

BUNGE LA TANZANIA

MAJADILIANO YA BUNGE

MKUTANO WA KUMI NA TISA

Kikao cha Thelathini na Moja – Tarehe 18 Mei, 2020

(Bunge Lilianza Saa Tatu Kamili Asubuhi)

D U A

Spika (Mhe. Job Y. Ndugai) Alisoma Dua

SPIKA: Waheshimiwa Wabunge, tukae.

Waheshimiwa Wabunge, tunaendelea na Mkutano wetu wa Kumi na Tisa, Kikao cha Thelathini na Moja. Mheshimiwa Waziri wa Nchi, Ofisi ya Waziri Mkuu na *Chief Whip* wa Serikali.

HOJA YA KUTENGUA KANUNI

WAZIRI WA NCHI, OFISI YA WAZIRI MKUU, SERA, BUNGE, KAZI, AJIRA, VIJANA NA WENYE ULEMAVU: Mheshimiwa Spika, naomba kutoa maelezo maelezo ya Hoja ya Kutengua Kanuni za Bunge chini ya Kanuni ya 153(1) ya Kanuni za Kudumu za Bunge, Toleo la mwaka 2016.

KWA KUWA Kanuni ya 99(3) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016 inaelekeza kuwa shughuli za bajeti zitapewa nafasi ya kwanza kabla ya shughuli nyingine yoyote na zitawekwa kwanza kwenye Orodha ya Shughuli za kikao kila siku hadi pale zitakapokuwa zimekamilika isipokuwa kama Bunge litaamua vinginevyo.

NA KWA KUWA kwa sasa Bunge limekwishakamalisha shughuli ya kuitisha bajeti za Wizara zote na kinachosubiriwa

ni kusomwa kwa Bajeti ya Serikali kwa mwaka wa fedha 2020/2021, shughuli ambayo inatarajiwa kufanyika tarehe 11 Juni, 2020 sambamba na kusomwa kwa bajeti za nchi ya Kenya na Uganda.

NA KWA KUWA Kamati ya Uongozi katika kikao chake cha tarehe ya leo (18 Mei, 2020) imepitisha shughuli nyingine ambazo Bunge inatakiwa kuzifanya kabla ya tarehe 11 Juni, 2020.

HIVYO BASI Bunge linaazimia kwamba Kanuni ya 99(3) itenguliwe ili kuruhusu Bunge liendelee na shughuli nyingine ambazo siyo za kibajeti kwa kadiri zitakavyokuwa zimepangwa kwenye ratiba kabla ya kusomwa kwa bajeti ya Serikali tarehe 11 Juni, 2020.

Mheshimiwa Spika, kwa heshima na taadhima naomba kutoa hoja. (*Makofii*)

WAZIRI WA FEDHA NA MIPANGO: Mheshimiwa Spika, naafiki.

SPIKA: Mheshimiwa Waziri wa Nchi, ahsante sana, hoja imetolewa na imeungwa mkono. Kwa kweli huo ndiyo uamuzi sasa ratiba yetu iweze ku-*accommodate* mabadiliko haya ili tuweze kwenda vizuri kama ilivyoshauriwa na Mheshimiwa Waziri wa Nchi. Tunakushukuru sana. Katibu.

NDG. RAMADHAN ISSA ABDALLAH - KATIBU MEZANI:

HATI ZA KUWASILISHA MEZANI

Hati zifuatazo ziliwasilishwa Mezani na:-

MWANASHERIA MKUU WA SERIKALI:

Maelezo ya Mwanasheria Mkuu wa Serikali kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa mwaka 2020 [*The Written Laws (Miscellaneous Amendments) Bill, 2020*].

**MHE. NAJMA MURTAZA GIGA - MAKAMU MWENYEKITI
WA KAMATI YA KUDUMU YA BUNGE YA KATIBA NA SHERIA:**

Maoni ya Kamati ya Kudumu ya Bunge ya Katiba na Sheria kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa mwaka 2020 [*The Written Laws (Miscellaneous Amendments) Bill, 2020*].

**MHE. SALOME W. MAKAMBA - MSEMADI MKUU WA
KAMBI RASMI YA UPINZANI BUNGENI WA WIZARA YA KATIBA
NA SHERIA:**

Maoni ya Kambi Rasmi ya Upinzani Bungeni kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa mwaka 2020 [*The Written Laws (Miscellaneous Amendments) Bill, 2020*].

SPIKA: Ahsante sana. Katibu.

MASWALI NA MAJIBU

(Maswali yafuatayo yameulizwa na kujibiwa kwa njia ya mtandao)

Na. 287

Waasisi wa Benki ya Walimu Waliostaafu

MHE. SILYVESTRY F. KOKA aliuliza:-

Walimu Waasisi wa Benki ya Walimu wamestaafu na kwa sasa hawapati fursa kwenye benki hiyo kwa sababu sio wanachama:-

Je, Serikali haioni haja ya kuwaunganisha walimu wastaafu kuwa wanachama wa benki hiyo ili iwasaidie?

**WAZIRI WA NCHI, OFISI YA RAIS, TAWALA ZA MIKOA
NA SERIKALI ZA MITAA** aliijibu:-

Mheshimiwa Spika, naomba kujibu swalii la Mheshimiwa Silvestry Francis Koka, Mbunge wa Kibaha Mjini, kama ifuatavyo:-

Mheshimiwa Spika, hadi kufikia Februari, 2015, Chama cha Walimu Tanzania kiliwanunulia wanachama wake wote waliokuwa kwenye Hati ya Malipo ya Serikali (*pay roll*) hisa zenyeh thamani ya shilingi milioni 50 sawa na hisa 100 kwa kila mwanachama. Hisa nyingine za Benki hiyo zinamilikiwa na kampuni tanzu ya Chama cha Walimu (*Teachers Development Company - TDC*) ambayo inamiliki asilimia tatu ya hisa kwa niaba ya walimu. Benki ya Walimu Tanzania inaendeshwa kwa mujibu wa taratibu za kibiashara na soko huria na inatoa fursa kwa waasisi amba ni wanahisa kuendelea kunufaika na huduma na faida zinazotokana na benki hiyo.

Na. 288

Zahanati ya Bossotu kuwa Kituo cha Afya -Hanang

MHE. ROSE K. SUKUM aliuliza:-

Zahanati ya Bossotu inahudumia wananchi zaidi ya 33,502 na ina majengo ya *OPD* na Wodi ya Wazazi lakini hajjawahi kupandishwa hadhi kuwa Kituo cha Afya licha ya kwamba imeanzishwa mwaka 1953.

Je, ni lini Serikali itaona umuhimu wa kuipandisha hadhi Zahanati ya Bossotu kuwa Kituo cha Afya?

WAZIRI WA NCHI, OFISI YA RAIS, TAWALA ZA MIKOZA NA SERIKALI ZA MITAA alijibu:-

Mheshimiwa pika, naomba kujibu swalii la Mheshimiwa Rose Kamili Sukum, Mbunge wa Viti Maalum, kama ifuatavyo:-

Mheshimiwa Spika, ili kuboresha huduma za afya Wilaya ya Hanang kuanzia mwaka wa fedha 2017/2018 hadi 2019/2020, Serikali imeipatia Halmashauri ya Wilaya ya

Hanang kiasi cha shilingi bilioni 1.3 kwa ajili ya ujenzi, ukarabati na upanuzi wa Vituo vya Afya Simbay, Hirbadaw na Mogitu.

Vilevile katika mwaka wa fedha 2020/2021, Halmashauri ya Wilaya ya Hanang imetengewa kiasi cha shilingi milioni 150 kwa ajili ya kukamilisha maboma matatu ya Zahanati za Endasaki, Bashang na Bossotu. Lengo la Serikali siyo kupandisha hadhi Zahanati kuwa Vituo vya Afya na Vituo vya Afya kuwa Hospitali za Halmashauri bali ni kuviwezesha vituo vya kutolea huduma za afya nchini kutoa huduma inayostahili.

Na. 289

Kusuasua kwa Miradi ya DMDP-Dar es Salaam

MHE. ABDALLAH A. MTOLEA aliuliza:-

Kumekuwa na kusuasua katika ujenzi wa baadhi ya miradi iliyo chini ya *DMDP* Mkoa wa Dar es Salaam:-

Je, ni lini sasa miradi hiyo itakamilika kwa asilimia mia moja na kama kuna mpango wa kuwepo kwa miradi ya *DMDP* awamu ya pilii?

WAZIRI WA NCHI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA alijibu:-

Mheshimiwa Spika, naomba kujibu swalii la Mheshimiwa Abdallah Ally Mtalea, Mbunge wa Temeke, kama ifuatavyo:-

Mheshimiwa Spika, tangu Mradi wa Uendelezaji wa Miundombinu ya Jiji la Dar es Salaam (*DMDP*) uanze kutekelezwa, jumla ya kilomita 187.59 za barabara zimejengwa kwa kiwango cha lami kwa gharama ya shilingi bilioni 357.26. Katika mwaka wa fedha 2020/2021, mradi wa *DMDP* umeidhinishiwa shilingi bilioni 186.8 kwa ajili ya kukamilisha ujenzi wa kilomita 70 za barabara za lami na kazi nyingine zilizobaki.

Na. 290

Watumishi Wanaojiendeleza Kielimu

MHE. MAGDALENA H. SAKAYA aliuliza:-

Serikali imekuwa ikitoa vibali kwa watumishi kwenda kujijendeleza kielimu ili kuongeza ujuzi na ufanisi katika kazi:-

(a) Je, kwa nini baadhi ya watumishi wanapojiendeleza wamekuwa hawapandishwi madaraja wala kuongezewa mshahara?

(b) Je, nini mkakati wa Serikali kuhakikisha watumishi wa umma wanapandishwa madaraja kuendana na Sheria ya Utumishi wa Umma?

WAZIRI WA NCHI, OFISI YA RAIS, MENEJIMENTI YA UTUMISHI WA UMMA NA UTAWALA BORA alijibu:-

Mheshimiwa Spika, napenda kujibu swalii la Mheshimiwa Magdalena Hamis Sakaya, Mbunge wa Kaliua lenye sehemu (a) na (b) kwa pamoja kama ifuatavyo:-

Mheshimiwa Spika, upandishaji wa madaraja hutegemea mtumishi kuwa na sifa za kumuundo, uwepo wa ikama na bajeti ya mshahara kwa ajili watumishi waliopanda madaraja na muda wa kutumikia cheo kimoja kabla ya kupanda cheo kingine.

Aidha, baadhi ya watumishi wanaojiendeleza kielimu wamekuwa hawapandishwi madaraja wala kuongezewa mshahara kutokana na kutozingatiwa kwa Mpango wa Mafunzo kwa Waajiri na Watumishi na wengine wamekuwa wakijiendeleza katika fani tofauti na majukumu wanayotekeleza hususani wanaojiendeleza na kupata Shahada za Uzamili.

Mheshimiwa Spika, watumishi wanaojiendeleza kielimu kwa kuzingatia Mpango wa Mafunzo wa Waajiri wao

wamekuwa wakipandishwa madaraja au kubadilishwa kada (*recategorization*). Vilevile, watumishi wanaojipatia sifa ya Stashahada ya Uzamili (*Postgraduate Diploma*), Shahada ya Uzamili (*Master Degree*) katika fani zao kwa mujibu wa masharti yaliyopo katika Miundo yao ya Utumishi wamekuwa wakipewa nyongeza mbili za mshahara.

Mheshimiwa Spika, napenda kuliarifu Bunge lako Tukufu kuwa kuanzia mwaka 2015 hadi sasa, jumla ya watumishi 11,640 waliojiendeleza kielimu katika fani mbalimbali na ambao waajiri wao waliwatengea nafasi zao katika ikama na bajeti kwa ajili ya kuwabdalisha kada walibadalishwa na mishahara yao iliidhinishwa ipasavyo.

Katika kuhakikisha kuwa watumishi wanapandishwa madaraja, Serikali imekuwa ikitoa miongozo ya kuandaa ikama na bajeti ya mshahara ambapo waajiri husitizwa kutenga bajeti ya mishahara kwa kuzingatia nafasi za ajira mpya, upandishaji vyeo, kubadilisha kada (*recategorization*) na uhamisho kwa mwaka husika wa fedha.

Na. 291

Kusajili Shule Shikizi – Jimbo la Iramba Mashariki

MHE. ALLAN J. KIULA aliuliza:-

Jimbo la Iramba Mashariki limeanzisha shule shikizi ili kuwasaidia watoto wanaoanza madarasa ya awali na wale wa madarasa ya chini kutotembea umbali mrefu kufuata huduma hiyo:-

Je, Serikali ipo tayari kutambua juhudhi hizo na kuzisajili shule hizo ikiwemo Iramba, Mnkola, Ilangida na Tanganyika?

WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA alijibu:-

Mheshimiwa Spika, napenda kujibu swalii la Mheshimiwa Allan Joseph Kiula, Mbunge wa Iramba Mashariki, kama ifuatavyo:-

Mheshimiwa Spika, Wizara ya Elimu, Sayansi na Teknolojia inatambua uwepo wa vituo shikizi na kwamba ni madarasa yanayoanzishwa chini ya shule mama katika maeneo yenye changamoto za kijiografia na wanafunzi kushindwa kufika kwa urahisi shule mama. Wanafunzi wanaohusika na utaratibu huo ni wa darasa la elimu ya awali hadi darasa la tatu. Madarasa hayo huhudumiwa na shule mama.

Mheshimiwa Spika, Serikali imekuwa ikiunga mkono juhudzi za wananchi katika uanzishwaji na uendelezwaji wa vituo shikizi hapa nchini ikiwemo wananchi wa Jimbo la Iramba Mashariki kwa kuvisajili vituo hivyo kuwa shule za msingi. Kwa mfano, katika mwaka wa fedha 2019/2020, Wizara ya Elimu, Sayansi na Teknolojia imesajili vituo shikizi 182 kuwa shule za msingi. Kati ya hivyo, vituo 2 (Mgolomboya na Ndurumo) viko Jimbo la Iramba Mashariki. Aidha, vituo shikizi vitaendelea kusajiliwa ili kuwa shule za msingi iwapo vitakidhi vigezo vyaa usajili.

Mheshimiwa Spika, hadi sasa Wizara ya Elimu, Sayansi na Teknolojia haijapokea maombi ya usajili wa vituo shikizi vyaa Iramba, Mnkola, Ilangida na Tanganyika. Nashauri Mkurugenzi wa Halmashauri ya Wilaya ya Mkalama na Wakurugenzi wengine wa Mamlaka za Serikali za Mitaa wenye vituo shikizi kuwasiliana na Wathibiti Ubora wa Shule katika maeneo yao ili vituo hivyo vikaguliwe kuona kama vimekidhi vigezo vyaa kusajiliwa kuwa shule kamili kisha taarifa iwasilishwe Wizarani kwa ajili ya usajili.

Na. 292

Mauzo ya Ng'ombe kwa Kilogram

MHE. SALOME W. MAKAMBA aliuliza:-

Kwa kuwa wafugaji huuza ng'ombe wao kwa kutumia kipimo cha kutazama kwa macho, hali ambayo husababisha wafugaji kupunjwa.

Je, Serikali ina mpango gani wa kuwasaidia wafugaji kuuza ng'ombe wao kwa kutumia kipimo cha kilogram?

