state authority shall make procedures which are appropriate or which take into account the following principles, namely:

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

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

(c) no person shall be punished for any act which at the time of its commission was not an offence under the law, and also no penalty shall be imposed which is heavier than the penalty in force at the time the offence was committed;

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

(e) no person shall be subjected to torture or inhuman or degrading punishment or treatment.

26(1) Every person has the duty to observe and to abide by this Constitution and the laws of the United Republic.

(2) Every person has the right, in accordance with the procedure provided by law, to take legal action to ensure the protection of this Constitution and the laws of the land.

30(3) Any person claiming that any provision in this Part of this Chapter or in any law concerning his right or duty owed to him has been, is being or is likely to be violated by any person anywhere in the United Republic, may institute proceedings for redress in the High Court.

62(1) There shall be a Parliament of the United Republic which shall consist of two parts, that is to say, the President and the National Assembly.

(2) The National Assembly shall consist of all categories of members specified in Article 66 of this Constitution, who shall all be designated as Members of Parliament.

(3) Whenever any matter requires to be decided or done by both parts of Parliament in accordance with the provisions of this Constitution, or of any other law, then that matter shall not be taken to have been duly decided or done unless it is decided or done by the Members of Parliament and also by the President in accordance with their respective authority in relation to that matter.

63(1) The President as one part of Parliament shall exercise all the Parliament authority vested in him by this Constitution for that purpose.

(2) The second part of Parliament shall be the principal organ of the of United Republic which shall have the authority on behalf of the people to oversee and advise the Government of the United Republic and all its organs in discharge of their respective responsibilities in accordance with this Constitution. For the purposes of performing its functions, the National Assembly may

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

(b) debate the performance of each Ministry during the annual budget session of the National Assembly;

(c) deliberate upon and authorize any long or short term plan which is intended to be implemented in the United Republic and enact a law to regulate the implementation of that plan;

(d) enact law where implementation requires legislation; and

(e) deliberate upon and ratify all treaties and agreements to which the United Republic is a party and the provisions of which require ratification.