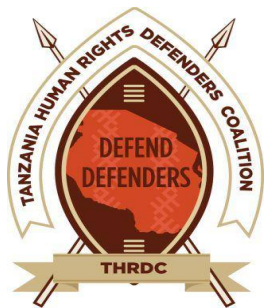


JOINT SUBMISSION OF POLITICAL PARTIES (AMMENDMENT) BILL 2019 TO THE PARLIAMENTARY COMMITTEE BROUGHT JOINTLY BY TANLAP AND 13 OTHER CIVIL SOCIETY ORGANISATIONS:



1. INTRODUCTION

Tanzania Network of Legal Aid Providers (TANLAP) with 13 other civil society organisations conducted an analysis of amendments to the Political Parties Act, 1992 Cap. 258. The recommendations were jointly submitted and presented before the Parliamentary Standing Committee on Constitutional and Legal Affairs. The 14 members present include; Tanzania Human Right Defenders (THRD), Women in Law and Development in Africa (WiLDAF), Centre for Widows and Children Assistance (CWCA), Tangible Initiatives for Local Development Tanzania (TIFLD), SEKA and Associates Advocate, Tanzania Women Lawyers Association (TAWLA), Legal Aid Committee University of Dar es Salam School of Law, Dignity Kwanza, Mulika Tanzania, Envirocare, Disabled Organisation for Legal Affairs and Social Economic Development (DOLASED). Others are; Legal Eyes and Justice Foundation, Crisis Resolving Centre (CRC).

The composition of the members present was motivated by its representations. Present are the organisations that represent women, youth, people with disabilities, new organisations, and experienced organisation. Others are the organisations that represent children best interest, and organisation that focused on thematic issues such as environment, development, legal profession and human rights issues.

The team analysed 32 provisions with a focus on promotion and protection of Democracy and the Constitution of the United Republic of Tanzania and other written laws. The team was guided by the question, how best is the proposed Political Parties Bill promote Democratic Governance and Rule of Law, Multiparty System, the Constitution, Human Rights and Inclusion of the marginalised groups? Specifically, it focuses on provisions, which affect gender inclusion, financial autonomy of the political party, power and authority of the registrar, CSOs development, and sanction to the political parties.

We thank the chairman of the Parliamentary Standing Committee on Constitutional and Legal Affairs for this opportunity to give our opinion to enrich the Bill. We strongly believe our input save the interest of public members who shall benefit from the intended law to govern and coordinate political parties in Tanzania.

TANLAP PRESENTATION

General Comments

1. We have noted that the statement of objects and reasons used in the Act are too narrow in scope, vague and lack concrete details to assist the reader to understand and appreciate the intention of the drafters. We recommend an improvement of the Statement of Objects and Reasons.
2. We have noted that in most cases, the law proposes criminal sanctions for things that are minor defaults that could be cured administratively. We are of the opinion that the office of the registrar should concentrate on assisting political parties to grow and thrive rather than acting as a policing unit. Besides, there are cases where a person commits the offence but the sanctions are given to parties and vice versa. We recommend that sanction and offences should reflect the offender.
3. We have noted that in many instances, the law doesn't offer a would be offenders the constitutional right to be heard before a punishment is given. In the same vein we have noted that in many instances (which we have highlighted) where the registrar is given powers that may conflict with the constitution of the United Republic of Tanzania. Additionally, there amendment is restrictive interms of appealing processes as well as judicial review processes.
4. This amendment is blind on the inclusion of gender and people with disabilities as a legal requirement of the composition of a political party leadership, board of trustee of the political parties, and the office of registrar. We recommend that the composition of party leaderships and board of trustee should reflect gender and people with disability's parity. Moreover, We recommend the office of the registrar be inclusive, if the registrar happens to be a man then deputy registrar should be a woman and vice versa.

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1	This Act may be cited as the Political Parties			We endorse the naming.

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	<p>(Amendment) Act, 2018 and shall be read as one with the Political Parties Act, hereinafter referred to as the “principal Act”.</p>			
<p>2</p>	<p>The principal Act is amended in section 3 by inserting in its appropriate alphabetical order the following new definitions: “political party general meeting” means the highest administrative organ of the party, made by delegates based on the party structure prescribed in the party constitution; “National Executive Committee” means a party organ or any similar organ comprised of party national leaders and party representatives from each region where the party has administrative organ or representative elected in accordance with party constitution; “founding member of a political party” means a person who participates in the</p>	<p>Section 3 is proposed to be amended by adding the definition of the terms “political party general meeting”, “National Executive Committee” and “founding member of a political party” which have been used in various provisions of the Act.</p>	<p>The word similar organ is general instead a specific term should be used, and the term NEC refers to one party (CCM) organ name.</p>	<p>The definition of “political party general meeting” and the definition of “founding member of a political party” are endorsed. While the word: The word “similar organ” on the definition of “National Executive Committee” should be removed and replaced with the word “Chief Executive party organ”.</p>

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	formation of a political party and who is among the first members of the party.			
3	<p>The principal Act is amended in section 4, by-</p> <p>(a) adding immediately after subsection (4) the following:</p> <p>“(5) Without prejudice to subsection (4), the functions of the office of the Registrar shall be to-</p> <p>(a) register political parties in accordance with this Act and any other written law;</p> <p>(b) supervise the administration and implementation of this Act;</p> <p>(c) monitor intra-party elections and nomination process;</p> <p>(d) disburse and monitor accountability of Government subvention to political parties which qualify under this Act;</p> <p>(e) monitor income and expenditures of political parties and accountability of party resources;</p>	<p>Section 4 is proposed to be amended by adding a new provision which states the functions of the office of the Registrar which include registration of political parties, providing civic education, monitoring the conducts of political parties and supervising the administration and implementation of this Act.</p>	<p>Section 3(5)(a) is endorsed</p> <p>Section 3(5)(b) is endorsed</p> <p>Section 3(5)(c) Best practice of this position would be to observe rather than monitor so that a political party can conduct the intra-party elections freely.</p> <p>Section 3(5)(d) is endorsed.</p> <p>Section 3(5)(e) interferes with internal matters of a political party, political parties conducts auditing and should submit the report to the Registrar</p>	<p>Section 3(5) (c) Registrar to act as an observer rather than Monitor during intra-party elections and nomination process.</p> <p>Section 3(5)(e) The Registrar should act an observer only.</p> <p>The provision should read provide as:</p> <p><i>The Registrar shall receive financial statements detailing among other things income and expenditure of political parties within prescribed time instead of monitoring income and expenditures of political parties and accountability of party resources.</i></p> <p>Best Practice Kenya, refer Kenya Political Parties Act.</p> <p>Section 3(5)(g) should be removed.</p>