WAZIRI WA MIFUGO NA UVUVI alijibu:-

Mheshimiwa Spika, naomba kujibu swalii la Mheshimiwa Salome Wycliffe Makamba, Viti Maalumu, kama ifuatavyo:-

Mheshimiwa Spika, ni kweli biashara ya mifugo hapa nchini imekuwa ikiendeshwa bila kutumia mizani, jambo ambalo haliweki usawa katika kupanga bei na kwa kiasi kikubwa mfugaji ndiye anayepunjwa. Bei ya mifugo inatakiwa kupangwa kwa kuzingatia ubora na uzito wa mnyama. Biashara haiko wazi na tatizo hilo limeongezwa na watu wa kati wasiokuwa waaminifu wenye lengo la kuwapunja wafugaji. Minada mingi ya upili ina mizani lakini wafanyabiashara hawaitumii kwa kisingizio kuwa mifugo inapungua uzito wakati wa kusafirishwa kutoka minada ya awali kwenda minada mingine hivyo kupungua thamani.

Mheshimiwa Spika, aidha, wafanyabiashara hao wanagomea matumizi ya mizani kwenye minada ya upili na mipakani kwa madai kuwa biashara kwenye minada ya awali haitumii mizani. Minada ya upili yenye mizani ni pamoja na Kizota, Pugu, Korogwe, Weruweru, Meserani na Igunga. Mingine ni Ipuli, Sekenke, Mhunze, Nyamatala na Longodo. Hata hivyo, mnada wa Longido unatumia mzani kwa mifugo inayosafirishwa nchi jirani ya Kenya.

Mheshimiwa Spika, Wizara imekuwa ikitoa mafunzo kwa wafanyabiashara kuhusu umuhimu wa kutumia uzito wa mnyama katika kupanga bei. Hivi karibuni, mafunzo hayo yametolewa kwa wafanyabiashara wa mifugo 79 katika mnada wa mpakani wa Longido uliopo kwenye mpaka wa Namanga na mafunzo kama hayo yataendelea kutolewa kwenye minada mingine.

Mheshimiwa Spika, Sheria ya Nyama Na. 10 ya Mwaka 2006 katika Kanuni yake ya mwaka 2011 ya Usanifu, Ujenzi na

Uendeshaji wa Masoko ya Mifugo inataka minada yote kutumia mizani. Aidha, Waraka wa Mheshimiwa Waziri wa Mifugo na Uvvi wa Mwaka 2010 unaelekeza blashara ya mifugo kuendeshwa kwa kuzingatia madaraja, uzito na ubora wa mfugo. Wizara inahimiza Ofisi ya Rais, Tawala za Mikoa na Serikali za Mitaa kuelekeza Wakurugenzi Watendaji wa Halmashauri kuhakikisha minada yao ya mifugo inakuwa na mizani na inatumika kwa mujibu wa sheria.

Na. 293

Soko la Uhakika la Zao la Zabibu-Dodoma

MHE. FELISTER A. BURA aliuliza:-

Zao la zabibu hulimwa Mkoani Dodoma pekee kwa gharama kubwa:-

Je, Serikali ina mkakati gani wa kuwatafutia soko la uhakika wakulima wa zao la zabibu?

WAZIRI WA KILIMO alijibu:-

Mheshimiwa Spika, napenda kujibu swali la Mheshimiwa Felister Aloyce Bura, Mbunge wa Viti Maalum, kama ifuatavyo:-

Mheshimiwa Spika, ni kweli kuwa zao la zabibu linazalishwa mkoani Dodoma pekee kwa sasa lakini bado kuna fursa nyingi za kuanzisha kilimo cha zabibu kwenye mikoa mingine ya Singida, Tabora, Mara, Manyara, Tanga, Iringa na Ruvuma. Msimu wa mwaka 2018/2019 jumla ya hekta 2,079 zililimwa mkoani Dodoma.

Aidha, uzalishaji wa zao hili umeendelea kuongezeka mwaka hadi mwaka kutoka tani 7,527 mwaka 2013/2014 hadi tani 16,139 mwaka 2018/2019 sawa na ongezeko la asilimia 114. Vilevile, Serikali imeendelea kutekeleza mikakati ya kuhamasisha wakulima kuongeza tija ya uzalishaji wa zao hilo kufikia angalau tani 15 kwa ekari kutoka tani 2.25 kwa ekari

zinazozalishwa sasa na lengo la uzalishaji ni kufikia tani 22,000 ifikapo mwaka 2024/2025.

Mheshimiwa Spika, Serikali imeendelea na jitihada za kutafuta soko la zabibu ndani na nje ya nchi kwa kuweka mazingira wezeshi ya uwekezaji wa viwanda vya mvinyo hapa nchini, kuhamasisha uundwaji wa vikundi na vyama vya ushirika vya wakulima wa zabibu kwa lengo la kuwaunganisha wakulima, wanunuzi, pamoja na wamiliki wa viwanda.

Mheshimiwa Spika, kwa msimu wa mwaka 2018/2019 jumla ya tani 11,552 ziliuzwa ambapo katи ya hizo, tani 7,551 ziliuzwa katika viwanda vya ndani vya kusindika mvinyo, tani 2,205 ziliuzwa kwa njia za rejareja na kiasi cha tani 1,796 ziliuzwa nchini Kenya. Aidha, bado kuna uhitaji mkubwa wa zabibu katika viwanda vya ndani vya kusindika zabibu pamoja na nchi jirani hususan nchi ya Kenya.

Mheshimiwa Spika, kwa upande wa masoko ya nje, Serikali itaendelea kusaidia upatikanaji wa masoko ya uhakika kutoka nchi za jirani na duniani kwa ujumla kwa kuendelea kuingia mikataba baina ya nchi na nchi (*Bilateral Agreement*) na mikataba mingine ya kibiashara pamoja na kuzitumia Balozi zetu katika kutafuta masoko ya zao la zabibu inayozalishwa hapa nchini.

Na. 294

Hitaji la Umeme Kata ya Makanya – Lushoto

MHE. SHAABANI O. SHEKILINDI aliuliza:-

Wananchi katika Jimbo la Lushoto wamekuwa na mwamko mkubwa mno wa kupata umeme, lakini Kata ya Makanya hakuna hata Kijiji kimoja kilichopata umeme:-

Je, ni lini Vijiji vya Kata ya Makanya vitapata umeme?

WAZIRI WA NISHATI alijibu:-

Mheshimiwa Spika, naomba kujibu swalii la Mheshimiwa Shaabani Omari Shekilindi, Mbunge wa Lushoto, kama ifuatavyo:-

Mheshimiwa Spika, vijiji vyote vya Kata ya Makanya ambavyo ni Kweulasi, Bombo, Mavului, Mdando, Mbwaya na Kwetango vitapelekewa umeme kupitia Mradi wa *REA* Awamu ya Tatu Mzunguko wa Pili unaotarajiwa kutekelezwa kuanzia mwezi Julai, 2020 na kukamilika Juni, 2021.

Mheshimiwa Spika, mradi wa kupeleka umeme Kata ya Makanya unahusisha ujenzi wa njia ya umeme msongo wa kilovoti 33 yenye urefu wa kilomita 30, ufungaji wa transfoma 13; pamoja na kuunganishia umeme wateja wa awali 754. Gharama ya mradi ni shilingi bilioni 2.718.

Na. 295

Matatizo ya Mawasiliano Mpakani mwa Msumbiji

MHE. JEROME D. BWANAUSI aliuliza:-

Kuna tatizo la mawasiliano ya simu katika maeneo ya mpakani mwa Tanzania na Msumbiji:-

(a) Je, ni lini Vijiji vya Nanyonyo, Chikolopolo, Mapili na Mnaviva vitajengewa minara?

(b) Je, ni lini mkandarasi aliyepewa jukumu la kujenga minara ya Sindano na Lipumburu atakamilisha ujenzi?

WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO alijibu:-

Mheshimiwa Spika, napenda kujibu swalii la Mheshimiwa Jerome Dismas Bwanausi, Mbunge wa Lulindi kama ifuatavyo:-

(a) Mheshimiwa Spika, Serikali inaendelea kutekeleza miradi mbalimbali ya kufikisha huduma za mawasiliano nchi

nzima kupitia Mfuko wa Mawasiliano kwa Wote kwa kushirikiana na watoa huduma. Serikali kupitia Mfuko wa Mawasiliano kwa Wote ilitangaza zabuni ya awamu ya nne tarehe 18 Julai 2019 ambapo Kata ya Chikolopola ikijumuisha vijihi ya Chikolopora, Mapili, Mkachima, Mkaliwata na Namyomyo ilikuwemo kwenye zabuni hiyo lakini haikufanikiwa kupata mtoe huduma. Hivyo, itaingizwa katika orodha ya miradi ya Mfuko inayosubiri kutekelezwa kulingana na upatikanaji wa fedha za ruzuku katika mwaka wa fedha 2019/2020.

(b) Mheshimiwa Spika, Serikali kupitia Mfuko wa Mawasiliano kwa Wote imeendelea kutekeleza miradi mbalimbali ya kufikisha huduma za mawasiliano nchi nzima kwa kushirikiana na watoa huduma. Serikali kupitia Mfuko wa Mawasiliano kwa Wote iliingia makubaliano na kampuni ya *TTCL* katika Mradi wa awamu ya kwanza kufikisha mawasiliano katika Kata ya Lipumburu. Hata hivyo, kutohana na changamoto ya vijihi vyote kutofikiwa na mtandao iliyochangiwa na ukubwa wa Kata na topolojia, Serikali kupitia Mfuko wa Mawasiliano kwa Wote iliingia makubaliano mengine na Shirika la Mawasiliano Tanzania (*TTCL*) katika zabuni ya awamu ya tatu, zoezi la kusaini mkataba limeshafanyika na fedha za awali zimekwishatolewa kwa mtoe huduma ambapo kwa sasa anaendelea na taratibu za ujenzi wa mnara huo ili kukamilisha mradi.

Mheshimiwa Spika, kwa upande wa Kata ya Sindano, Serikali kupitia Mfuko wa Mawasiliano kwa Wote iliingia makubaliano na Kampuni ya Tigo katika mradi wa awamu ya tatu ambapo zabuni yake ilitangazwa tarehe 5 Juni, 2018. Mtoe huduma Tigo ameshakamilisha ujenzi wa mnara huo katika Kata ya Sindano mwishoni mwa mwaka 2019.

Na. 296

Leseni kwa Ajili ya Vikundi vya Uchimbaji wa Dhahabu Mbogwe

MHE. AUGUSTINO M. MASELE aliuliza:-

Wilaya ya Mbogwe ina madini ya dhahabu katika maeneo mbalimbali na kuna vikundi vya wachimbaji vimeundwa ili kuchimba dhahabu:-

Je, Serikali itatoa leseni za kuchimba dhahabu kwa vikundi vya wachimbaji Wilayani Mbogwe?

WAZIRI WA MADINI alijibu:-

Mheshimiwa Spika, napenda kujibu swalii la Mheshimiwa Augustino Manyanda Masele, Mbunge wa Mbogwe, kama ifuatavyo:-

Mheshimiwa Spika, Serikali kuititia Wizara ya Madini imekuwa ikitenga maeneo maalum kwa ajili ya uchimbaji mdogo wa madini, ambapo jumla ya maeneo 46 katika sehemu mbalimbali nchini yenye ukubwa wa hekta 281,533.69 yametengwa.

Mheshimiwa Spika, katika Wilaya ya Mbogwe, Mkoani Geita maeneo mawili yenye ukubwa wa hekta 547.87 yamekwishatengwa kwa ajili ya uchimbaji mdogo wa madini ambapo vikundi viwili vya Wigunanh Group na Hekima Group vimekwishapatiwa leseni na vikundi vingine viwili vya Isanjabadungu na *Numbagintale Gold Mining Cooperate Union* vimekwishawasilisha maombi ya leseni za uchimbaji katika maeneo hayo na watapatiwa leseni pindi taratibu za kisheria zitakapokamilika hivi karibuni. Maeneo mengine ya Wilayani Mbogwe na nchini kwa ujumla yataendelea kutengwa kama ilivyoainishwa katika kifungu cha 16 cha Sheria ya Madini ya mwaka 2010, Sura ya 123.

Mheshimiwa Spika, aidha, Wizara kwa kutumia taasisi zake za *GSTM* na *STAMICO* itaendelea kufanya utafiti ili kubaini uwepo wa mashapo ya madini katika maeneo mbalimbali nchini na kuyatenga kwa ajili ya uchimbaji mdogo wa madini. Hii itawezesha wachimbaji wadogo wa madini kufanya uchimbaji wa madini wenye tija.

SPIKA: Katibu.

NDG. RAMADHAN ISSA ABDALLAH – KATIBU MEZANI:

MISWADA YA SHERIA YA SERIKALI

**Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali
wa Mwaka 2020 [*The Written Laws (Miscellaneous
Amendments) Bill, 2020*]**

(Kusomwa Mara ya Pili)

SPIKA: Ahsante sana. Sasa naomba nimkaribishe Mheshimiwa Mwanasheria Mkuu wa Serikali ili kuweza kuwasilisha hoja yake.

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Spika, kwa unyenyekevu mkubwa na kwa kuzingatia masharti ya Kanuni ya 86 ya Kanuni za Kudumu za Bunge, Toleo la Mwaka 2016, naomba kutoa hoja kwamba Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa mwaka 2020 [*The Written Laws (Miscellaneous Amendments) Bill, 2020*] kama unavyopendekezwa kurekebishwa kwa mujibu wa Jedwali la Marekebisho sasa Usomwe Mara ya Pili na Bunge lako Tukufu lijadili na hatimaye lipitishe Muswada huu kuwa sehemu ya sheria za nchi.

Mheshimiwa Spika, awali ya yote, napenda kutumia fursa hii kumshukuru Mwenyenzi Mungu, mwingi wa rehema, kwa kutujalia uzima, afya njema na kutuwezesha kushiriki katika Mkutano huu wa Bunge la Bajeti. Aidha, kufuatia vifo vya Waheshimwa Dkt. Getrude Pangalile Rwakatare aliyekuwa Mbunge wa Viti Maalum kilichotokea Aprili, 2020, Mheshimiwa Richard Mganga Ndassa aliyekuwa Mbunge wa Sumve kilichotokea mwezi Aprili na Mheshimiwa Balozi Dkt. Augustine Philip Mahiga aliyekuwa Mbunge na Waziri wa Katiba na Sheria kilichotokea tarehe 1 Mei, 2020, naungana na Waheshimiwa Wabunge wenzangu katika kutoa pole kwako wewe binafsi Mheshimiwa Spika, Bunge lako Tukufu, familia za marehemu, ndugu, jamaa na wananchi walioguswa na misiba hiyo. Tunawaombea marehemu wote

kwa Mwenyezi Mungu azilaze roho zao mahala pema peponi, Amina.

Mheshimiwa Spika, vilevile, natoa pole kwa wananchi wote walioathiriwa kwa namna moja ama nyingine na majanga yaliyotokea katika maeneo mbalimbali nchini hususan mafuriko na mlipuko wa ugonjwa wa homa ya mapafu unaosababishwa na virusi aina ya *Corona (COVID-19)*.

Mheshimiwa Spika, kwa namna ya kipekee, napenda nitumie nafasi hii kumpongeza Mheshimiwa Dkt. John Pombe Joseph Magufuli, Rais wa Jamhuri ya Muungano wa Tanzania kwa kuendelea kuongoza nchi kwa malengo, ujasiri na uzalendo wa hali ya juu. Nawashauri Watanzania wote tuendelee kumuunga mkono na pia kumuombea kwa Mwenyezi Mungu. (*Makofî*)

Mheshimiwa Spika, aidha, nawapongeza pia Mheshimiwa Samia Suluhu Hassan, Makamu wa Rais wa Jamhuri ya Muungano wa Tanzania, Mheshimiwa Dkt. Ally Mohamed Shein, Rais wa Zanzibar na Mwenyekiti wa Baraza la Mapinduzi na Mheshimiwa Kassim Majaliwa Majaliwa, Waziri Mkuu wa Jamhuri ya Muungano wa Tanzania na Mawaziri wote kwa kazi kubwa wanayoifanya katika kuwaletea maendeleo Watanzania wote katika Jamhuri ya Muungano wa Tanzania. (*Makofî*)

Mheshimiwa Spika, napenda pia kukupongeza wewe binafsi pamoja na Naibu Spika, Mheshimiwa Dkt. Tulia Ackson Mwansasu kwa kuongoza na kusimamia kwa umahiri shughuli za Bunge letu. Vilevile nawapongeza Wenyevitî wote wa Bunge ambao kwa nyakati tofauti wamekuwa wakisimamia na kuongoza shughuli za Bunge kwa ufanisi. Tunawaombea Mwenyenzi Mungu aendelee kuwajalia afya njema na hekima katika kuwatumikia wananchi. (*Makofî*)

Mheshimiwa Spika, napenda kumpongeza Mheshimiwa Dkt. Mwigulu Lameck Nchemba, Mbunge wa

Irama Magharibi kwa kuteuliwa kuwa Waziri wa Katiba na Sheria. Namtakia kheri katika utekelezaji wa majukumu yake.

Mheshimiwa Spika, nawapongeza pia watumishi wote wa Ofisi ya Mwanasheria Mkuu wa Serikali wakiongozwa na Naibu Mwanasheria Mkuu wa Serikali, Dkt. Evaristo Emanuel Longopa, kwa kuendelea kutekeleza vyema majukumu na kazi za Ofisi ya Mwanasheria Mkuu wa Serikali, ikiwemo kuandaa Muswada huu ambao ulisimamiwa kwa karibu na Bwana Onorius Njole, Mwandishi Mkuu wa Sheria. Tunatambua na tutaendelea kuhakikisha kuwa tunatekeleza majukumu yetu kwa weledi, ufanisi na kwa kuweka mbele maslahi ya nchi yetu. (*Makof*)

Mheshimiwa Spika, kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa Mwaka 2020 [*The Written Laws (Miscellaneous Amendments) Bill, 2020*] ambao uko mbele ya Bunge lako Tukufu, napenda sana kuishukuru Kamati ya Kudumu ya Bunge ya Katiba na Sheria inayoongozwa na Mwenyekiti wake Mheshimiwa Mohamed Omari Mchengerwa (Mbunge wa Rufiji) na Makamu Mwenyekiti, wake Mheshimiwa Najma Murtaza Giga (Mbunge wa Viti Maalum) kwa ushirikiano na ushauri waliotupatia wakati wa kupitia Muswada huu mbele ya Kamati hiyo. Kamati hii ilifanya kazi kubwa na nzuri ya kuchambua Muswada huu kwa makini na kusikiliza na kuchambua maoni yaliyowasilishwa na wadau mbalimbali walioitwa mbele ya Kamati hiyo na kuishauri Serikali kuboresha Muswada huu. Serikali imezingatia ushauri wa Kamati na imeleta Jedwali la Marekebisho kwa kuzingatia ipasavyo ushauri huo muhimu. (*Makof*)

Mheshimiwa Spika, Muswada huu unapendekeza kufanya marekebisho katika sheria mbalimbali kumi na nne (14) kama ifuatavyo:-

1. Sheria ya Mawakili (Sura ya 341);
2. Sheria ya Mfuko wa Pembejeo (Sura ya 40);
3. Sheria ya Umeme (Sura ya 131);
4. Sheria ya Mbolea (Sura ya 378);

5. Sheria ya Misitu (Sura ya 323);
6. Sheria ya Nyanda za Malisho na Rasilimali ya Vyakula vya Mifugo (Sura ya 180);
7. Sheria ya Tafsiri ya Sheria (Sura ya 1);
8. Sheria ya Taasisi za Kazi (Sura ya 300);
9. Sheria ya Ulinzi wa Taifa (Sura ya 192);
10. Sheria ya Hifadhi za Taifa (Sura ya 282);
11. Sheria ya Hifadhi ya Eneo la Ngorongoro (Sura ya 284);
12. Sheria ya Mbegu (Sura ya 308);
13. Sheria ya Tasnia ya Sukari (Sura ya 251); na
14. Sheria ya Uhifadhi wa Wanyamapori (Sura ya 283).

Mheshimiwa Spika, Muswada huu umegawanyika katika Sehemu Kumi na Tano. Sehemu ya Kwanza inaweka masharti ya awali ikijumuisha jina la Muswada na masuala ya utangulizi.

Mheshimiwa Spika, Sehemu ya Pili ya Muswada inapendekeza kurekebisha Sheria ya Mawakili, Sura ya 341, kwa kuongeza kifungu kipycha cha 3A ili kuondoa uwezekano wa mgongano wa maslahi unaoweza kujitokeza kwa mawakili wanaoteuliwa katika nafasi za uandamizi katika utumishi wa umma. Hivyo, inapendekezwa kuwa wanaoteuliwa wasifanye kazi za uwakili wa kujitegemea wakiwa katika nafasi hizo.

Mheshimiwa Spika, aidha, inapendekezwa kuwa, katika kipindi chote cha utumishi wao, viongozi hao pamoja na mawakili wote wa Serikali wasilipe ada za uanachama za kila mwaka na malipo mengine yanayolipwa na mawakili chini ya sheria hii kwa kuwa katika kipindi hicho chote hawatakuwa wanajishughulisha na kazi za uwakili wa kujitegemea.

Mheshimiwa Spika, Sehemu ya Tatu ya Muswada inapendekeza kurekebisha Sheria ya Mfuko wa Pembejeo, Sura ya 401 ambapo katika kifungu cha (2), inapendekezwa kuongeza tafsiri ya msamiati "*agricultural machinery*" ndani ya sheria hiyo kwa lengo la kutoa tafsiri pana ya msamiati huo kujumuisha nyenzo zote muhimu zilizokusudiwa na sheria.

Mheshimiwa Spika, Sehemu ya Nne ya Muswada inapendekeza marekebisho katika Sheria ya Umeme, Sura ya 131, ambapo katika kifungu cha 3 tafsiri ya misamiati "licensee" na "supply" inarekeblishwa kwa lengo la kuboresha tafsiri ya misamiati hiyo na pia kuongeza tafsiri ya misamiati mingine ambayo kwa sasa hajatafsirwa katika sheria.

Mheshimiwa Spika, kifungu kipyta cha 4A kinapendekezwa kuongezwa ili kuainisha nafasi ya Kamishna wa Masuala ya Umeme na kuainisha mamlaka na majukumu yake. Lengo la marekebisho haya ni kutambua kisheria nafasi na majukumu ya Kamishna wa Masuala ya Umeme kama iliyyo kwa Makamishna wengine wa mafuta na madini na ambao nafasi na majukumu yao yametambuliwa kwenye sheria za tasnia zao.

Mheshimiwa Spika, kifungu cha 6 kinarekeblishwa ili kuondolea *EWURA* jukumu la kushughulikia upatikanaji wa ardhi kwa kuwa zipo mamlaka zenyet jukumu hilo kisheria. Inapendekezwa pia kuainisha ukomo wa muda ambao mtu atapaswa kukata rufaa kwenye Baraza Huru la Ushindani. Kifungu kipyta cha 14A kinapendekezwa kuongezwa kwa lengo la kumpa wajibu mtoa huduma kuondoa mitambo na miundombinu ya umeme baada ya muda wa mkataba kuisha.

Mheshimiwa Spika, kifungu cha 28 kifungu kidogo cha (8) kinarekeblishwa kwa lengo la kuwezesha mteja kurudishiwa gharama na mtoa huduma ambazo mteja amegharamia wakati wa kuunganishiwa umeme. Aidha, kifungu cha 35 kinarekeblishwa kwa lengo la kuondoa kutoka kwa *EWURA* kwenda kwa mtoa huduma jukumu la kutafuta ardhi kwa ajili ya kuweka njia ya kupitishia miundombinu ya umeme kwa kuwa kimsingi hilo ni jukumu la mtoa huduma. Kifungu kipyta cha 48A kinaongezwa kwa lengo la kubainisha adhabu ya jumla kwa makosa ambayo adhabu yake haikuainishwa mahsusii katika sheria.

Mheshimiwa Spika, Sehemu ya Tano ya Muswada inapendekeza marekebisho katika Sheria ya Mbolea, Sura

ya 378. Kifungu cha 4 kinarekebishwa ili kupanua wigo wa majukumu ya Mamlaka ya Udhibiti wa Mbolea Tanzania pamoja na kuainisha mfumo bora wa uingizaji mbolea nchini na usafirishaji mbolea nje ya nchi. Lengo la marekebiso haya ni kuboresha usimamizi na udhibiti wa mbolea inayoingizwa nchini au kusafirishwa nje ya nchi.

Mheshimiwa Spika, kifungu cha 5 kinarekebishwa ili kuweka rejea sahihi ya chombo kilichoanzishwa na sheria hii. Chombo kilichoanzishwa chini ya sheria hii ni Mamlaka na si Wakala kama inavyosomeka katika kifungu hicho.

Mheshimiwa Spika, kifungu cha 13 kinapendekezwa kurekebishwa ili kuwataka waombaji wa leseni kutoa taarifa za maeneo ambayo biashara ya mbolea itafanywa au taarifa nyingine yoyote ambayo itahitajika na Mamlaka. Lengo la marekebiso hayo ni kuiwezesha Mamlaka kudhibiti na kuwasimamia watu wote wanaofanya shughuli za mbolea.

Mheshimiwa Spika, Sehemu ya Sita ya Muswada inapendekeza kufanya marekebiso katika Sheria ya Misitu, Sura ya 323. Kifungu cha 2 kinarekebishwa kwa kuongeza tafsiri ya misamiati mbalimbali ambayo imeonekana ni muhimu kutafsiriwa ndani ya sheria hii. Inapendekezwa pia kuongeza kifungu kipyra cha 95A ili kutambua masharti ya vifungu vya 10, 11 na 12 vya Sheria ya Uhifadhi wa Wanyamapor, Sura ya 283 kuhusu uanzishwaji wa Jeshi Usu. Aidha, mapendekezo haya pia yamekusudia kuwatambua watumishi wa Wakala wa Misitu Tanzania kama sehemu ya Jeshi Usu. Marekebiso haya yanalenga kuzingatia uanzishwaji wa Jeshi Usu chini ya Sheria ya Uhifadhi wa Wanyamapor.

Mheshimiwa Spika, Sehemu ya Saba ya Muswada inapendekeza kufanya marekebiso katika Sheria ya Nyanda za Malisho na Rasilimali ya Vyakula vya Mifugo, Sura ya 180. Kifungu cha 3 kinarekebishwa kwa kuboresha misamiati iliyopo na kuongeza misamiati mipya ili kuweka maana iliyokusudiwa kwa masharti mbalimbali ya sheria.

Mheshimiwa Spika, kifungu cha 4 kinapendekezwa kurekebishwa kwa kuongeza kifungu kidogo cha (4) kwa lengo la kulipa Baraza mamlaka ya kuchagua mwakilishi kutoka sekta mbalimbali. Aidha, katika kifungu kidogo cha (5) inapendekezwa kufuta maneno "of Grazing land" (nyanda za malisho) kwa kuwa maneno hayo yametafsiriwa ndani ya sheria.

Mheshimiwa Spika, kifungu cha 5 kinarekebishwa katika kifungu kidogo cha (2) kwa kuongeza aya ya (e) ili kulipa Baraza jukumu la kusimamia na kudhibiti nyanda za malisho, rasilimali ya vyakula vya mifugo na biashara. Vilevile, Sheria inarekebishwa katika vifungu vya 7, 8, 8A, 9, 14 na 20 kuhusu uteuzi, majukumu na mamlaka mbalimbali ya wakaguzi wa rasilimali za malisho ya mifugo na wakaguzi wa nyanda za malisho kwa lengo la kuboresha ukaguzi na usimamizi wa utii wa sheria.

Mheshimiwa Spika, aidha, sheria inarekebishwa katika vifungu vya 30, 33, 34 na 39 kwa kuongeza adhabu mbalimbali katika sheria hii ili kudhibiti utendaji wa makosa mbalimbali yenye athari kubwa kwa mifugo, binadamu, biashara na mazingira. Kifungu cha 38 kinarekebishwa katika aya ya (d) ili kujumuisha vyama vya ushirika katika Rejesta ya Taifa inayotunzwa na Mkurugenzi chini ya sheria hii.

Mheshimiwa Spika, sheria inarekebishwa kwa kuongeza kifungu kipy Cha 38A kwa lengo la kuweka usimamizi bora wa nyanda za malisho, kinga na udhibiti wa migogoro ya ardhi na udhibiti wa uingizwaji wa mifugo toka nje ya Tanzania Bara kwa madhumuni ya kuhifadhi nyanda za malisho. Kifungu kipy Cha 38B kinaongezwa ili kuweka masharti ya kufilisha makosa kwa lengo la kukuza utii wa sheria na kuokoa muda na gharama zinazohusiana na uendeshaji wa mashauri Mahakamani.

Mheshimiwa Spika, Kifungu cha 38C kinapendekezwa kuongezwa kwa lengo la kuzuia kulisha mifugo katika maeneo yaliyotengwa ambapo litakuwa ni kosa la jinai na kuweka adhabu kwa ukiukwaji wa kifungu hicho. Marekebisho

yanapendekezwa katika kifungu cha 44(d) ili kupanua wigo wa maeneo ambayo Waziri anaweza kuyatengenezea kanuni. Vilevile, inapendekezwa kurekebisha Jedwali la Pili la Sheria kwa lengo la kudhibiti virutubisho hatarishi (*hazardous ingredients*) katika uchakataji wa vyakula vya mifugo. Marekebisheso ya mwisho katika sheria hiyo yanapendekezwa kufanyika katika Jedwali la Tatu katika maelezo yanayofuata katika sehemu "M" inayohusu "*FEED ADDITIVES*", na pia kurekebisha sehemu "P" kwa lengo la kuhuisha na kuboresha orodha iliyopo katika Jedwali hilo.

Mheshimiwa Spika, Sehemu ya Nane ya Muswada inapendekeza kurekebisha Sheria ya Tafsiri ya Sheria, Sura ya 1 ambapo kifungu cha 54 kinafanyiwa marekebisheso ya kiuandishi kwa lengo la kujumuisha katika masharti ya kifungu hicho vyombo vingine viliviyotajwa katika kifungu kidogo cha (1) tofauti na bodi.

Mheshimiwa Spika, Sehemu ya Tisa ya Muswada inapendekeza kurekebisha Sheria ya Taasisi za Kazi, Sura ya 300 ambapo kifungu cha 50 kinarekebisheswa na kifungu cha 54 kinafutwa na kuandikwa upya ili kuweka masharti yanayohusu Naibu Wasajili. Marekebisheso haya yanalenga kuhakikisha kuwa Naibu Wasajili wanajumuishwa katika Muundo wa Mahakama na kuwawezesha kutekeleza majukumu yao ipasavyo.

Mheshimiwa Spika, Sehemu ya Kumi ya Muswada inapendekeza kurekebisha Sheria ya Ulinzi wa Taifa, Sura ya 192. Inapendekezwa kutambua katika sheria Kamati ya Mipango na Utekelezaji ambayo ni moja ya vyombo vya juu vya utekelezaji wa shughuli za majeshi. Lengo la marekebisheso haya ni kuipa Kamati hiyo nguvu ya kisheria. Hivyo, inapendekezwa kuongeza kifungu kipyaa cha 7A kinachohusu uanzishwaji, majukumu na mamlaka ya Kamati ya Mipango na Utekelezaji. Kutokana na mabadiliko haya, inapendekezwa Kamati ya Ulinzi ambayo imeanzishwa kwa mujibu wa Sheria hiyo ibadilishwe na kuwa Baraza la Ulinzi ambalo litakuwa chombo cha juu kabisa katika masuala ya Jeshi la Wananchi.