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	<p>(f) provide civic education regarding multiparty democracy, laws governed by the Registrar and related matters;</p> <p>(g) regulate civic education provided to political parties;</p> <p>(h) advise the Government on issues related to political parties and multiparty democracy;</p> <p>(i) facilitate communication between political parties and the Government;</p> <p>(j) undertake research on political parties, multiparty democracy and political parties financing;</p> <p>(k) provide secretariat to the Political Parties Council; and</p> <p>(l) undertake any other functions conferred by this Act or any other written law.”</p> <p>(b) renumbering subsection (5) as subsection (6)</p>		<p>Section 3(5)(f) is endorsed</p> <p>Section 3(5)(g) does not serve any purpose</p> <p>Section 3(5)(h) is endorsed</p> <p>Section 3(5)(i) is endorsed</p> <p>Section 3(5)(j) is endorsed</p> <p>Section 3(5)(k) is endorsed</p> <p>Section 3(5)(l) is endorsed</p>	
4	<p>Amendment of section 5</p> <p>4. The principal Act is amended in section 5 by</p>	<p>Section 5 and 6 is proposed to be amended with a</p>		<p>We support the proposed amendments</p>

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	deleting the words “assistant registrars” appearing in the marginal note and in the contents of section 5 and substituting for them the word “directors”.	view of discontinuing the use of the term “assistant registrars” and instead introducing the term “directors”.		
5	5A(2) Upon receipt of information under subsection (1), the Registrar may disapprove the training or capacity building programme and give reasons for such disapproval.	The Bill proposes to add new sections 5A and 5B to require any institution intending to give civil education to inform the Registrar and to enable the Registrar to request for information from any political party. The objective of the proposed amendment is to empower the Registrar to regulate the provision of civil education.	The registrar is exposed to huge powers which might be used arbitrarily in the expense of Political parties rights There is the miss out of the regulatory content of the civic education Capacity building and awareness meeting are primary function of NGOs under the regulation of NGOs Act. The room for the registrar to disapprove or	The powers of the registrar should be limited to only receiving information so that he may proceed with his/her function of observing/monitoring political parties activities and not approving or disapproving New , the Minister in consultation to the registrar shall prescribe minimum civic education standards The content contained in the activities proposed for capacity building should be aligned to laws of the lands

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	<p>5A(2) Upon receipt of information under subsection (1), the Registrar may disapprove the training or capacity building programme and give reasons for such disapproval.</p>		<p>approve the operation of CSOs to political parties will amount to restrict CSOs rights</p> <p>The registrar is exposed to huge powers which might be used arbitrarily in the expense of Political parties rights</p> <p>There is the miss out of the regulatory content of the civic education</p> <p>Capacity building and awareness meeting are primary function of NGOs under the regulation of NGOs Act. The room for the registrar to disapprove or approve the operation of CSOs</p>	<p>The powers of the registrar should be limited to only receiving information so that he may proceed with his/her function of observing/monitoring political parties activities and not approving or disapproving</p> <p>New, the Minister in consultation to the registrar shall prescribe minimum civic education standards</p> <p>The content contained in the activities proposed for capacity building should be aligned to laws of the lands</p>

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			to political parties will amount to restrict CSOs rights	
	5B(1) The Registrar may, in the execution of functions and responsibilities under this Act, demand from a political party, a leader or a member any information as may be required for implementation of this Act.		THE word ANY INFORMATION creates confusion to the type and limit of the details the party is required to disclose, the requirement of MEMBERS to disclose information is also irrational as one may not be in possession of the information required	The registrar shall in writing demand the information from the leaders and political parties The type of information should be specified to avoid criminalization of innocent persons The provisions should be a prescribed a duration for a submitting the information there is reason of criminalizing any failure in this provision rather administrative measures can be taken
6	6(6) No suit shall lie against the Registrar, Deputy Registrar, Director or other officers under the Registrar for anything done or omitted to be done in good faith in the performance of any function under this Act.”	The Bill also proposes to introduce a new Part IIA, which deals with formation of political parties, whereby the proposed section 6A requires political	There is no challenges with this amendment Some of references S.66 MCA, local government election	This provision should be maintained

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		<p>parties to adhere to the Constitution of the United Republic, the Constitution of Zanzibar and the Political Parties Act and restricts political parties from functioning as activist groups. The proposed section 6B provides for qualifications of a person applying for registration of a political party and section 6C provides for qualifications of a person to be a member of a political party and also restricts participation of non-citizens in the activities of a political party.</p>		
	<p>6A(6) A political party shall not function as a pressure or activist group.</p>		<p>In essence political parties are pressure groups, therefore Political</p>	<p>This provision should be deleted Section 6A(6) and 6(7) should be deleted entirety</p>

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			<p>parties should not be restricted to exercise their political rights as this restriction intends to ban the primary agenda of political parties</p>	
	<p>6B A person shall qualify to apply for registration of a political party if-</p> <p>(a) both parents of that person are a citizen of the United Republic by birth;</p>		<p>This provisions contravenes various provisions of the constitutions which puts only conditions of one being a citizen by birth and not beyond the parents or condemned for historical basis ie qualification for the one to hold office as the president of united republic of Tanzania is limited citizenship by birth, qualification of one to vote and be voted is restricted to only citizenship</p>	<p>This provision should be qualified to remove the word by birth</p> <p>Proposal</p> <p>1. A person shall qualify to apply for registration of political party If he is a citizen of the united republic of Tanzania</p>

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			<p>According to Article 20 and 21 of the Constitution of the United Republic of Tanzania (Cap 2 RE 2002) everyone has the right to participate in political activities.</p>	
	<p>(d) That person has attained or is above the age of twenty-one years;</p>		<p>The provision of the Bill contradicts its self in S. 6B(d) and S.6C(1)b It also use to contravenes the Constitution, because the Constitution allows a person who attained the age of majority to participate in election including to form political part the age, The sections create double standard</p>	<p>The minimum age should remain 18 yrs. We therefore propose for the deletion of the requirement of 21 years and be substituted with 18 years of age.</p> <p>Proposal (d) that person has attained or is above the age of eighteen years</p>

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10	<p>The principal Act is amended in section 8B by deleting subsection (3) and substituting for it the following:-</p> <p>“(3) A person who contravenes subsection (2), commits an offence and shall be liable on conviction to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both.</p>	<p>Section 8B is proposed to be amended to increase the penalty for failure of national leaders of political parties to submit forms for registration to the Registrar and for engaging in political activities without being registered.</p>	<p>The existing amendment is coached in the way which personalizes the offenses of the institution.</p>	<p>The fine should be qualified in such a way that an individual’s remain with imprisonment sentence and the fine should be imposed to a political party contravening the provision.</p>
11	<p>The principal Act is amended by adding immediately after section 8B the following:-</p> <p>“Maintenance of registers</p> <p>8C.-(1) Every political party shall maintain updated registers for-</p> <p>(a) members of the party;</p> <p>(b) leaders of the party at each party administrative level;</p>	<p>Furthermore, the Bill proposes to introduce new sections 8C, 8D and 8E to provide for registers which shall be maintained by every political party, contents of the constitution of a political party and restriction of political parties to</p>	<p>We have reviewed the section and we have provided an opinion to improve the document.</p>	<p>We have the following opinion/recommendations:-</p> <ol style="list-style-type: none"> 1. We endorse the requirement of registers contained in the proposed Section BC (1). 2. We endorse the requirement of submitting to the registrar details of the register. However, we recommend that the notice period be not less than 21 days to allow for preparation of the compliance. 3. We endorse the requirement of

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	<p>and (c) Members of party organ at each party administrative level.</p> <p>(2) The Registrar may, by notice in writing, require a political party to submit any of registers mentioned in subsection (1) or any particulars relating to such register, within a period stated in the of notice.</p> <p>(3) A political party which fails to comply with the requirement of this section may be suspended in accordance with provisions of this Act.</p> <p>(4) Notwithstanding subsection (4), a leader of political party which contravenes subsection (1) commits an offence and shall on conviction be liable to a fine of not less than one million shillings and not exceeding three million shillings or to</p>	<p>form security groups. The proposed provisions also provide for penalties for failure to comply with the respective provision.</p>		<p>proposed Section 8C (3).</p> <p>4. We propose that the amount being proposed under Section 8C (4) be reduced since non-compliance of a leader may not be intentional.</p>

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	<p>imprisonment for a term of not less than three but not exceeding six months or to both.</p> <p>Contents of constitution and rules of political party.</p>			
	<p>8D.-(1) The constitution of a political party shall provide for all the matters specified in the regulations made under this Act.</p> <p>(2) The Registrar may, where he is satisfied that the constitution of a party is not in compliance with the requirement of this Act, by notice in writing require such party to amend its constitution within six months from the date of notice to ensure compliance.</p> <p>(3) The notice referred to in subsection (2) shall specify areas of non-compliance, nature of the</p>	<p>Furthermore, the Bill proposes to introduce new sections 8D to provide for contents of the constitution of a political party.</p> <p>The proposed provisions also provide for penalties for failure to comply with the respective provisions</p>	<p>We propose that the contents of a proposed constitution of a party should not be contained in the regulations but rather should be part of the Schedule to this Act.</p> <p>We make this proposal bearing in mind that the content of a constitution of a party is a substantive right which shall form part of an Act.</p> <p>We are also</p>	<p>We propose that we borrow from the content of Section 9 of Kenya.</p> <p>9. Contents of Constitution or rules of a political party</p> <p><i>(1) The Constitution or rules of every political party shall provide for all the matters specified in the Second Schedule to this Act.</i></p> <p><i>(1A) The constitution or rules of every political party shall ensure that not more than two-thirds of the membership of all party organs, bodies and committees, in aggregate, are of the same gender.</i></p> <p><i>(2) The Registrar may, by notice in writing, require a political party to amend its name, Constitution or rules within three months after the date of the notice to comply with the Constitution, this Act and any other written law.</i></p> <p><i>(3) The notice referred to in subsection (2) shall specify the areas of noncompliance, the nature of the amendment and the reason for such</i></p>

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	<p>amendment and the reason for such amendment.</p> <p>(4) A political party which contravenes subsection (2) shall be deregistered.</p>		<p>proposing that gender issues should be recognised in the constitution.</p> <p>We propose that we borrow from the content of Section 9 of Kenya.</p>	<p><i>amendment.</i></p> <p><i>(4) If a political party does not comply with a notice issued under subsection (2), that political party shall be deregistered.</i></p>
	<p>8D.-(1) The constitution of a political party shall provide for all the matters specified in the regulations made under this Act.</p> <p>(2) The Registrar may, where he is satisfied that the constitution of a party is not in compliance with the requirement of this Act, by notice in writing require such party to amend its constitution within six months from the date of notice to ensure compliance.</p>	<p>Furthermore, the Bill proposes to introduce new sections 8D to provide for contents of the constitution of a political party.</p> <p>The proposed provisions also provide for penalties for failure to comply with the respective provisions</p>	<p>We propose that the contents of a proposed constitution of a party should not be contained in the regulations but rather should be part of the Schedule to this Act.</p> <p>We make this proposal bearing in mind that the content of a constitution of a party is a substantive right</p>	<p>We propose that we borrow from the content of Section 9 of Kenya.</p> <p>9. Contents of Constitution or rules of a political party</p> <p><i>(1) The Constitution or rules of every political party shall provide for all the matters specified in the Second Schedule to this Act.</i></p> <p><i>(1A) The constitution or rules of every political party shall ensure that not more than two-thirds of the membership of all party organs, bodies and committees, in aggregate, are of the same gender.</i></p> <p><i>(2) The Registrar may, by notice in writing, require a political party to amend its name, Constitution or rules within three months after the date of the notice to comply with the Constitution, this Act and any other written law.</i></p>