Mheshimiwa Spika, Sehemu ya Kumi na Moja ya Muswada inapendekeza marekebisho katika Sheria ya Hifadhi za Taifa, Sura ya 282. Kifungu cha 2 kinarekeblishwa kwa kuongeza tafsiri ya misamiati mbalimbali ambayo imeonekana ni muhimu ikatafsiriwa ndani ya sheria hii. Inapendekezwa kufuta na kuandika upya kifungu cha 31 ili kutambua masharti ya vifungu vya 10, 11 na 12 vya Sheria ya Uhifadhi wa Wanyamapor, Sura 283 kuhusu uanzishwaji wa Jeshi Usu. Aidha, mapendekezo haya pia yanakusudia kuwatambua watumishi wa Mamlaka ya Hifadhi za Taifa Tanzania (*TANAPA*) kama sehemu ya Jeshi Usu.

Mheshimiwa Spika, Sehemu ya Kumi na Mbili ya Muswada inapendekeza marekebisho katika Sheria ya Hifadhi ya Eneo la Ngorongoro, Sura ya 284, ambapo kifungu cha 2 kinapendekezwa kurekeblishwa kwa kuongeza tafsiri ya misamiati mbalimbali ambayo imeonekana ni muhimu kutafsiriwa ndani ya sheria. Aidha, inapendekezwa pia kuongeza kifungu kipyta cha 42A ili kutambua masharti ya vifungu vya 10, 11 na 12 vya Sheria ya Uhifadhi wa Wanyamapor, Sura ya 283 kuhusu uanzishwaji wa Jeshi Usu. Aidha, mapendekezo haya pia yamekusudia kuwatambua watumishi wa Mamlaka ya Hifadhi ya Eneo la Ngorongoro kama sehemu ya Jeshi Usu. Marekebisho haya yamelenga kuzingatia uanzishwaji wa Jeshi Usu chini ya Sheria ya Uhifadhi wa Wanyamapor.

Mheshimiwa Spika, Sehemu ya Kumi na Tatu ya Muswada inapendekeza marekebisho katika Sheria ya Mbegu, Sura ya 308. Kifungu kipyta cha 24A kinapendekezwa kuongezwa katika sheria hiyo ili kutambua taasisi za kuthibitisha ubora wa mbegu zilizoanzishwa nje ya Tanzania. Lengo la marekebisho haya ni kuhakikisha kuwa mbegu ambazo ubora wake umethibitishwa katika nchi zingine zinatambuliwa nchini Tanzania.

Mheshimiwa Spika, kifungu cha 26 kinapendekezwa kurekeblishwa ili kuongeza adhabu ya jumla kwa makosa mbalimbali chini ya sheria hiyo. Marekebisho haya yamelenga kuhakikisha kuwa masharti ya sheria

yanazingatiwa. Aidha, kifungu kipyaa cha 32A kinapendekezwa kuongezwa ili kumwezesha "Chief Seed Certification Officer" kufifilisha makosa. Kifungu cha 33 cha sheria kinarekebishwa ili kujumuisha daraja la awali la mbegu mionganoni mwa madaraja mbalimbali ya mbegu yaliyoainishwa katika kifungu hicho.

Mheshimiwa Spika, Sehemu ya Kumi na Nne ya Muswada inapendekeza kurekebisha Sheria ya Tasnia ya Sukari, Sura ya 251, ambapo kifungu cha 2 kinarekebishwa ili kuboresha tafsiri ya misamiati mbalimbali iliyotumika ndani ya sheria hiyo na kuongeza tafsiri ya misamiati mingine ambayo imeonekana ni muhimu kutafsiriwa. Lengo la marekebiso haya ni kuhakikisha kuwa tafsiri za misamiati zinaelewaka vizuri na kuondoa mkanganyiko wa maana unaoweza kujitokeza. Kifungu cha 4 kinarekebishwa ili kujumuisha wasambazaji wa sukari mionganoni mwa watu wanaotakiwa kusajiliwa ama kupewa leseni na Bodi chini ya sheria hiyo. Marekebiso haya yana lengo la kuhakikisha kuwa Bodi inasimamia watu wake wote wanaofanya shughuli zinazohusiana na sukari.

Mheshimiwa Spika, kifungu cha 6 kinapendekezwa kurekebisha katika kifungu kidogo cha (4) kwa kufuta neno "Baraza" na badala yake kutumia neno "Taasisi". Marekebiso haya yanapendekezwa kwa kuwa Taasisi ndiyo yenye jukumu la kutoa mafunzo ya masuala mbalimbali ya uendelezaji wa tasnia ya sukari na si Baraza kama inavyosomeka katika kifungu hicho. Kifungu cha 9 kinarekebisha ili kuhakikisha kuwa majukumu mahsusii ya mamlaka nydingine yanatekelezwa na mamlaka husika. Kwa sasa, kifungu kinampa Mkurugenzi mamlaka ya kuidhinisha uingizaji mbegu za miwa nchini wakati "TOSCI" ndiyo chombo mahsusii chenye mamlaka ya kudhibiti masuala yote yanayohusu mbegu nchini.

Mheshimiwa Spika, kifungu cha 11A kinapendekezwa kufanyiwa marekebiso ili kupanua wigo wa ushiriki wa wadau katika kupanga bei elekezi za miwa. Marekebiso yanayopendekezwa yanalenga kuhakikisha kuwa wakulima

na wazalishaji wa miwa wanashiriki ipasavyo katika mchakato wa kubaini gharama ya uzalishaji ambayo itakuwa kigezo cha kufikia bei elekezi. Kifungu kipyta cha 11B kinapendekezwa kuongezwa ili kuweka masharti ya usajili wa wazalishaji wa sukari ambacho ni moja kati ya vigezo vya kupata leseni ya kuzalisha sukari. Marekebisho haya pia yamekusudia kuainisha vigezo vitakavyozingatiwa katika kusajili kiwanda kipyta cha uzalishaji ili kuhakikisha kuwa shughuli za kiwanda kilichopo haziathiriwi na kiwanda kipyta. Aidha, inapendekezwa kurekebisha kifungu cha 14 ili kuwapa wazalishaji wa sukari (*sugar manufacturers*) jukumu la uingizaji sukari kwa matumizi ya kawaida. Lengo la marekebisho haya ni kuongeza uwazi katika uingizaji wa sukari kwa matumizi ya kawaida.

Mheshimiwa Spika, kifungu cha 16 kinafutwa na kuandikwa upya kwa lengo la kukiboresha na kubainisha adhabu kwa makosa ya kuingiza na kutoa sukari nchini bila ya kuwa na leseni iliyotolewa kwa mujibu wa sheria. Kifungu kipyta cha 16A kinaongezwa kwa lengo la kuitaka Bodi ya Sukari kusaini mkataba wa utekelezaji na kila mzalishaji wa sukari ili kuhakikisha maendeleo endelevu na kupanua uzalishaji wa sukari. Sambamba na marekebisho haya, kifungu cha 17A kinarekebishiwa ili kiweze kuendana na masharti ya kifungu kipyta cha 16A.

Mheshimiwa Spika, kifungu 29 kinarekebishiwa kwa lengo la kufafanua mamlaka ya Waziri kutengeneza kanuni. Kulingana na marekebisho haya, Waziri atatengeneza kanuni baada ya kushauriana na Bodi na siyo baada ya kupokea mapendekezo ya Bodi. Aidha, marekebisho mengine katika kifungu hiki yanalenga kuweka masharti kwa Waziri kutengeneza kanuni kwa kuzingatia masharti ya sheria. Kifungu kipyta cha 34B kinaongezwa kwa lengo la kuweka masharti ya ufungashaji (*repackaging*) wa sukari kufanywa na wazalishaji peke yao. Aidha, kifungu hiki kinazuia ufungashaji wa sukari kwa lengo la kubadili jina halisi.

Mheshimiwa Spika, marekebisho yanapendekezwa pia katika kifungu cha 35 ili kuongeza adhabu kwa makosa

chini ya sheria hiyo. Marekebisho haya yanalenga kuhakikisha kuwa sheria zinazingatiwa. Mwisho, kifungu kipyga cha 35A kinapendekezwa kuongezwa ili kuiwezesha Bodi kufifilisha makosa chini ya sheria hiyo kwa lengo la kupunguza mlundikano wa kesi Mahakamani na kuokoa muda na gharama zinazoambatana na uendeshaji wa kesi Mahakamani.

Sehemu ya Kumi na Tano ya Muswada inapendekeza marekebisho katika Sheria ya Uhifadhi wa Wanyamapori, Sura ya 283. Kwa ujumla, marekebisho haya yanalenga kumuwezesha Waziri kuanzisha Jeshi Usu ambalo litakuwa na jukumu la kudhibiti, kuhifadhi, kusimamia wanyamapori, misitu, nyuki, maliasili na mfumo mzima wa ekolojia. Kwa muktadha huo, mapendekezo ya jumla yanapendekezwa kwa kufuta neno “unit” popote lilipotumika katika sheria na badala yake kutumla neno “service”. Marekebisho haya yamelenga kupanua wigo wa utendaji wa Jeshi Usu ili kujumuisha sio tu utendaji katika masuala ya uhifadhi wa wanyamapori bali katika uhifadhi wa misitu na nyuki pia. Aidha, marekebisho yanayopendekezwa yanaweka masharti kuhusu mamlaka ya Waziri kuanzisha Jeshi Usu, muundo wake, mamlaka na majukumu ya jeshi hilo na mamlaka ya Kamishna Mkuu wa Hifadhi kutoa amri mbalimbali za utendaji wa jeshi pamoja na usimamizi wa nidhamu kwa watumishi wake. Kwa mujibu wa marekebisho yanayopendekezwa, Kamishna Mkuu wa Hifadhi ndiye atakuwa na mamlaka ya kusimamia na kuliongoza jeshi hilo.

Mheshimiwa Spika, baada ya maelezo haya na kwa mara nyingine tena, nashukuru sana kwa kunipa nafasi ya kuwasilisha maelezo ya hoja kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa Mwaka 2020 [*The Written Laws (Miscellaneous Amendments) Bill, 2020*] na naomba Bunge lako Tukufu liujadili na kuupitisha katika hatua ya Kusomwa kwa Mara ya Pili na Mara ya Tatu ili hatimaye marekebisho yanayopendekezwa yawe sehemu ya sheria za nchi.

Mheshimiwa Spika, naomba kutoa hoja.

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No. 1

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SPECIAL BILL SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT, 2020

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NOTICE

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.

Dodoma,
9th January, 2020

JOHN W. H. KIJAZI,
Secretary to the Cabinet

A Bill
for

An Act to amend certain written laws.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) Act, 2020.

Amendment
of certain
written laws

2. The written laws specified in various Parts of this Act are amended in the manner specified in their respective Parts.

PART II
AMENDMENT OF THE ADVOCATES ACT,
(CAP. 341)

Construction,
Cap. 341

3. This Part shall be read as one with the Advocates Act, hereinafter referred to as the “principal Act”.

Written Laws (Miscellaneous Amendments)

Addition of
section 3A

4. The principal Act is amended by adding immediately after section 3 the following:

“Certain
advocates
exempted
from
provisions of
the Act

Cap. 268

Cap. 268

Cap. 268

3A.-(1) Without prejudice to the provisions of section 3, where an advocate is appointed by the President or any other authority to hold a position in the Government, National Assembly or Judiciary, his practising certificate shall be stayed until when he is relieved from his appointment, either by cessation of the appointment, retirement authorised to practice by the Attorney General pursuant to the provisions of section 17A of the Office of Attorney General (Discharge of Duties) Act.

(2) An advocate referred to under subsection (1) shall be treated as a public servant from the date of his appointment and his status shall be reflected as such in the Roll until when he is relieved from his appointment or otherwise permitted to practice by the appointing authority, in which case he shall be required to comply with the provisions of this Act from the date he is relieved from his appointment or otherwise authorised to practice by the Attorney General pursuant to the provisions of section 17A of the Office of Attorney General (Discharge of Duties) Act.

(3) An advocate referred under subsection (1) of this section and section 3(2) the Office of Attorney General (Discharge of Duties) Act shall be exempted from the annual processes of renewal of practising certificates, submission of any returns or payment of fees and related costs until when he is relieved from his appointment or otherwise authorised to practice by the Attorney General pursuant to the provisions of section 17A of the Office of Attorney General (Discharge of Duties) Act.”.

PART III
AMENDMENT OF THE AGRICULTURAL INPUTS TRUST FUND ACT,
(CAP. 401)

Construction
Cap. 401 **5.** This Part shall be read as one with the Agricultural Inputs Trust Fund Act, hereinafter referred to as the “principal Act”.

Amend-
ment of
section 2 **6.** The principal Act is amended in section 2 by adding in its appropriate alphabetical order the following definition:

““agricultural machinery” includes self-propelled machines and trailed or pulled implements;”.

Amend-
ment of
section 7 **7.** The principal Act is amended in section 7-
(a) in subsection (1), by deleting paragraph (b) and substituting for it the following:

“(b) six other members to be appointed by the Minister as follows-

- (i) a representative from the Ministry responsible for agriculture;
- (ii) a representative from the Ministry responsible for finance;
- (iii) a representative from the Ministry responsible for local government;
- (iv) a Law Officer from the Office of the Attorney General;
- (v) a member representing a recognized farmers association; and
- (vi) a member with experience in matters relating to agriculture and business.”

(b) by adding immediately after subsection (3), the following:

“(4) At least two of the members appointed under subsection (1), shall be women.

(5) The Minister may, by order published in the *Gazette*, amend any of the provisions of the Schedule.

(6) The Minister may, for the proper

Written Laws (Miscellaneous Amendments)

implementation of the objectives of this Act, give directives of general or specific nature to the Board.

(7) The Board may, subject to such terms and conditions as it may determine, form and appoint from among its members, such number of committees as it may consider necessary for better carrying out the functions of the Board under this Act.”.

Amend-
ment of
section 8

- 8.** The principal Act is amended in section 8, by-
- (a) deleting the “fullstop” appearing at the end of paragraph (h) and substituting for it a “semicolon”; and
 - (b) adding immediately after paragraph (h) the following:
“(i) perform any other functions as may be required under this Act.”

Addition
of section
9A

- 9.** The principal Act is amended by adding immediately after section 9 the following:

“Applicat-
ion for
loan

9A. A person who intends to secure a loan shall apply to the Fund in a manner prescribed in the regulations.”

Addition
of section
12A

- 10.** The principal Act is amended by adding immediately after section 12 the following:

“Appeals

12A. A person who is aggrieved by the decision of the Board regarding implementation of the provisions of this Act may, within thirty days from the date of the decision, appeal to the Minister.”

PART IV
AMENDMENT OF THE ELECTRICITY ACT,
(CAP. 131)

Construction
Cap.131

11. This Part shall be read as one with the Electricity Act, hereinafter referred to as the “principal Act”.

Amendment
of section 3

12. The principal Act is amended in section 3, by-

(a) deleting the definitions of the terms “licensee” and “supply” and substituting for them the following :
““licensee” means a person authorised by the Authority to undertake a licensed activity;”;
““supply” means the sale of electricity by licensee to customers;”; and

(b) inserting in its appropriate alphabetical order the following definitions:
““Commissioner” means a Commissioner for electricity affairs appointed under section 4A of the Act;
“decommissioning” means the dismantle, removal or disposal of power plant facilities, structure, generating units, fuel processing units and transmission equipment and environment remediation;”.

Amendment
of section 4

13. The principal Act is amended in section 4, by adding immediately after subsection (2) the following:

“(3) For the purpose of this section, “emergency powers” means the mandate of the Minister to declare any situation as an emergency where the situation is characterized by an immediate unforeseen shortfall in electricity supply leading to an inability to meet electricity demand.”