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	<p>(3) The notice referred to in subsection (2) shall specify areas of non-compliance, nature of the amendment and the reason for such amendment.</p> <p>(4) A political party which contravenes subsection (2) shall be deregistered.</p>		<p>which shall form part of an Act.</p> <p>We are also proposing that gender issues should be recognised in the constitution.</p> <p>We propose that we borrow from the content of Section 9 of Kenya.</p>	<p><i>(3) The notice referred to in subsection (2) shall specify the areas of noncompliance, the nature of the amendment and the reason for such amendment.</i></p> <p><i>(4) If a political party does not comply with a notice issued under subsection (2), that political party shall be deregistered.</i></p>
	<p>Political parties not to form security group</p> <p>8E.-(1) A political party, a leader or a member shall not recruit, deploy or form a militia, paramilitary or security group of any kind or maintain an organisation intending to usurp the functions of the police force or any government security organ.</p> <p>(2) A political party shall</p>	<p>Furthermore, the Bill proposes to introduce new sections 8E to provide restriction of political parties to form security groups.</p> <p>The proposed provisions also provide for penalties for failure to comply with the respective</p>	<p>We recommend that political parties be given the liberty to form militia, paramilitary or security group by complying with the relevant provisions contained in the Police and Auxiliary Services Act.</p> <p>We feel that this</p>	<p>Parties should be given liberty to form security groups if they comply with the requirements of forming security groups for purposes of securing its leaders and the properties especially compliance with the Police and Auxiliary Services Act.</p>

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	<p>not conduct, finance, coordinate or order to be conducted or coordinated, military style training or any kind of training on the use of force or the use of any kind of weapon to its members or any other person.</p> <p>(3) A political party which contravenes the requirement of this section, shall be deregistered and every leader or member of the party concerned shall be liable on conviction to imprisonment for a term of not less than five year but not exceeding twenty years or to both.</p>	<p>provisions.</p>	<p>restriction is unwarranted given the fact that other laws give freedoms for entities and individuals to protect themselves and their properties.</p>	
	<p>8D.-(1) The constitution of a political party shall provide for all the matters specified in the regulations made under this Act.</p> <p>(2) The Registrar may,</p>	<p>Furthermore, the Bill proposes to introduce new sections 8D to provide for contents of the constitution of a political party.</p>	<p>We propose that the contents of a proposed constitution of a party should not be contained in the regulations but rather should</p>	<p>We propose that we borrow from the content of Section 9 of Kenya.</p> <p>9. Contents of Constitution or rules of a political party</p> <p><i>(1) The Constitution or rules of every political party shall provide for all the matters specified in the Second Schedule to this Act.</i></p>

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	<p>where he is satisfied that the constitution of a party is not in compliance with the requirement of this Act, by notice in writing require such party to amend its constitution within six months from the date of notice to ensure compliance.</p> <p>(3) The notice referred to in subsection (2) shall specify areas of non-compliance, nature of the amendment and the reason for such amendment.</p> <p>(4) A political party which contravenes subsection (2) shall be deregistered.</p>	<p>The proposed provisions also provide for penalties for failure to comply with the respective provisions</p>	<p>be part of the Schedule to this Act.</p> <p>We make this proposal bearing in mind that the content of a constitution of a party is a substantive right which shall form part of an Act.</p> <p>We are also proposing that gender issues should be recognised in the constitution.</p> <p>We propose that we borrow from the content of Section 9 of Kenya.</p>	<p><i>(1A) The constitution or rules of every political party shall ensure that not more than two-thirds of the membership of all party organs, bodies and committees, in aggregate, are of the same gender.</i></p> <p><i>(2) The Registrar may, by notice in writing, require a political party to amend its name, Constitution or rules within three months after the date of the notice to comply with the Constitution, this Act and any other written law.</i></p> <p><i>(3) The notice referred to in subsection (2) shall specify the areas of noncompliance, the nature of the amendment and the reason for such amendment.</i></p> <p><i>(4) If a political party does not comply with a notice issued under subsection (2), that political party shall be deregistered.</i></p>
5B(1)	The Registrar may, in the execution of functions and responsibilities under this Act, demand from a		THE word ANY INFORMATION creates confusion to the type and	The registrar shall in writing demand the information from the leaders and political parties

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	political party, a leader or a member any information as may be required for implementation of this Act.		limit of the details the party is required to disclose, the requirement of MEMBERS to disclose information is also irrational as one may not be in possession of the information required	The type of information should be specified to avoid criminalization of innocent persons The provisions should be a prescribed a duration for a submitting the information there is reason of criminalizing any failure in this provision rather administrative measures can be taken
12	Amendment of section 9 12. The principal Act is amended in section 9: (a) in subsection (1)(c), by inserting immediately after the word “gender” the word “disability”; (b) in subsection (2)- (i) in the opening phrase by deleting the word “constitution” and substituting for it the words “constitution, rules	Section 9 is proposed to be amended to ensure membership to political parties is also open to persons with disabilities and also ensure that a political party that allows erosion of national unity and uses religion to further its objectives does not qualify for provisional		We have noted the proposed amendments. Our observations is that:- 1. We second proposed amendment to Section 12 (a). 2. Section 12(b)(i) is endorsed. 3. Section 12(b)(ii) (f) is endorsed. 4. Section 12(b)(ii)(g) should be added to expand Section 9(2)(a)(i) instead of being Section 12(b)(ii)(g) because it is linked with Section 9(2)(a)(i).

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	<p>and”</p> <p>(ii) by deleting paragraph (f) and substituting for it the following: “(f)it allows its leaders and members to utter or use obscene language, vindictive, defamatory or inciting words and symbols which are likely to cause or lead to disruption of peace and erosion of national unity; (g) it uses or accept the use of or advocates for the use of religion or religious organisations to further its objectives.”</p>	<p>registration.</p>		
<p>13</p>	<p>Amendment of section 10 13. The principal Act is amended in section 10- (a) by deleting paragraph (b) and substituting for it the following: “(b) it has obtained not</p>	<p>Section 10 is proposed to be amended to require a political party to obtain not less than two hundred members who are qualified to be</p>		<p>It is not necessary to introduce zone because zones are not part of administration of the country. Since the constitution recognises regional administration as the basic criterion for the executive functions of the government, the same position in the Act should be retained.</p>