Addition of
section 4A

14. The principal Act is amended by adding immediately after section 4 the following:

“Commis- **4A.-**(1) There shall be a

Written Laws (Miscellaneous Amendments)

Amendment of section 6	<p>sioner responsible for electricity affairs</p> <p>Commissioner for Electricity Affairs appointed by the President.</p> <p>(2) The Commissioner for Electricity Affairs shall be the advisor of the Minister on matters referred to under section 4.”</p>
Amendment of section 14	<p>15. The principal Act is amended in section 6-</p> <p>(a) in subsection (2) (b), by-</p> <ul style="list-style-type: none">(i) deleting subparagraph (i); and(ii) renaming subparagraphs (ii) to (iv) as subparagraphs (i) to (iii); and <p>(b) by adding the words “within twenty one days from the date of the decision” immediately after the word “may” appearing in subsection (4).</p>
Addition of section 14A	<p>16. The principal Act is amended in section 14(12) by deleting the word “six” and substituting for it the word “twelve”.</p>
Amendment of section 24	<p>17. The principal Act is amended by adding immediately after section 14 the following:</p> <p>“Obligation to decommission where the decommissioning infrastructure is reverted to the government, decommission an electricity supply installation upon cessation of the licensed activities in a manner prescribed in the rules.”</p> <p>14A. A licensee shall, except</p> <p>18. The principal Act is amended in section 24, by-</p> <p>(a) deleting subsection (8) and substituting for it the following:</p> <p>“(8) Notwithstanding any payments made for supply of electrical energy, electric supply lines shall be property of the licensee and may be used to supply other persons:</p> <p>Provided that, such use does not prejudicially affect the supply of electrical energy to the person who first required such electric supply lines to be laid down or erected.</p>

Written Laws (Miscellaneous Amendments)

Amendment
of sub-
heading

(9) A person who made payment in terms of subsection (8) shall be entitled to repayment by the licensee through reimbursement of cost of the electricity purchased or consumed at the rate and in the manner specified in the regulations.”;

(b) deleting subsection (9).

Amendment
of section 26

19. The principal Act is amended by deleting the sub-heading appearing immediately before section 26 and substituting for it the following:

“Customer Rights and Public Protection”

Amendment
of section 27

20. The principal Act is amended in section 26, by-

- (a) deleting the word “distribution” appearing in the opening phrase of subsection (1); and
- (b) deleting the word “consumer” and substituting for it the word “customer”.

Amendment
of section 29

21. The principal Act is amended in section 27, by-

- (a) deleting the word “Distribution” appearing in the marginal note;
- (b) designating the contents of subsection (1) as section 27;
- (c) deleting the word “distribution” appearing in the opening phrase of the designated section 27; and
- (d) deleting the word “consumers” wherever it appears in paragraphs (a), (b) and (c) and substituting for it the word “customers”.

Amendment
of section 30

22. The principal Act is amended in section 29-

- (a) in subsection (1), by adding the words “and supply” immediately after the word “distribution” appearing in the opening phrase; and
- (b) in subsection (2), by adding the words “and supply” immediately after the word “distribution” appearing in the opening phrase.

23. The principal Act is amended in section 30(7), by deleting the word “regulation” and substituting for it the word

Written Laws (Miscellaneous Amendments)

“rules”.

Amendment of section 31 **24.** The principal Act is amended in section 31(1) by deleting the word “regulations” appearing in paragraph (b) and substituting for it the words “regulations, rules”.

Amendment of section 35 **25.** The principal Act is amended in section 35 by deleting subsection (1) and substituting for it the following:

“(1) The licensee shall acquire a wayleave for electricity facilities.”

Amendment of section 45 **26.** The principal Act is amended in section 45, by-

- (a) adding immediately after paragraph (b) the following:
“(c) management and benchmarking of energy use;”; and
- (b) renaming paragraphs (c) and (d) as paragraphs (d) and (e) respectively.

Addition of section 48A **27.** The principal Act is amended by adding immediately after section 48 the following:

“General penalty

48A. A person convicted of an offence under this Act for which no specific penalty is expressly provided, shall upon conviction, be liable to a fine of not less than three million shillings but not exceeding ten million shillings, and in the case of a continuing offence, to a fine not exceeding one million shillings for every day during which the offence continues after conviction.”

PART V AMENDMENTS OF THE FERTILIZERS ACT, (CAP. 378)

Construction Cap. 378 **28.** This Part shall be read as one with the Fertilizers Act, hereinafter referred to as the “principal Act”.

Amendment of **29.** The principal Act is amended in section 4(1), by-

Written Laws (Miscellaneous Amendments)

- | | |
|--------------------------|--|
| section 4 | (a) deleting the words "and sterilizing plants" appearing in paragraph (e) and substituting for them the words "sterilizing plants and manufacturing plants";
(b) adding immediately after paragraph (u) the following:
"(v) specify appropriate methods or system of importation and exportation of fertilizer and fertilizer supplements;"; and
(c) renaming paragraphs (v) and (w) as paragraphs (w) and (x) respectively. |
| Amendment of section 5 | 30. The principal Act is amended in section 5(2), by deleting the word "Agency" appearing in paragraph (k) and substituting for it the word "Authority". |
| Amendment of section 8 | 31. The principal Act is amended in section 8 by adding the words "or manufacturing plant" immediately after the words "sterilizing planty" appearing in subsections (1) and (2) respectively. |
| Amendment of section 13 | 32. The principal Act is amended in section 13(3), by-
(a) deleting the word "and" appearing at the end of paragraph (b);
(b) deleting the "fullstop" appering at the end of paragraph (c) and substituting for it a semicolon; and
(c) adding immediately after paragraph (c) the following:
"(d) physical address of the premise where the fertilizer business will be conducted; and
(e) any other information as may be required by the Board.". |
| Amendment of section 34A | 33. The principal Act is amended in section 34A(2), by deleting the word "General" appearing in paragraph (b). |
| Amendment of section 40 | 34. The principal Act is amended in section 40-
(a) in subsection (1), by- |

Written Laws (Miscellaneous Amendments)

- (i) adding immediately after paragraph (n) the following:
“(o) sells fertilizer or fertilizer supplements above the indicative price;
(p) sells fertilizer or fertilizer supplements in an open bag or packaging or labeling in a manner contrary to the requirements of this Act;”;
- (ii) renaming paragraphs (o) and (p) as paragraphs (q) and (r) respectively;
- (b) by deleting subsection (2) and substituting for it the following:
“(2) Any person who commits an offence against the provisions of this Act shall, upon conviction, be liable
 - (a) in the case of a fertilizer manufacturer or importer, to a fine of not less than ten million shillings but not exceeding five hundred million shillings or to imprisonment for a term not less than three years but not exceeding seven years or to both;
 - (b) in the case of distributor or wholesaler, to a fine of not less than five million shillings but not exceeding four hundred million shillings or to imprisonment for a term not less than two years but not exceeding five years or to both;
 - (c) in the case of a retailer, to a fine not less than two hundred thousands shillings but not exceeding two hundred million shillings or to imprisonment for a term of not less than six months but not exceeding three years or to both;
 - (d) in the case of a person who is not covered under paragraphs (a), (b)

Written Laws (Miscellaneous Amendments)

Amendment of
section 40A

or (c) to a fine not less than one hundred thousands shillings but not exceeding fifty million shillings or to imprisonment for a term not less than three months but not exceeding twelve months or to both.

35. The principal Act is amended in section 40A, by adding immediately after subsection (5) the following:

“(6) The Director shall submit quarterly reports of all compounded offences under this section to the Director of Public Prosecutions.”

Amendment of
section 50

36. The principal Act is amended in section 50, by-

(a) deleting the marginal note and substituting for it the following:

“Exemption, restriction and prohibition”;

(b) designating the contents of section 50 as subsection (1); and

(c) adding immediately after the designated subsection (1) the following:

“(2) Notwithstanding the provisions of section 26, the Minister may, for purposes of promoting domestic production and sufficient distribution of fertilizer and fertilizer supplements within the country, restrict or prohibit exportation or importation of fertilizer and fertilizer supplements.”

Amendment of
section 51

37. The principal Act is amended in section 51(2), by-

(a) adding immediately after paragraph (v) the following:

“(w) prescribing appropriate method or system of importation and exportation of fertilizer and fertilizer supplements;”;

(b) renaming paragraph (w) as paragraph (x).

Amendment of
Schedule

38. The principal Act is amended in paragraph 1(1) of the Schedule, by-

Written Laws (Miscellaneous Amendments)

- (a) deleting the word "ten" appearing in the opening phrase and substituting for it the word "eight";
- (b) deleting paragraphs (a) and (b) and substituting for them the following:
 - (a) a representative from the Ministry responsible for agriculture;
 - (b) a representative from the Ministry responsible for local government;"
- (c) deleting the words "two representatives" appearing in paragraph (d) and substituting for them the words "one representative";
- (d) deleting paragraphs (g), (h) and (i) and substituting for them the following:
 - (g) a representative from higher learning institutions or research institutions dealing with soil science, soil production and soil fertility;
 - (h) a representative from the Government Chemistry Laboratory Authority.".

PART VI AMENDMENT OF THE FOREST ACT, (CAP. 323)

Construction
Cap.323

39. This Part shall be read as one with the Forest Act, hereinafter referred to as the "principal Act".

Amendment of
section 2

40. The principal Act is amended in section 2 by adding in the appropriate alphabetical order the following definitions:

Cap. 245

"Agency" means the Tanzania Forest Service Agency established under the Executive Agencies Act;

Cap. 283

"Conservation Commissioner" means the head of Tanzania Forest Service Agency;
"Service" shall have the meaning ascribed to it under the Wildlife Conservation Act;".

Addition of
section 95A

41. The principal Act is amended by adding immediately after section 95 the following:

Written Laws (Miscellaneous Amendments)

“Application
of certain
provisions of
Wildlife
Conservation
Act

Cap .283

95A.-(1) The provisions of sections 10, 11 and 12 of the Wildlife Conservation Act shall apply in relation to the operations of the Service within any forest area.

(2) For the purpose of subsection (1), all employees of the Agency who perform forest and bee resources conservation functions shall form part of the Service and exercise all powers of the Service as provided for under the Wildlife Conservation Act.

(3) In the performance of their functions and exercise of their powers relating to the Service, all employees referred to in subsection (2) shall be accountable to the Conservation Commissioner.”.

PART VII

AMENDMENT OF THE GRAZING LAND AND ANIMAL FEED RESOURCES ACT, (CAP.180)

Construction
Cap.180

42. This Part shall be read as one with the Grazing Land and Animal Feeds Resources Act, hereinafter referred to as the “principal Act”.

Amendment of
section 3

43. The principal Act is amended in section 3, by-

- (a) deleting the words “veterinary science” appearing in the definition of the term “animal feed scientist”;
- (b) deleting the definition of the term “feed additives” and substituting for it the following:
““feed additives” means any intentionally added ingredient not normally consumed as feed by itself, whether or not it has nutritional value or other effect on the animal which affects the characteristics of feed or of the animal products, micro-organism, enzymes,

Written Laws (Miscellaneous Amendments)

- pH regulators, trace elements, vitamins and other products falling within the definition depending on the purpose of use and method of administration excluding veterinary drugs;”
- (c) adding in the appropriate alphabetical order the following new definitions:
- ““competent authority” means the Director or any other officer delegated as such by the Director to perform the functions under this Act;
- “exporter” means a person or institution authorized to export animal feed resources from Mainland Tanzania;
- “inspector” means an animal feeds or grazing land inspector designated as such under this Act;
- “registerable animal feed resources” means all animal feed resources submitted for registration to the competent authority;
- “registered animal feed resources” means animal feed resources registered by the Director; and
- “registered grazing farm” means a piece of land owned by an individual or group of persons other than Government owned grazing farms either established or with natural forage for animal feeding”.

Amendment of
section 4

- 44.** The principalAct is amended in section 4, by-
- (a) adding immediately after subsection (3) the following:
- “(4) The Council may co-opt a member from any other ministry or institution as he may consider necessary for the proper performance of functions of the Council.”;
- (b) deleting the words “of Grazing land” appearing in

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Amendment of
section 5

- subsection (5); and
- (c) renumbering subsections (4) and (5) as subsections (5) and (6) respectively.

- 45.** The principal Act is amended in section 5(2), by-
- (a) deleting the “fullstop” appearing at the end of paragraph (d) and substituting for it a “semicolon” and the word “and”; and
- (b) adding immediately after paragraph (d), the following:
- “(e) manage and control grazing-land, animal feed resources and trade;”

Amendment of
section 7

- 46.** The principal Act is amended in section 7-
- (a) by deleting subsection (2) and substituting for it the following-
- “(2) A person shall not be qualified for designation as-
- (a) an animal feed inspector unless that person possesses a minimum or equivalent qualification of a bachelor degree in animal science, laboratory technology, animal feeds technology or aquaculture; and
- (b) a grazing-land inspector unless that person possesses a minimum or equivalent qualification of a bachelor degree in animal range or animal science.”
- (b) by deleting subsection (3) and substituting for it the following:
- “(3) An inspector appointed in terms of subsection (1) shall perform the following functions-
- (a) in the case of an animal feeds inspector-
- (i) to inspect premises, dealing and handling animal feed resources for compliance;
- (ii) to take feed samples or feed additives in the prescribed

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- manner for the purpose of analysis; and
- (iii) to take such measures as in the opinion of the Director, shall be necessary or expedient for prevention of manufacturing of compounded animal feeds or feed additives;
- (b) in the case of a grazing land inspector-
- (i) to inspect the conditions of grazing-land in specified period of time and take sample if necessary;
- (ii) to instruct the manner and extent to which livestock operations will be conducted in order to meet the multiple use, sustained yield, economic, and other needs and objectives as determined for the lands involved;
- (iii) to describe the type, location, ownership, and general specifications for the range management plan; and
- (iv) to perform any other functions as may be directed by the Director.”;
- (c) in subsection (4), by inserting the word “grazing-land,” between the words “relate to” and “animal feed resources”.

Amendment of
section 8

- 47.** The principal Act is amended in section 8, by-
- (a) deleting the marginal note and substituting for it the following:
- “Powers of animal feed inspector”;

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- (b) deleting the word “The” appearing in the opening phrase of subsection (1) and substituting for it the words “An animal feed inspector”; and
(c) deleting subsection (3).

Addition of section 8A

48. The principal Act is amended by adding immediately after section 8 the following:

“Powers of grazing-land inspector

8A.-(1) A grazing-land inspector may, at any reasonable time, enter into any grazing-land for the purposes of exercising the functions under this Act.

(2) The grazing-land inspector shall enforce standards, designs, construction and maintenance criteria for grazing-land improvement and other additional conditions or modifications made or prescribed by the Minister.”

Amendment of section 9

49. The principal Act is amended in section 9 by deleting the word “inspector” appearing in the opening phrase of subsection (1) and substituting for it the words “animal feed inspector”.

Amendment of section 14

50. The principal Act is amended in section 14 by deleting the word “inspector” appearing in subsection (1) and substituting for it the words “animal feed inspector”.

Amendment of section 16

51. The principal Act is amended in section 16, by-

(a) adding immediately after subsection (1) the following:

“(2) The grazing-land delineated by the villages through land use planning shall be protected with clear marks on its boundaries, registered and published in the *Gazette*.”

(b) renumbering subsection (2) as subsection (3); and
(c) adding immediately after subsection (3) as renumbered the following:

“(4) Any person who alters, interferes or changes grazing-land use contrary to the usage for which the land use was demarcated

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or delienated commits an offence and shall, on conviction, be liable to a fine of not less than five million shillings or to imprisonment for a term of not less than two years or to both.”.