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	less than two hundred members who are qualified to be registered as voters for the purpose of parliamentary elections from at least- (i) half of regions of the United Republic out of which at least two regions are in Tanzania Zanzibar being one region from Unguja and Pemba; and (ii) one region is from each zone in Mainland Tanzania specified in the regulations made under this Act;”	registered as voters from regions in both mainland Tanzania and Tanzania Zanzibar so as to qualify for full registration.		The provision should stay as it is provided in the parent Act.
14	Amendment of section 10A 14. The Principal Act is amended in section 10A by adding immediately after paragraph (d) the following new paragraphs: “(e) not declared bankrupt by a court of competent jurisdiction; (f) Disqualified from holding public office under the Constitution of	The Bill proposes to amend section 10A to add grounds for qualifications of a person who contests for election as a leader of a political party. The objective is to exclude persons declared bankrupt		(e) Replacing the word “declared with” and “undischarged”. This change is prompted by the fact that a person can be declared bankrupt and later on be discharged. The worldwide practice is that one a person is legally cleared of bankruptcy, his legal and constitutional rights are returned to him. (f) The provision of written laws makes it so vague because the term is wide. It should mention specific laws instead

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	the United Republic or the Constitution of Zanzibar of 1984 or any other written law.”	and those disqualified from holding public offices from contesting for leadership in political parties.		of being vague.
15	<p>Addition of section 10B The Principal Act is amended by adding immediately after section 10A the following:- 10B.-(1) The political party registered under this Act, shall observe and maintain conditions for registration.</p> <p>(2) The Registrar may, at any time with adequate notice verify a political party to ensure compliance with the conditions for its registration.”</p>	Section 10B is proposed to empower the Registrar to verify political parties so as to ensure compliance with the conditions of their registration.		Section 15 is endorsed.
16	16. The principal Act is amended in section 11- (a) in subsection (1), by inserting immediately	Section 11 is amended to incorporate in its provisions the		Section 16 is endorsed.

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	after the words “parliamentary election” appearing in the proviso the words “house of representative election” (b) in subsection (3), by inserting immediately after the words “parliamentary election,” the words “house of representative election,”	House of Representatives election and members of representatives of Zanzibar.		
17	17. The principal Act is amended by repealing sections 11A and 11B and replacing for them the following:- “Merging of political parties 11A.-(1) A political party fully registered in accordance with this Act may, within twenty one days prior to nomination of candidates for general election, be entitled to merge with another fully registered political party. (2) Where the parties decide to merge as provided for under	Section 11A and 11B are amended and section 11C is introduced to provide for merging of political parties, cessation of merged parties and coalition of political parties. According to the proposed amendment, the decision to merge shall be made at a national general meeting and the merged political parties shall be deregistered upon		We have reviewed the proposed section 11A and we have the following suggestions:- 1. We have endorsed the requirement of 21 days proposed in Section 11A (i) to allow for proper and efficient preparations of the general elections. 2. We have endorsed the requirement of having the merger recorded in the agreement. However, it should be stated that the merger agreement should be submitted to the Registrar. We note that the proposed Section 11A (2) has removed the requirement to submit the merger agreement to the registrar. We

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	<p>subsection (1), the parties shall enter into an agreement to that effect in the manner as may be prescribed under this Act.</p> <p>(3) The decision to merge shall be made by a national general meeting of each political party intending to merge, and shall be in writing and duly executed by persons authorized by the political parties to execute agreements on behalf of each political party intending to merge.</p> <p>(4) The Registrar may, upon satisfaction with the contents of the agreement and that the parties have complied with prescribed conditions for merger, provisional and full registration of a new political party, register a new party in the name as may be preferred in the</p>	<p>the registration of the new party formed. Further the manner of coalition of political parties shall be prescribed in the regulations.</p>		<p>propose this requirement in the parent act be retained. The phrase “submit such agreement to the registrar” should be maintained”.</p> <p>3. Section 11A (3) is endorsed.</p> <p>4. Section 11A (4) is endorsed. However, we propose that a time limit of 14 days be provided. We also recommend an expedited registration process should the merger be executed within the shortest time possible when the general election is approaching.</p> <p>5. Section 11A (5) There is no time line provided for publishing in the gazette. Time line to publish in the gazette should be provided. We propose 14 days.</p> <p>6. Section 11B (1) is endorsed.</p> <p>7. We don't agree with the proposed Section 11B (1) as to cessation of leadership positions. At best we propose that the national leaders should be the one identified in the</p>

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	<p>agreement and issue a certificate of full registration thereof.</p> <p>(5) Upon registration and issuance of a certificate of fully registration to a new party under subsection (4), the Registrar shall deregister merged political parties and publish in the Gazette deregistration of merged political parties and registration of a new party formed after the merger.</p> <p>Cessation of merged parties 11B.-(1) The political parties merged in accordance with the provisions of this Act shall, with effect from the date of registration of the new party, cease to exist and all political leaders elected, appointed or nominated before the merger of such political</p>			<p>merger agreement as interim leaders. The aim of adopting this position is to allow political leaders to maintain the rights of being members of political parties automatically, this will also prevent the need of conducting elections when parties with leaders who are members of the parliament or presidents etc. merge, being compelled to conduct elections may cause disruption for example when a leading political party merges with another political party. We propose the adoption of what is prescribed in Section 11(8) of the Kenya Political Parties Act with necessary modifications:-</p> <p><i>Despite subsection (7), a member who is a President, Deputy President, Governor or Deputy Governor, Member of Parliament or member of a County Assembly, and who does not desire to be a member of the new political party registered after the merger shall continue to serve in such elected office for the remainder of the term, and may</i></p>

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	<p>parties shall be deemed to have vacated their positions.</p> <p>(2) Members of a political party which has ceased to exist under the provisions of subsection (1) shall cease to be members of that political party and may be members of the new party after being issued with membership card of the new party.</p> <p>(3) The properties and assets of a political party which has ceased to exist by virtue of this section shall be properties and assets of a new political party.</p> <p>(4) The term “political leader” as used in subsection (1) means a person elected, nominated or appointed to hold a position in a political office including offices of</p>			<p><i>join another political party or choose to be an independent member within thirty days of the registration of the new party.</i></p> <p>8. Section 11B (2) is not practical, it will be difficult to issue membership cards to all the member countrywide within a short time. We propose that the law should deem all members of the old party to be members of the new party. This process is practical and was done in Tanzania in the previous past when TANU and ASP joined and all members of the two parties were automatically members of CCM. We propose the adoption of the text found in Section 11(7) of Kenya Political Parties Act:-</p> <p><i>11(7) Where a party merges under this section, a member of the political party that has merged with another political party shall be deemed to be a member of the new political party.</i></p> <p>9. In Section 11B (3) we propose</p>

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	<p>the president, member of parliament, member of house of representative, a councillor or other political office within a local government authority including a township, a mtaa, a village and kitongoji.</p> <p>Coalition of political parties 11C.-(1) Political parties may form a coalition for the purpose of achieving a common political goal. (2) The Minister may make regulations prescribing the manner of forming coalition of political parties.”</p>			<p>the addition the terms:- “records, liabilities, rights and obligations of political parties and this should include the right to government subvention”. We propose the adoption of Section 11(11) of the Kenya Political Parties Act (with necessary modifications):</p> <p><i>(11) The records, assets and liabilities, rights and obligations of all the dissolved political parties shall be the records, assets and liabilities, rights and obligations of the new political party including their entitlement to the Political Parties Fund under section 25 of the Act.</i></p> <p>10. We endorse the provisions of Section 11B (4).</p> <p>11. We have endorsed the provisions of Section 11C (1).</p> <p>12. We propose the reconsideration of Section 11C (2). We feel that this is a substantive right which should not be vested to the</p>

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				<p>Minister but rather prescribed in the Act. We propose the adoption of Section 10 of Kenya Political Parties Act:-</p> <p>10. Coalitions</p> <p><i>(1) Two or more political parties may form a coalition before or after an election and shall deposit the coalition agreement with the Registrar.</i></p> <p><i>(2) A coalition agreement entered into before an election shall be deposited with the Registrar at least three months before that election.</i></p> <p><i>(3) A coalition agreement entered into after an election shall be deposited with the Registrar within twenty-one days of the signing of the coalition agreement.</i></p> <p><i>(4) A coalition agreement shall set out the matters specified in the Third Schedule.</i></p>
18	18. The principal Act is amended in section 11C- (a) by adding immediately after subsection (2) the following: “(3) Party flag shall not be	Section 11A and 11B are amended and section 11C is introduced to provide for merging of political parties,	1.	2. We have noted the introduction of Section 18(a). However, our review of the version of the Political Parties Act we take note that the proper section is not section 12 but rather it is Section 11C. We recommend

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	<p>hoisted in areas restricted by section 12 of this Act.”</p> <p>(b) by deleting subsection (4) and substituting for it the following:</p> <p>“(4) Any person who contravenes subsection (3), commits an offence and shall be liable on conviction to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both.”</p> <p>(c) by renumbering subsections (3) and (4) as subsections (4) and (5) respectively.”</p>	<p>cessation of merged parties and coalition of political parties. According to the proposed amendment, the decision to merge shall be made at a national general meeting and the merged political parties shall be deregistered upon the registration of the new party formed. Further the manner of coalition of political parties shall be prescribed in the regulations.</p>		<p><u>this should be checked and reconciled since Section 12 doesn't deal with hoisting of flags.</u></p> <p>3. We have noted that in the proposed section 18(b) there is an increase of punishment of fine and imprisonment for contravention of subsection 3. <u>We see no reason nor justification for the increase. We also take note that the objects and reasons also has not addressed this fine increment.</u></p> <p>4. We have adopted and endorsed what is proposed under Section 18(c).</p>

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Section 19	<p>Amendment of section 12 19. The principal Act is amended in section 12-</p> <p>(a) by deleting subsection (2) and substituting for it the following:-</p> <p>“(2) Subject to subsection (3) a political or any person shall not undertake a party activity, form, establish or allow to be established or formed in any office, branch, unit, youth or women organization or other organ of any political party in any working place, school or other place of learning, places of worship, Government buildings, public institutions.”;</p>	<p>The Bill proposes to repeal section 12 and to introduce section 12A and section 12C that requires political parties to submit to the Registrar a declaration of all assets and expenditure.</p>	<p>We have noted the restriction to conduct political activities at certain places and we have provided an opinion on that matter.</p> <p>Our constitution promotes rights to association and expression as basic rights. That’s therefore to restrain students to enjoy this right is to deny their rights.</p>	<p>We recommend the following:-</p> <ol style="list-style-type: none"> 1. That the statement of objects and reasons around this sections be relooked because it is vague and doesn’t allow the intention of the drafters to be seen clearly. 2. That the restriction of undertaking of political activities at noted should be revisited with a view to allowing people to engage in political discussions at places such as universities. 3. We feel that the relevant laws and bye law laws should be the one restricting this practice taking into consideration the freedom of association guaranteed by the constitution. 4. The government should consider a rethinking of this practice given our history and background.

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	<p>(b) in subsection (4), by deleting the words “exceeding forty thousand shillings” and substituting them with the words “ less than one million shillings” in between the words “a fine of not” and the words “or to imprisonment”;</p> <p>(c) by adding immediately after subsection (4) the following new subsections: “(5) Notwithstanding subsection (1), a political party may hold administrative meeting at places referred to in subsection (1) if such places offer facilities or services for hire or reward. (6) A person shall not use religion or religious organisation to further the objectives of a political party.”</p>			
Section 19	12 B (b) in subsection (4), by deleting the words “exceeding forty thousand shillings” and substituting them with the words “ less		We are in the view that one million is too much money for a person for this offence	We propose to be five Hundred Thousand Shillings.

SECTION IN THE BILL	THE PROPOSED BILL	OBJECTS AND REASONS	OUR OPINION	PROPOSAL/RECOMMENDATIONS
	than one million shillings” in between the words “a fine of not” and the words “or to imprisonment”;			
Section 19: Amendment of section 12 C (5)	(c) by adding immediately after subsection (4) the following new subsections“(5) Notwithstanding subsection (1), a political party may hold administrative meeting at places referred to in subsection (1) if such places offer facilities or services for hire or reward.		We endorsed the provision because of the previous tendencies of some public building have been used to conduct party administrative meeting but forbid other parties to use the same building. This new provision promotes equality among parties which is also a constitutional requirements.	No recommendation. We endorse the provision.
Section 19: Amendment of section 12 (6)	(6) A person shall not use religion or religious organization to further the objectives of a political party.”		We endorsed the provision because we believe state and religion should be separate.	No recommendation
Section 20:	20. The principal Act is amended by repealing section 12A		We endorsed the provision due to the fact that the	No recommendation

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			section is already been discussed in section 12 A of the amendment	
Section 21: Amendment of Section 12 C (1)	12C.-(1) A political party shall, within thirty days after being issued with a certificate of full registration, submit to the Registrar a written declaration giving details of all assets and expenditure including all contributions, donations or pledges of contributions or donations, whether in cash or in kind, made or to be made to the initial assets of the political party by its founding members in respect of the first year of its existence.		To get the report that is exhaustive and to leave no room for errors, we recommend that the time frame should be 3 months. It should be noted that, this bill is also introducing sanctions to parties that fails to comply.	We propose this section should be change to Ninety Days (90days) after being issue with a Certificate of Full registration.
Section 21 (2) Amendment of section 12 C 2	A declaration submitted to the Registrar under subsection (1) shall: (a) state the sources of all funds and other assets of the political party		We endorsed the provision because we believe it is important for the registrar to get this information and also to avoid money laundry as well as promotes	No recommendation to leave it as it.