Amendment of
section 17

52. The principal Act is amended in section 17 by deleting the word “commonally” appearing in subsection (2) and substituting for it the words “commonally, co-operatively”.

Amendment of
section 18

53. The principal Act is amended in section 18 by adding immediately after subsection (3) the following:

“(4) Subject to subsection (1), a person who uses grazing-land shall be responsible for improving and developing such land in the manner prescribed in the regulations.”

Amendment of
section 20

54. The principal Act is amended in section 20, by-

- (a) deleting the words “an inspector” appearing in subsection (1) and substituting for them the words “a grazing-land inspector”; and
- (b) deleting the words “three years” appearing at the end of subsection (3) and substituting for them the words “six months”.

Amendment of
section 30

55. The principal Act is amended in section 30-

- (a) in subsection (1), by-
 - (i) adding immediately after paragraph (i), the following:
“(j) withdrawal period.”; and
 - (ii) renaming paragraphs (j) and (k) as paragraphs (k) and (l) respectively; and
- (b) in subsection (3), by deleting the words “not exceeding shillings three million or to imprisonment for a term not exceeding two years” and substituting for them the words “of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than two years”.

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Amendment of
section 33

56. The principal Act is amended in section 33(2) by deleting the words “not exceeding shillings one million or to imprisonment for a term not exceeding six months” and substituting for them the words “not less than five million shillings but not exceeding fifty million shillings or to imprisonment for a term of not less than two years”.

Amendment of
section 34

57. The principal Act is amended in section 34, by-

- (a) deleting the words “resources a container or” appearing in subsection (1) and substituting for them the word “resources,”; and
- (b) deleting the words “not exceeding shillings three million” appearing in subsection (4) and substituting for them the words “not less than five million shillings”.

Amendment of
section 38

58. The principal Act is amended in section 38 by adding the words “and co-operatives” immediately after the word “associations” appearing in paragraph (d).

Addition of
section 38A,
38B and 38C

59. The principal Act is amended by adding immediately after section 38 the following:

“Prohibition of movement of animal into Mainland Tanzania for the purposes of grazing or accessing water.”

(2) A person who contravenes the provisions of subsection (1) commits offence and shall, on conviction, be liable to-

- (a) in the case where the animal associated with the offence is cattle, donkey, horse or water buffalo, to a fine of not less than one hundred thousand shillings for each animal; and
- (b) in the case where the animal associated with the offence is a goat, pig or such other animal, to a fine of not less than twenty thousand

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shillings for each animal.

(3) Where a person fails to pay the fine referred to in subsection (2) within seven days, the court may, in addition to any other penalty that may be imposed, order confiscation of the animals in respect of which the offence was committed, and all animals confiscated shall be disposed of in the manner which the court directs.

Compound-
ing of
offences

38B.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act or any other sector legislation, the Director or a person authorised by him in writing may, at any time prior to the commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding two thirds of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where the person fails to comply with the compounding order issued under this section within the prescribed period, the Director or a person authorised by him may, in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

(3) Where the person fails to comply with subsection (2), the Director may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

(4) The Director shall submit

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quarterly reports of all compounded offences under this section to the Director of Public Prosecutions.

(5) Forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.

Prohibition
to graze on
designated
areas

38C.-(1) A person shall not graze on Government owned areas, holding grounds, livestock markets or any registered grazing farm.

(2) A person other than an authorised person shall not graze animal in a demarcated grazing land.

(3) A person who contravenes this section commits an offence and shall, upon conviction-

(a) in the case where the animal associated with offence is cattle, donkey, camel, horse or water buffalo, be liable to a fine to a fine of not exceeding twenty thousand shillings per each animal; and

(b) in the case where the animal associated with the offence is sheep, goat, pig or such other animal, be liable to a fine of not exceeding five thousand shillings per each animal, or to imprisonment for a term of not less than two years or to both.”

Amendment of
section 39

60. The principal Act is amended in section 39 by deleting the words “not exceeding shillings one million or to imprisonment for a term not exceeding six months” and substituting for them the words “not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than two years”.

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- Amendment of section 44
- 61.** The principal Act is amended in section 44 by adding the words “and forage conservation practices” immediately after the word “resources” appearing at the end of paragraph (d).
- Amendment of Second Schedule
- 62.** The principal Act is amended in the Second Schedule, by-
- (a) adding the words “mycotoxins, cadmium” immediately after the words “pathogenic materials” appearing in paragraph 4; and
- (b) adding immediately after paragraph 5 the following:
- “**6.** All growth promoters, harmful enzymes, fly maggots, veterinary drugs included in compounding animal feeds.
- 7.** Animal feeds resources containing genetically modified organisms.”.
- Amendment of Third Schedule
- 63.** The principal Act is amended in the Third Schedule-
- (a) in item “M” relating to “FEED ADDITIVES” by deleting the whole paragraph appearing immediately below the item and substituting for it the following paragraph-
- “These include micro-organism, enzymes, pH regulators, trace elements, vitamins and other products fall within the definition depending on the purpose of use and method of administration, veterinary drugs excluded.”.
- (b) in item P, by-
- (i) renaming item P as item N;
- (ii) deleting paragraphs (a), (f) and (h) appearing below the words:
- “Any of the following substances not occurring naturally in any other ingredient” and renaming paragraphs (b), (c), (d), (e) and (g) as paragraphs (a), (b), (c), (d) and (e).”.

Written Laws (Miscellaneous Amendments)

PART VIII

AMENDMENT OF THE INTERPRETATION OF LAWS ACT, (CAP. 1)

Construction
Cap. 1

64. This Part shall be read as one with the Interpretation of Laws Act, hereinafter referred to as the “principal Act”.

Amendment
of section 54

65. The principal Act is amended in section 54(1), by deleting the word “board” wherever it appears in subsections (2) and (4) and substituting for it the word “body”.

PART IX

AMENDMENT OF THE LABOUR INSTITUTIONS ACT, (CAP. 300)

Construction
Cap. 300

66. This Part shall be read as one with the Labour Institutions Act, hereinafter referred to as the “principal Act”.

Amendment of
section 50

67. The principal Act is amended in section 50(2), by-
(a) adding immediately after paragraph (a) the following:
“(b) such number of Deputy Registrars as the Chief Justice may consider necessary; and”;
(b) renaming paragraph (b) as paragraph (c).

Repeal and
replacement of
section 54

68. The principal Act is amended by repealing section 54 and replacing it with the following:

“Deputy
Registrars

54. There shall be Deputy Registrars who shall exercise powers and perform such duties as are conferred under-

Cap. 237

(a) section 28(8) of the Judiciary Administration Act;

Cap. 33

(b) Order XLIII of the Civil Procedure Code; and

(c) rules made by the Chief Justice under section 55.”

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PART X
AMENDMENT OF THE NATIONAL DEFENCE ACT,
(CAP. 192)

Construction
Cap. 192

69. This Part shall be read as one with the National Defence Act, hereinafter referred to as the “principal Act”.

General
amendment

70. The principal Act is amended generally, by deleting the words “Defence Forces Committee” wherever they appear in the Act and substituting for them the words “Defence Forces Council”.

Amendment
of section 3

71. The principal Act is amended in section 3-

- (a) in the definition of the term “Defence Forces Committee” as amended, by deleting the word “Committee” and substituting for it the word “Council”; and
- (b) by adding in the appropriate alphabetical order the following definition:

“Planning and Implementation Committee” or in its acronym “PIC” means the Committee established under section 7A;”.

Addition of
section 7A

72. The principal Act is amended by adding immediately after section 7 the following:

“Planning and
Implementation
Committee

7A.-(1) There is established the Planning and Implementation Committee whose composition and proceedings shall be prescribed in the regulations.

(2) The Committee shall be responsible for the planning and implementation of all functions which are conferred on the Chief of Defence Forces by law pertaining to all matters of supply, administration, development, conduct and discipline of the Defence Forces.

(3) Nothing in this section shall be construed as conferring on the Committee any powers or responsibilities for the operational use of Defence Forces.

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(4) All acts of the Committee shall be signified by the Chief of Defence Forces or Chief of Staff and Secretary to the Committee.”.

PART XI AMENDMENT OF THE NATIONAL PARKS ACT, (CAP. 282)

Construction
Cap.282

73. This Part shall be read as one with the National Parks Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

74. The principal Act is amended in section 2 by adding in the appropriate alphabetical order the following definitions:

Cap.283

““Conservation Commissioner” means the head of Tanzania National Parks;

“Service” shall have the meaning ascribed to it under the Wildlife Conservation Act;”.

Repeal and
replacement of
section 31

75. The principal Act is amended by repealing section 31 and replacing for it the following:

“Application
of certain
provisions of
Wildlife
Conservation
Act
Cap. 283

31.-(1) The provisions of sections 10, 11 and 12 of the Wildlife Conservation Act shall apply in relation the operations of the Service within the National Parks.

(2) For the purposes of subsection (1), the employees of Tanzania National Parks who perform wildlife conservation functions shall form part of the Service and exercise all powers of the Service as provided for under the Wildlife Conservation Act.

(3) In the performance of their functions and exercise of their powers relating to the Service, all employees referred to in subsection (2) shall be accountable to the Conservation Commissioner.”.

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PART XII

AMENDMENT OF THE NGORONGORO CONSERVATION AREA ACT, (CAP. 284)

Construction
Cap.284 **76.** This Part shall be read as one with the Ngorongoro Conservation Area Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2 **77.** The principal Act is amended in section 2, by adding in the appropriate alphabetical order the following definitions:

Cap .283 “Conservation Commissioner” means the Conservator of the Conservation Area appointed under section 7;
“Service” shall have the meaning ascribed to it under the Wildlife Conservation Act;”.

Addition of
section 42A **78.** The principal Act is amended by adding immediately after section 42 the following:

“Application
of certain
provisions of
Wildlife
Conservation
Act

42A.-(1) The provisions of sections 10, 11 and 12 of the Wildlife Conservation Act shall apply in relation the operations of the Service within the Conservation Area.

Cap .283 (2) The employees of the Ngorongoro Conservation Area Authority who perform wildlife conservation functions shall form part of the Service and shall exercise all powers of the Service as provided for under the Wildlife Conservation Act.

(3) In the performance of their functions and exercise of their powers relating to the Service, all employees referred to in subsection (2) shall be accountable to the Conservation Commissioner.”.

PART XIII

AMENDMENT OF THE SEEDS ACT, (CAP. 308)

Construction
Cap. 308 **79.** This Part shall be read as one with the Seeds Act,

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hereinafter referred to as the “principal Act”.

Addition of
section 24A

80. The principal Act is amended by adding immediately after section 24 the following:

“Recognition of
seed certification
agencies of
foreign countries

24A. The Minister may, on the recommendation of the Institute and by notice published in the *Gazette*, recognise for the purposes of this Act, any seed certification agency established in any foreign country.”

Amendment of
section 26

81. The principal Act is amended in section 26(1) by deleting the words “five million shillings or to imprisonment for a term not exceeding one year” and substituting for them the words “fifty million shillings or to imprisonment for a term not exceeding five years”.

Addition of
section 32A

82. The principal Act is amended by adding immediately after section 32 the following:

“Compounding
of offences

32A.-1 Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act or any other sector legislation, the Chief Seed Certification Officer or a person authorised by him in writing may, at any time prior to the commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding one half of the amount of fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where the person fails to comply with the compounding order issued under this section within the prescribed period, the Chief Seed

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Certification Officer or a person authorised by him may in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

(3) Where the person fails to comply with subsection (2), the Chief Seed Certification Officer may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

(4) The Chief Seed Certification Officer shall submit quarterly reports of all compounded offences under this section to the Director of Public Prosecutions.

(5) Forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.”.

Amendment of
section 33

83. The principal Act is amended in section 33(2) by deleting the word “breeder's” appearing in paragraph (e) and substituting for it the word “pre-basic”.

PART XIV AMENDMENT OF THE SUGAR INDUSTRY ACT, (CAP. 251)

Construction
Cap. 251

84. This Part shall be read as one with the Sugar Industry Act, hereinafter referred to as the “principal Act”.

Amendment
of section 2

85. The principal Act is amended in section 2, by-
(a) deleting the definition of the terms “export”, “import”, “manufacturer” and “sugar exporter” and substituting for them the following:

““export” means export of sugar or sugar by-products outside Mainland Tanzania;

“import” means import of sugar or sugar by-products into Mainland Tanzania;

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“manufacturer” means a person registered and licensed by the Board to manufacture sugar or sugar by-products;

“sugar exporter” means a person registered and licensed by the Board to export sugar or sugar by-products outside Mainland Tanzania;”;

(b) adding in the appropriate alphabetical order the following definitions:

““sugar importer” means a person registered and licensed by the Board to import sugar or sugar by-products into Mainland Tanzania;

“sugar by-products” means molasses, briquettes, bagasse and such other by-products as may be derived from sugar; and

“sugar distributor” means a person registered by the Board to distribute sugar or sugar by-products in accordance with the provisions of this Act;”.

Amendment
of section 4

86. The principal Act is amended in section 4(2) by deleting the words “and sugar plants” appearing at the end of paragraph (b) and substituting for them the words “sugar plants and sugar distributors”.

Amendment
of section 6

87. The principal Act is amended in section 6(4) by deleting the word “Council” and substituting for it the word “Institute”.

Amendment
of section 9

88. The principal Act is amended in section 9(1) by deleting the words “authority of the Director” and substituting for them the words “approval of the relevant authority”.

Amendment
of section
11A

89. The principal Act is amended in section 11A, by-

(a) designating the contents of that section as subsection (1); and

(b) adding immediately after the designated subsection (1) the following:

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“(2) Before prescribing the indicative price under subsection (1), the Board shall, in consultation with manufacturers and cane growers, establish production cost which shall form basis for the minimum or maximum price.

(3) For the purpose of facilitating prescription of indicative price under this section, cane growers and manufacturers shall avail all information necessary as the Board may require for establishing production costs.”.

Addition of
section 11B

90. The principal Act is amended by adding immediately below the heading of Part IV the following:

“Registration of mills or facilities **11B.-**(1) A person who intends to install a mill or facility to manufacture sugar shall apply for registration to the Board in a manner prescribed in the regulations.

(2) The Board may refuse to register a person to install and operate a mill or facility stated in subsection (1) for the reasons that-

- (a) in the vicinity of the place the mill or facility is to be located there already exists an operating mill or facility and the surrounding land suitable for sugarcane is not sufficient to produce enough sugarcane to operate two mills or facilities economically;
- (b) important resources such as water are not sufficient to support two mills or facilities on suitable basis; and
- (c) the mill or facility to be installed shall adversely impact the environment, the society or the economic viability of sugar industry in general.

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(3) The Board shall, before refusing registration on grounds stated in subsection (2)(a), ensure that the existing mill or facility is being operated efficiently and the miller has the capacity or is willing to provide the capacity to mill all the cane which may be produced, from the said lands.”.

Amendment
of section 14

91. The principal Act is amended in section 14 by deleting subsection (3) and substituting for it the following:

“(3) Notwithstanding the provisions of subsection (1), the Board shall not issue sugar import licence unless it is satisfied that-

- (a) the local sugar production is below the level of sugar requirement at a particular time;
- (b) in the case of importation of sugar for domestic consumption, the applicant for the licence is a manufacturer and-
 - (i) is registered by the Board as sugar importer;
 - (ii) has submitted to the Board a viable annual implementation plan of sugar production in accordance with the provisions of section 17A;
 - (iii) has implemented at least eighty percent of the annual implementation plan for the previous production season;
 - (iv) has capacity to produce not less than ten thousand metric tons per year; and
 - (v) in the case of an applicant who was previously issued with similar licence, has a good track record for compliance with the terms and conditions for importation of sugar.

(4) Notwithstanding the provisions of subsection (2)(b), the amount of sugar to be imported per licence shall be proportional to the amount of sugar

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produced by the manufacturer.”

Repeal and
replacement of
section 16

92. The principal Act is amended by repealing section 16 and replacing it with the following:

“Penalty for
importation or
exportation of
sugar without
licence

16. Any person who imports or exports sugar without a license issued by the Board or in contravention of any provision of this Act, commits an offence and upon conviction, shall be liable-

- (a) in the case of a sugar manufacturer or importer, to a fine of not less than thirty million shillings but not exceeding five hundred million shillings or to imprisonment for a term not less than three years but not exceeding seven years or to both;
- (b) in case of sugar distributor or wholesaler, to a fine of not less than ten million shillings but not exceeding one hundred million shillings or to imprisonment for a term not less than two years but not exceeding five years or to both;
- (c) in case of sugar retailer, to a fine not less than two hundred thousand shillings but not exceeding ten million or to imprisonment for a term not less than six months but not exceeding three years or to both;
- (d) in the case of a person who is not covered under

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paragraphs (a), (b) or (c), to a fine not less than one hundred thousand shillings but not exceeding five million shillings or to imprisonment for a term not less than three months but not exceeding twelve months or to both.”.

Addition of
section 16A

93. The principal Act is amended by adding immediately after section 16 the following:

“Performance contract **16A.-**(1) The Board shall, for the purpose of ensuring sustainable development and expansion of sugar production and within-

- (a) sixty days from the date of issuance of licence in the case of a new sugar import licence holder; or
- (b) thirty days from the date of coming into force of this provision in case of existing sugar import licence holders, sign with every manufacturer a performance contract for sugar production.

(2) The performance contract signed pursuant to subsection (1) shall be for a term of five years and shall contain expansion targets, performance indicators towards the set targets and any other terms as may be agreed upon by the parties.”.

Amendment
of section
17A

94. The principal Act is amended in section 17A by-

(a) deleting subsection (1) and substituting for it the following:

“(1) For the purpose of enabling the Board to monitor performance of the contract referred to under section 16A, every licensed

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Amendment
of section 29

- manufacturer shall, at the beginning of every production season calendar year, submit to the Board an annual implementation plan of the performance contract.”;
- (b) deleting the words “development and expansion plan” appearing in the opening phrase of subsection (2) and substituting for them the words “the annual implementation plan”.

- 95.** The principal Act is amended in section 29(1), by-
- (a) deleting the words “upon recommendations of” appearing in the opening phrase and substituting for them the words “in consultation with”;
- (b) deleting paragraph (g) and substituting for it the following:
- “(g) prescribing for matters which are required to be prescribed under this Act.”.

Addition of
section
34B

- 96.** The principal Act is amended by adding immediately after section 34A the following:

“Restriction
to re-pack
sugar

34B.-(1) Without prejudice to any other written law, a person shall not re-pack sugar into any size, material or brand different from its original packaging for the purpose of rebranding unless such person is manufacturer registered by the Board for that purpose.

(2) All packages of imported sugar, whether re-packed or in original packaging, shall carry, in bold print, the name and contact details of the manufacturer and a country of origin.

(3) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine of not less than ten million shillings or to imprisonment for a term of not less than three years or both.”.

Amendment

- 97.** The principal Act is amended in section 35 by

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of section 35 deleting the words “two million” and substituting for them the words “ten million”.

Addition of section 35A

98. The principal Act is amended by adding immediately after section 35 the following:

“Compounding of offences

35A.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act or any other sector legislation, the Director General or an inspector authorised by the Director General in writing may, at any time prior to the commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding one half of the amount of fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where the person fails to comply with the compounding order issued under this section within the prescribed period, the Director General or a person authorised by the Director General may in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

(3) Where the person fails to comply with subsection (2), the Director General may enforce the compounding order and interest accrued thereon in the same manner as a decree of a court.

(4) The Director General shall submit quarterly reports of all compounded offences under this section to the Director of Public

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Prosecutions.

(5) Forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.”.

PART XV
AMENDMENT OF THE WILDLIFE CONSERVATION ACT,
(CAP. 283)

Construction
Cap.283 **99.** This Part shall be read as one with the Wildlife Conservation Act, hereinafter referred to as the “principal Act”.

General
amendments **100.** The principal Act is amended generally by deleting the word “unit” wherever it appears in the Act and substituting for it the word “Service”.

Amendment
of section 3 **101.** The principal Act is amended in section 3-
(a) by deleting the definition of the term “Unit”;
(b) in the definition of the term "authorised officer",
by-
 (i) inserting immediately after paragraph (f)
 the following:
 “(g) an employee of the Tanzania Wildlife Management Authority of or above the rank of conservation ranger;”;
 (ii) renaming paragraphs (g) and (h) as paragraphs (h) and (i) respectively;
(c) by adding in the appropriate alphabetical order the following new definitions:
 ““Conservation Commissioner” means the head of an Authority, a unit, agency or corporation established under the relevant law within the Ministry responsible for wildlife and forests;
 “Permanent Secretary” means the Permanent Secretary of the Ministry responsible for wildlife and forest;
 “Service” means the Wildlife and Forest

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Conservation Service established in terms of section 10;”.

Amendment
of section 7

102. The principal Act is amended in section 7, by deleting the words “functions to” appearing in subsection (6) and substituting for them the words “functions to the Authority.”.

Amendment
of section 10

103. The principal Act is amended in section 10-

- (a) in the marginal note, by deleting the words “Wildlife Protection Unit” and substituting for them the words “Wildlife and Forest Conservation Service”;
- (b) in subsection (1), by deleting the words “unit to be known as the Wildlife Protection Unit” and substituting for them the words “Service to be known as the Wildlife and Forest Conservation Service”;
- (c) by deleting subsection (2) and substituting for it the following:

“(2) The Service shall consist of specialised divisions or units responsible for the conservation, management, utilisation and protection of wildlife, forest and bee ecosystems and resources established in accordance with this Act, the Forests Act, the National Parks Act, the Ngorongoro Conservation Area Act, the Bee Keeping Act or any other written law.

(3) For the purposes of subsection (2), the Ministry shall cause to be established within the Ministry, a structure to enable smooth coordination of the operations of the Service.

(4) In its role of coordination, the Ministry shall -

- (a) issue policy guidance and directives in relation to general administration and operation of the Service;

Caps. 323,
282, 284 and
224

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- (b) coordinate all matters relating to training of the Service to ensure that all staff of the Service in their respective divisions and units attain the necessary training for the operation of the Service;
- (c) without prejudice to the powers of Conservation Commissioners in their respective divisions and units, issue general orders which shall be published in the *Gazette* regarding the conduct and operations of the Service;
- (d) liaise with other authorities with regard to the conduct and operations of the Service inline with other security policies of the countries;
- (e) take any other necessary measure to ensure smooth administration and operations of the Service.”

Repeal and
replacement
of section 11

104. The principal Act is amended by repealing section 11 and replacing it with the following:

“Powers
and
functions
of Service

11.-(1) The Service shall, under the command of Conservation Commissioners be responsible for-

- (a) conservation, management, utilisation and protection of wildlife, forest and bee ecosystems and resources and property related to wildlife, forest and bee ecosystems and resources;
- (b) gathering and managing intelligence information on wildlife, forest and bee ecosystems and resources;

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- (c) providing education on wildlife, forests and bee ecosystems and resources so as to create public awareness and support for wildlife, forests and bee policies; and
- (d) performing any other function as may, subject to the provisions of this Act, be assigned by the Minister.

(2) In the performance of its functions under subsection (1), the Service shall have powers to-

- (a) prevent, detain and investigate any crime related to wildlife, forest and bee ecosystems and resources;
- (b) search any place or person and where necessary, seize property suspected to be linked with a crime against wildlife, forest and bee ecosystems and resources;
- (c) apprehend any offender and take such offender into custody;
- (d) do any other thing that is necessary for the effective and better conservation, management, utilisation and protection of wildlife, forest and bee ecosystems and resources.

(3) In the exercise of the powers conferred by this section, the Service shall be entitled to acquire, possess, carry and use firearms and other specialised equipment.”

Amendment
of section 12

105. The principal Act is amended in section 12, by-

(a) deleting subsection (1) and substituting for it the following:

(1) The administration of the Service shall, subject to the approved structure of the

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Service, be vested in the Conservation Commissioners of the respective divisions or units who shall, in the discharge of their duties in relation to the Service, be under the Permanent Secretary.

(2) The Conservation Commissioners shall, in their respective divisions and units, be commandants of the Service and shall, in that capacity, perform the functions and exercise powers of the Service under section 11.

(3) Conservation Commissioners shall, in the performance of their functions in relation to the Service and without prejudice to the powers conferred to the Service under section 11, have powers to issue orders and directives for the operation of the Service.”

(b) renumbering subsection (2) as subsection (4).

Amendment
of section 116

106. The principal Act is amended in section 116, by-

(a) deleting subsection (1) and substituting for it the following:

“(1) This section shall apply to offences committed under this Act in relation to protected areas.”;

(b) adding immediately after subsection (6) the following:

“(7) Forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.”

OBJECTS AND REASONS

This Bill proposes amendments to Fourteen written laws, namely, the Advocates Act, Cap. 341, the Agricultural Inputs Trust Fund Act, Cap. 401, the Electricity Act, Cap. 131, the Fertilizers Act, Cap. 378, the Forest Act, Cap. 323, the Grazing Land and Animal Feed Resources Act, Cap. 180, the Interpretation of Laws Act, Cap. 1, the Labour Institutions Act, Cap. 300, the National Defence Act, Cap. 192, the National Parks Act, Cap. 282, the Ngorongoro Conservation Area Act, Cap. 284, the Seeds Act, Cap. 308, the Sugar Industry Act, Cap. 251 and the Wildlife Conservation Act, Cap. 283.

The proposed amendments intend to keep updated the respective laws with changes so far observed in their implementation.

This Bill is divided into Fifteen Parts.

Part I deals with preliminary provisions which include the title of the Bill and the manner in which the laws proposed to be amended, are amended in their respective Parts.

Part II proposes to amend the Advocates Act, Cap. 341. It is proposed that a new Section 3A to be added in order to exempt from the application of certain provisions of the Act certain advocates who are appointed to senior public service positions while they continue to hold such positions. The amendments are also intended to exonerate such appointees and State Attorneys from payment of annual subscription fees payable by advocates under this Act until when they are relieved from their employment or otherwise permitted to practice by their appointing authorities.

Part III of the Bill proposes to amend the Agricultural Inputs Trust Fund Act, Cap. 401 whereby, in section 2, the definition of the term “agricultural machinery” is proposed to be added in order to give clarity of the term in line with the provisions of the Act.

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Section 7 is amended in order to clearly provide the list of members of the Board of Trustees to be appointed by the Minister. Currently the law does not specify such list. The aim is to ensure that the Fund gets members who will perform its functions effectively to promote the objectives of the Fund. The section is further amended to provide for the Minister's powers to issue directives to the Board and to enable the Board to form committees for efficient performance of its functions. Furthermore, a new section 9A is added to provide for procedures for loan application.

Part IV of the Bill proposes to amend the Electricity Act, Cap. 131. Section 3 is amended in the definition of the terms "licensee" and "supply" so as to provide clarity in line with their use in the Act. Further, definitions of various terms which previously were not defined in the Act have been introduced. A new section 4A is proposed to be added with the view to establishing the position of Commissioner for Electricity Affairs and provide for his functions and mandate.

Section 6 is also amended in order to remove the function of acquisition of land as it does not fall under the functions of the Authority. It is further proposed to prescribe the time within which an aggrieved person may lodge an appeal to Fair Competition Tribunal. Section 14A is added for the purpose of making provisions for decommissioning of electricity supply installations.

Section 28(8) is amended to provide for manner for reimbursement of costs incurred by any customer during installation of electricity infrastructures. Section 35 is amended for the purpose of shifting the obligation of the acquisition of land for way leave from the Authority to the licensee. Section 48A is introduced for the purpose of introducing way leave general penalty to cover offences for which no specific penalty is provided in the Act.

Part V of the Bill proposes amendment to the Fertilizer Act, Cap. 378. Section 4 is amended in order to broaden the scope of the Authority's functions to include provisions relating to appropriate method or system of importation and exportation of fertilizer and fertilizer supplements. The aim is to enhance the oversight role of the Authority on importation and

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exportation of fertilizer and fertilizer supplement in Tanzania. Section 5 is amended so as to correct the reference to the body established under the Act. The body established is an Authority and not an Agency as it appears in that provision. Section 13 is amended in order to require all applications for licence to contain, among other information, the physical address of the premises where intended fertilizer business will be conducted and any other information as may be required by the Board. The aim of these amendments is to enable the Authority to effectively and efficiently regulate all fertilizer dealers.

Section 34A(2) is proposed to be amended so as to provide for the correct reference to the head of the Tanzania Fertilizer Regulatory Authority who is a Director and not a Director General as it appears in that provision.

Section 40(1) is amended so as to add in the list of offences, the acts of selling fertilizer or fertilizer supplements above indicative price and prohibit selling fertilizer or fertilizer supplement in an open bag or packaging or labeling in a manner contrary to the requirements of the Act. The intention is to ensure that persons selling fertilizer comply with the indicative price and that fertilizer is sold in packages which preserve the quality. The provision is further amended to enhance the penalties for various offences under the Act. Section 40A is amended so as to add a provision for submission of reports to the Director of Public Prosecutions where offences are compounded under the Act.

Section 50 is amended so as to empower the Minister to restrict or prohibit importation or exportation of fertilizer with a view of promoting production of fertilizer in the country and ensure an even distribution of fertilizer within the country. Section 51(2) is amended by broadening the scope of areas for which the Minister may make regulations to include prescribing appropriate methods or system of importation and exportation of fertilizer or fertilizer supplements to ensure effective regulation of systems on importation and exportation of fertilizer or fertilizer supplements. Paragraph 1(1) of the Schedule is proposed to be amended with a view of reducing the number of Board members for purposes of enhancing performance, efficiency and reduction of operational costs.

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Part VI of the Bill proposes to amend the Forest Act, Cap. 323. Section 2 is amended by adding the definition of some terms which are necessary to be defined in the Act. A new section 95A is added to extend the application of certain provisions of the Wildlife Conservation Act relating to the Wildlife and Forest Conservation Service to the Forest Act. The amendments further recognise employees of the Tanzania Forest Service Agency as members of the Wildlife and Forest Conservation Service. The proposed amendments aim at recognizing the establishment of the Service as per the Wildlife Conservation Act.

Part VII proposes to amend the Grazing Land and Animal Feed Resources Act, Cap. 180. The Act is amended in section 3 in order to give effect of the intended meaning of various terms used in the Act.

The Act is further amended by adding a new section 38A for the purpose of better management of grazing land, management and control of land disputes, and restricting entry of animals from outside Tanzania with a view to protecting grazing land resources. Section 38C is added to protect designated public and private owned areas with a view to control invasion and land disputes. The Act is amended in sections 7, 8, 8A, 9, 14 and 20 to make distinctive provisions for the qualifications, functions and powers of animals feeds inspectors and grazing land inspectors for effective monitoring of compliance of the Act.

The Act is further amended in sections 30, 33, 34 and 39 to enhance penalties for offences that have severe adverse impact on animals, human, trade and environment. A new section 38B on compounding offences is introduced so as to increase compliance, save time and avoid unnecessary costs associated with litigations.

PART VIII of the Bill proposes to amend the Interpretation of Laws Act, Cap. 1 whereby section 54 is amended to rectify a clerical error so that the provision may include other bodies that are named in subsection (1) apart from board.