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			Transparency and accountability.	
Section 21: Amendment of section 12 (C) (3)	(3) The Registrar shall, within thirty days after the receipt of the declaration required under subsection (2), cause the declaration to be published in the Gazette.		The report should not be Published in the Gazette because sometimes this information may affect relationship between funders and grantees. Some funders prefers that their information should not be published in public domains. However the register should have access to the information.	We recommend that the register should keep the record without publishing it.
Section 21: Amendment of section 12 C 4	(4) Notwithstanding any other penalty prescribed by this Act, the Registrar shall deregister a political party which- (a) fails to comply with this section; or (b) Submits a declaration which is false in any material particular.”		We recommend otherwise because deregistration is the highest level of punishment, that we think court must be involved.	We recommend that registrar should take administrative measure instead of deregister a political party. Administrative measure such as warning and suspension,
Section 22:	22. The principal Act is		We recommend	We recommend the provision to remain

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Amendment of section 13 (A)	amended in section 13- (a) in subsection (2) by adding immediately after paragraph (c) the following: “(d) from any source within the United Republic as may be prescribed in the regulations made under this Act;”		that the additional provision should not mention the words “BE PRESCRIBED IN THE REGULATIONS MADE UNDER THIS ACT” because it provide a wider room of the inclusion of the unknown.	without the words “BE PRESCRIBED IN THE REGULATIONS MADE UNDER THIS ACT”
Section 22: Amendment of section 13 (B,C)	(b) in subsection (3) by deleting the words “from sources outside the United Republic”; (c) by adding immediately after subsection (3) the following new subsection.		We endorsed the provision.	No recommendation
Section 23: Amendment of section 3 (1)	23. The principal Act is amended in section 15 by adding immediately after subsection “(3) Without prejudice to subsection (1), every political party receiving Government subvention shall maintain a separate		We endorsed the provision.	No recommendation

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	bank account to be used only for depositing and Political Parties (Amendment) Act			
Section 24: Amendment of section 6	“(6) The Registrar may suspend grant of subvention to a political party for specified or unspecified period where he believes that management of the political party which includes its trustees is not able to account for or supervise accountability of such funds.		That there should be specific time for the party to be suspended. Suspension should be specified because registrar belief does not mean the party is guilty. Unless the party is declared guilty for mismanagement of funds the principle of presumption of innocence is applicable.	We recommended that have specified period for 3 Month.
Section 24: Amendment of section 7	(7) A political party which receives a qualified or disclaimer audit report shall be denied subsequent subvention for six months.		Issues rise from disclaimer audit report should be denied subsequent subvention.	Every political Institutions have right to receive subvention even if they have disclaimer Audit report So We recommended that political parties should have subvention also register office should political parties given capacity building on Financial Issues.
Section 24:	(8) The Registrar may, at		We endorsed the	Leave as it is, endorsed

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Amendment of section 8	any time, where he is dissatisfied with management of the resources of a political party, request the Controller and Auditor-General to carry out a special audit.		provision because it promotes accountability and transparency	
Section 24: Amendment of section 9	(9) The Minister may make regulations prescribing procedures for better carrying out the provisions of this section.”		We endorsed the provision because this is a ministerial responsibility.	No recommendation
Section 25: Amendment of section 18	25. The principal Act is amended by repealing section 18A and replacing for it the following:- “Submission of financial reports 18A.-(1) A financial year of a fully registered political party shall conform to that of the Government; (2) Notwithstanding any provisions of this Act, every political party shall- (a) submit to the Controller and Auditor general financial statements of its accounts not later than thirtieth September of each		We endorsed the provision because it harmonizes fiscal matters and allows proper planning and synchronization of financial and audit reports.	No recommendation

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	calendar year;			
Section 25: Amendment of section 18	(b) submit audited reports to the Registrar within one months after it has Political Parties (Amendment) Act 21 Received the report from the Controller and Auditor General.”		We endorsed the provision	No recommendation
27	Addition of section 19A 27. The principal Act is amended by adding immediately after section 19 the following new subsection:-	Further a new section 19A is proposed to be added to enable the Registrar to suspend	This section is so vague regarding the number of days that the political party can be suspended	We have reviewed the proposed section and we have the following observations in relation to suspension:- 1. We propose with regard to section 19A (2) that the political party should continue enjoying

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	<p>“Suspension of registration 19A.-(1) The Registrar may suspend registration of a political party for a specified number of days to enable the party to remedy the breach as specified in the notice issued by the Registrar.</p> <p>(2) A political party that has been suspended under subsection (1) shall not be entitled to any of the rights and privileges specified in this Act.</p> <p>(3) The Registrar shall deregister a political party which has not remedied the breach or complied with the Act as required by the Registrar under subsection (1).”</p>	<p>registration of a political party which breaches or does not comply with the Act.</p>	<p>such that it can be used absurdly. Further the breach referred to in the proposed amendment should be the one specified in the Act and not in the notice.</p> <p>To deny a political party rights and privileges under the act pre-empt the principle of the presumption of innocence.</p>	<p>their rights during suspension period.</p> <p>2. In addition to enjoying the rights during suspension, we further propose that the due process of law should be followed.</p> <p>3. We propose the addition of a new subsection immediately after Section 19A(1) which has borrowed a leaf from the Legal Aid Act of 2017 the following minimum procedures should be followed:-</p> <ol style="list-style-type: none"> a. The Registrar should issue a default notice to the political party requiring the party to remedy the defect. b. Upon the receipt of the default notice, a political party shall make representation in writing to the registrar regarding the remedy or rectification of the default within twenty one days. c. Where the political party has failed to remedy or

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				<p>rectify the default within time specified in the default notice or has not made a representation satisfactory to the registrar, the registrar shall suspend a political party.</p> <p>d. Where the registrar suspend the registration of the political party, he shall.</p> <p>e. Notify the relevant political party in writing of the decision and order to stop its operation.</p> <p>f. Political party which is aggrieved by the decision of the registrar to suspend under this provision may apply for judicial review in the High court.</p>
28	<p>Amendment of section 21</p> <p>The principal Act is amended in section 21 by adding immediately after subsection (2) the following:</p>	<p>Section 21 is proposed to be amended with the view of restricting political party leaders from being members of the board of trustees of</p>	<p>This provision has unnecessary restriction who can be a member of the Board of Trustees</p>	<p>We propose that the composition of the board of trustees should be gender inclusive.</p> <p>We also propose the removal of restriction that a party leader should not be a member of the board of trustees. Since these are requirements</p>

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	“(3) A person shall not qualify to be a member of a Board of Trustees of a political party if that person is a party leader.”	a political party.		of different laws and restrictions. This sections shall be considered unconstituonal as it infringes the right to associate freely.
29	Amendment of section 21A The principal Act is amended by repealing section 21A.	The Bill also proposes to repeal section 21A.	This provision is fully endorsed. This provision is fully endorsed. We noted that the section intends to do away with the repetitive task of submitting to RITA documents which are already in possession of RITA.	We recommend the improvement of the text of objects and reasons to give concrete reasons why the section in the parent Act is being repealed.
30	Amendment of section 21B The principal Act is amended in section 21B- (a) in subsection (4) by deleting the word “provide” and	Section 21B is proposed to be amended to provide for funding of the Council.	This section is endorsed with proposed improvements.	We propose that improvement of Section 21B (5) by improving the sources of funds for the Council. The proposed funding sources draw inspiration from Section 50 of the Tanzania Teachers’ Professional Board Act:- 50. The sources of funds of the Board shall include- (a) such sums of money as may be

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	<p>substituting for it the word “be”</p> <p>(b) by adding immediately after subsection (4) the following:-</p> <p>“(5) The Council shall be financed from the Government budget or donor funds through the Government.”</p>			<p><i>appropriated by Parliament for the purpose of this Act;</i></p> <p><i>(b) fees and other charges payable under this Act;</i></p> <p><i>(c) such donations, grants and bequeaths as the Board may from time to time receive from stakeholders or organisations;</i></p> <p><i>(d) any funds or assets which may be vested in or accrued from other sources;</i></p> <p><i>(e) proceeds derived from sale of assets; and</i></p> <p><i>(f) any other sources of income identified by the Board and legally acquired.</i></p>
31	<p>Section 31: Amendment of section 21D (1)</p> <p>21D.-(1) Any office bearer who fails to comply with the directive or request of the Registrar made under this Act or submits a statement which is false in any material or particulars commits an offence.</p>	<p>This provision is endorsed.</p>		<p>No recommendation.</p>

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31	Section 31: Amendment of section 21D (2) (2) Without prejudice to any other penalty provided in this Act, a political party which makes a statement which is false in material particulars, commits an offence and is liable upon conviction to a fine not less ten million and not exceeding fifty million shillings.	The word “false statement” is too subjective. It can be used absurdly by the Registrar. The punishment is also so exorbitant.		We propose that the words “false statement” should be defined in the Act. Further, the punishment should be not less than one million and not more than five million.
31	Section 31: Amendment of section 21 D (3) (3) Any person who contravenes any provision of this Act to which no specific penalty is prescribed, shall be liable on conviction to a fine of not less than three million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than six	This provision seems to impose more penalties and sanctions.		We propose that the fine should not be less than five hundred thousands shillings and not more than 3m. Further, remove the punishment of imprisonment.

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	months but not exceeding one year or to both.			
31	Section 31: Amendment of section 21 D(4) Any political party which contravenes any provision of this Act to which no specific penalty is prescribed, shall be liable to a fine of not less than ten million shillings and not exceeding fifty million shillings or to suspension or to deregistration.	The punishment is too exorbitant compared to the offence.		Punishment should be penalty only and the same should be not less than one million and not exceeding five million.
31	Section 31: Amendment of section 21 E (1) 21E. -(1) Without prejudice to the generality of the power conferred by this Act, the Registrar may suspend any member of a political party who has contravened any provision of this Act from conducting political activities.	The powers of the Registrar are too much. Further the procedure for suspension is not well explained in the Act.		This provision should be deleted
31	Section 31: Amendment of	This provision is		No recommendation

SECTION IN THE BILL	THE PROPOSED BILL	OBJECTS AND REASONS	OUR OPINION	PROPOSAL/RECOMMENDATIONS
	<p>section 21 E (2) (2) Any party member who conducts party or political activities or participates in an election or causes any person to conduct party political activity or participate in an election during period of suspension of such party, commits an offence.</p>	<p>endorsed.</p>		
31	<p>Section 31: Amendment of section 21 E (3) (3) The Minister may make regulations prescribing procedures for suspension of members of political parties.”</p>	<p>The Minister may have conflict of interest because he/she can't be a member of all political parties let alone the fact that. the Minister is appointed by the President</p>		<p>Political Parties Council should make the Regulations in collaboration with the Minister.</p>
32	<p>Section 32 (a): Amendment of section 22 (2) (d) (a) by deleting the word “for” appearing at the beginning of paragraph</p>	<p>We endorse the provision.</p>		<p>No recommendation.</p>

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	(d) and substituting for it the following: “prescribing the manner of preparation of financial accounts and manner of”			
32	Section 32 (b): Amendment of section 22 (2) (g) in paragraph (g), by inserting the words “disbursed and” before the word “accounted”	We endorsed the provision.		No recommendation.
32	Section 32 (c): Amendment of section 22 (2) (j) (c) by inserting immediately after paragraph (j) the following: “(k) prescribing matters to be contained in party constitution;	We endorsed the provision.		No recommendation.
32	Section 32 (d) Amendment of section 22 (2) (k)	We endorsed the provision.		No recommendation.

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	(d) by renaming paragraph (k) as paragraph (l).			

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