Part IX of the Bill proposes to amend the Labour Institutions Act, Cap. 300 whereby, section 50 is amended and section 54 is repealed and

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replaced with a view of making provisions for Deputy Registrars. The amendments aim at ensuring that Deputy Registrars are featured in the composition of the Court and are able to perform their functions, accordingly.

Part X of the Bill amends the National Defence Act, Cap. 192 with a view to introducing in the Act the Planning and Implementation Committee in order to give legal effect the existence of such committee. The Planning and Implementation Committee is one of the high level decision making body of the Tanzania People's Defence Forces, thus based on the significance and sensitivity of the body, it has been considered necessary to establish it by the law to give it legal force. Consequent to the introduction of the Planning and Implementation Committee the Defence Forces Committee has been elevated to be the Defence Forces Council. The Defence Forces Council is the highest decision making body of TPDF.

Part XI of the Bill proposes to amend the National Parks Act, Cap. 282. Section 2 is amended by adding the definition of some terms which are necessary to be defined in the Act. Section 31 is repealed and replaced in order to extend application of sections 10, 11 and 12 of the Wildlife Conservation Act relating to the Wildlife and Forest Conservation Service to the National Parks Act. The amendments further recognise the employees of the Tanzania National Parks Authority as members of the Wildlife and Forest Conservation Service. The aim of the proposed amendments is to recognise the establishment of the Service as per the Wildlife Conservation Act.

Part XII of the Bill proposes to amend the Ngorongoro Conservation Area Act, Cap. 284, whereas section 2 is proposed to be amended by adding the definition of some terms which are necessary to be defined in the Act. Further, a new section 42A is proposed to be added so as to recognize the employees of the Ngorongoro Conservation Area Authority as members of the Wildlife and Forest Conservation Service. The aim of the proposed amendments is to recognise the establishment of the Service as per the Wildlife Conservation Act.

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Part XIII of the Bill proposes amendment of the Seeds Act, Cap. 308. A new section 24A is proposed to be added to make provisions for recognition of foreign seed certification agencies. The intention is to ensure that seeds certified by the relevant authorities in any foreign country are recognized in Tanzania. Section 26 of the Act is proposed to be amended so as to enhance the general penalty for offences committed under the Act. It is further proposed that a new section 32A be added so as to empower the Chief Seed Certification Officer to compound offences under the Act. Section 33 of the Act is amended with a view of adding pre- basic seed grade among the classes of seeds listed in that provision.

Part XIV of the Bill proposes to amend the Sugar Industry Act, Cap 251 whereas section 2 is amended so as to improve the definitions of some terms used in the Act and to add the definition of new terms that are necessary to be defined under the Act.

Section 4 is amended so as to include sugar distributors among the persons who are required to be registered or licenced by the Board under the Act. The amendment aims at ensuring that all dealers in the sugar industry are regulated by the Board. Section 6 of the Act is proposed to be amended in subsection (4) by deleting the word “Council” and replacing it with the word “Institute”. This is due to the fact that the function of providing training in the development of the sugar industry is vested in the Institute and not the Council as it appears in that provision.

Section 9 is amended so as to ensure that the specific functions vested in relevant authorities are performed by the authorities. Currently, the provision empowers the Director to authorise importation of sugarcane seed while at the same time the Tanzania Official Seed Institute (TOSCI) is the authority vested with regulation of seeds in the country. Section 14 is amended to recognise sugar manufacturers as sole importers of sugar for domestic consumption. The purpose of this amendment is to enhance transparency in importation of sugar for domestic consumption.

Section 11A of the Act is amended to widen scope of stakeholders consultation in prescribing minimum price of sugar cane and sugar. The amendments are intended to ensure that both cane growers and sugar

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manufacturers are effectively involved in the process of establishing cost of production which is the basis for prescribing such price.

A new section 11B is proposed to be introduced in the Act in order to provide for provisions relating to registration of sugar manufacturers which is a prerequisite for granting sugar manufacturing licence. Further to that, the proposed section specifies factors to be considered when registering a new manufacturing mill or facility. The proposed factors are intended to ensure that the existing manufacturing mills or facilities are not affected by any subsequently mills or facility installation.

A new section 16A is introduced to require the Sugar Board to sign performance contract with every sugar manufacturer that will ensure sustainable development and expansion of sugar production. As a result of the introduction of performance contract, section 17A is amended accordingly.

Section 29 of the Act is amended in order to clarify on the powers of the Minister to make regulations. According to the proposed amendments, the Minister will make regulations after consultation with the Board; and not upon recommendation of the Board. Further to that, the Minister's powers to make regulations are restricted to the provisions of the Act.

The Act is amended in order to introduce section 34B which restricts sugar repackaging to be done by sugar manufacturers only. It also prohibits repacking for purposes of rebranding.

Sections 16 and 35 are amended in order to enhance penalties for offences committed under the Act. The amendments aim at ensuring compliance with the law and deterrence of offences. A new section 35A is proposed to be introduced so as to empower the Board to compound offences under the Act.

Part XV of the Bill proposes amendments to the Wildlife Conservation Act, Cap. 283. The amendments aim at empowering the Minister to establish a Service which shall be responsible for the conservation, management, utilisation and protection of wildlife, forest and

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bee ecosystems and resources. The amendments also propose to widen the scope of the Service to include not only operation in matters relating to conservation of wildlife, but also forest and bee conservation services. The Service will be commanded by the respective Heads of institutions responsible for conservation in their respective areas of jurisdiction. The Ministry is tasked to establish a coordination structure which will facilitate smooth operations of the Service.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya marekebisho katika Sheria Kumi na Nne ambazo ni Sheria ya Mawakili, Sura ya 341, Sheria ya Mfuko wa Pembejeo, Sura ya 401, Sheria ya Umeme, Sura ya 131, Sheria ya Mbolea, Sura ya 378, Sheria ya Misitu, Sura ya 323, Sheria ya Nyanda za Malisho na Rasilimali ya Vyakula vya Mifugo, Sura ya 180, Sheria ya Tafsiri ya Sheria, Sura ya 1, Sheria ya Taasisi za Kazi, Sura ya 300, Sheria ya Ulinzi wa Taifa, Sura ya 192, Sheria ya Hifadhi za Taifa, Sura ya 282, Sheria ya Hifadhi ya Eneo la Ngorongoro, Sura ya 284, Sheria ya Mbegu, Sura ya 308, Sheria ya Tasnia ya Sukari, Sura ya 251 na Sheria ya Uhifadhi wa Wanyamapor, Sura ya 283.

Marekebisho yanayopendekezwa yanalenga kuboresha sheria husika ili ziendane na mabadiliko ya wakati na kutatua changamoto mbalimbali zilizojitokeza wakati wa utekelezaji wake.

Muswada huu umegawanyika katika Sehemu Kumi na Tano.

Sehemu ya Kwanza ya Muswada inahusu masharti ya Utangulizi na yanajumuisha jina la Muswada na namna ambavyo sheria zinazopendekezwa kufanyiwa marekebisho zimerekeblishwa katika Sehemu husika ya Muswada.

Sehemu ya Pili ya Muswada inapendekeza kurekebisha Sheria ya Mawakili Sura ya 341, kwa kuongeza Kifungu kipyaa cha 3A ili kuondoa uwezekano wa mgongano wa maslahi unaoweza kujitokeza kwa mawakili

wanaoteuliwa katika nafasi za uandamizi katika Utumishi wa Umma. Hivyo, inapendekezwa kuwa wanaoteuliwa wasifanye kazi za uwakili wa kujitegemea wakiwa katika nafasi hizo. Aidha, inapendekezwa kuwa katika kipindi chote cha utumishi wao, viongozi pamoja na mawakili wote wa Serikali wasilipe ada ya usajili inayolipwa na mawakili chini ya Sheria hii kwa kuwa katika kipindi hicho chote hawatakuwa wanajishughulisha na kazi za uwakili wa kujitegemea.

Sehemu ya Tatu ya Muswada inapendekeza kurekebisha Sheria ya Mfuko wa Pembejeo, Sura ya 401 ambapo katika kifungu cha 2, inapendekezwa kuongeza tafsiri ya msamiati “*agricultural machinery*” ndani ya Sheria hiyo kwa lengo la kutoa tafsiri pana ya msamiati huo kujumuisha nyenzo zote muhimu zilizokusudiwa na Sheria.

Kifungu cha 7 kinarekebisha ili kuainisha wajumbe wa Bodi ya Wadhamini watakaoteuliwa na Waziri. Kwa sasa kifungu hiki kinampa mamlaka Waziri kuteua wajumbe wa Bodi wasiopungua sita (6) na wasiozidi kumi (10) bila kubainisha wasifu na sehemu wanakotoka wajumbe hao. Lengo la marekebiso haya ni kuhakikisha Bodi inakuwa na uwakilishi stahiki ili kuwezesha na kuboresha utekelezaji wa majukumu yake.

Inapendekezwa kuwa, kifungu kipyta cha 9A kiongezwe ili kuweka utaratibu wa kuomba mikopo katika Mfuko wa Pembejeo. Aidha, kifungu kipyta cha 12A kinapendekezwa kuongezwa ili kuweka utaratibu wa rufaa kwa mtu asiyeridhika na maamuzi ya Bodi. Lengo ni kuweka mfumo madhubuti wa kushughulikia malalamiko ya wakulima dhidi ya Mfuko wa Pembejeo.

Sehemu ya Nne ya Muswada inapendekeza marekebiso katika Sheria ya Umeme, Sura ya 131 ambapo katika kifungu cha 3 tafsiri ya misamiati “licensee” na “supply” inarekebisha kwa lengo la kuboresha tafsiri ya misamiati hiyo na pia kuongeza tafsiri ya misamiati mingine ambayo kwa sasa haijatafsiriwa katika Sheria. Kifungu kipyta cha 4A kinapendekezwa kuongezwa ili kuweka nafasi ya Kamishna wa Masuala ya Umeme na kuainisha mamlaka na majukumu yake. Lengo la marekebiso haya ni kutambua kisheria nafasi na majukumu ya Kamishna wa Masuala ya

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Umeme kama ilivyo kwa makamishna wengine wa mafuta na madini na ambao nafasi na majukumu yao yapo kisheria.

Kifungu cha 6 kinarekebishwa ili kuiondolea EWURA jukumu la kushughulikia upatikanaji wa ardhi kwa kuwa zipo mamlaka zenyenye jukumu hilo kisheria. Inapendekezwa pia kuainisha ukomo wa muda ambao mtu atapaswa kukata rufaa kwenye Baraza Huru la Ushindani. Kifungu kipywa cha 14A kinapendekezwa kuongezwa kwa lengo la kumpa wajibu mtoe huduma kuondoa mitambo na miundombinu ya umeme baada ya muda wa mkataba kuisha.

Kifungu cha 28(8) cha Sheria ya Umeme kinarekebishwa kwa lengo la kuwezesha mteja kurudishiwa gharama na mtoe huduma ambazo mteja ameghamramia wakati wa kuunganishiwa umeme. Kifungu cha 35 kinarekebishwa kwa lengo la kuondoa kutoka kwa EWURA kwenda kwa mtoe huduma jukumu kutafuta ardhi kwa ajili ya kuweka njia ya kupitishia miundombinu ya umeme kwa kuwa kimsingi hilo ni la mtoe huduma. Kifungu kipywa cha 48A kinaongezwa kwa lengo la kubainisha adhabu ya jumla kwa makosa ambayo adhabu yake haikuainishwa mahsusini katika Sheria.

Sehemu ya Tano ya Muswada inapendekeza marekebisheso katika Sheria ya Mbolea, Sura ya 378. Kifungu cha 4 kinarekebishwa ili kupanua wigo wa majukumu ya Mamlaka ya Udhibiti wa Mbolea Tanzania ili kuainisha mfumo bora wa uingizaji mbolea nchini na usafirishaji mbolea nje ya nchi. Lengo la marekebisheso haya ni kuboresha usimamizi na udhibiti wa mbolea inayoingizwa nchini au kusafirishwa nje ya nchi. Kifungu cha 5 kinarekebishwa ili kuweka rejea sahihi ya chombo kilichoanzishwa na Sheria hii. Chombo kilichoanzishwa chini ya Sheria hii ni Mamlaka na si Wakala kama inavyosomeka katika kifungu hicho. Kifungu cha 13 kinapendekezwa kurekebisheso ili kuwataka waombaji wa leseni kutoa taarifa za maeneo ambayo biashara ya mbolea itafanywa au taarifa nyingine yoyote ambayo itahitajika na Mamlaka. Lengo la marekebisheso hayo ni kuiwezesha Mamlaka kudhibiti na kuwasimamia watu wote wanaofanya shughuli za mbolea.

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Kifungu cha 34A kinarekebishwa ili kuweka rejea sahihi ya mkuu wa Mamlaka ya Udhiliti wa Mbolea ambaye ni Mkurugenzi badala ya Mkurugenzi Mkuu kama inavyosomeka katika kifungu hicho kwa sasa.

Kifungu cha 40 kinarekebishwa ili kuongeza katika orodha ya makosa vitendo vya kuuza mbolea kwa bei ya juu kuliko bei elekezi na kuuza mbolea katika mifuko ya wazi au kinyume na matakwa ya Sheria hiyo. Lengo la marekebiso haya ni kuhakikisha kuwa kila mtu anazingatia bei elekezi na mbolea kuuzwa kwa kuzingatia sheria na hivyo kumlinda mteja. Kifungu hicho pia kinarekebishwa ili kuhuisha adhabu kwa makosa mbalimbali chini ya Sheria. Kifungu cha 40A kinarekebishwa ili kuweka masharti ya kuwasilisha taarifa kwa Mkurugenzi wa Mashtaka pale ambapo Mamlaka itafililisha makosa chini ya Sheria hiyo.

Kifungu cha 50 kinarekebishwa kwa kuongeza kifungu kidogo cha (2) ili kumpa Waziri mamlaka ya kuzuia uingizaji wa mbolea nchini au usafirishaji nje ya nchi kwa madhumuni ya kuhamasisha uzalishaji na upatikanaji wa mbolea ya kutosha nchini. Kifungu cha 51 kinarekebishwa ili kupanua wigo wa maeneo ambayo Waziri anaweza kuyatungia Kanuni ili kujumuisha kutunga kanuni za kuainisha mfumo bora wa uingizaji mbolea nchini na usafirishaji nje ya nchi. Lengo la marekebiso haya ni kuboresha usimamizi na udhibiti wa mbolea inayoingizwa nchini au inayosafirishwa nje ya nchi. Vilevile, Aya ya 1 ya Jedwali inarekebishwa kwa lengo la kupunguza idadi ya wajumbe wa Bodi ili kuhakikisha Bodi inatekeleza majukumu yake kwa ufanisi na kupunguza gharama za uendeshaji wa Bodi.

Sehemu ya Sita ya Muswada inapendekeza kufanya marekebiso katika Sheria ya Misitu, Sura ya 323. Kifungu cha 2 kinarekebishwa kwa kuongeza tafsiri ya misamiati mbalimbali ambayo imeonekana ni muhimu kutafsiriwa ndani ya Sheria hii. Inapendekezwa pia kuongeza kifungu kipyta cha 95A ili kutambua masharti ya vifungu vya 10, 11 na 12 vya Sheria ya Wanyamapor, Sura 283 kuhusu uanzishwaji wa Jeshi Usu. Aidha, mapendekezo haya pia yamekusudia kuwatambua watumishi wa Wakala wa Misitu Tanzania kama sehemu ya Jeshi Usu. Marekebiso haya yamelenga kuzingatia uanzishwaji wa Jeshi Usu chini ya Sheria ya Uhifadhi wa Wanyamapor.

Sehemu ya Saba ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Nyanda za Malisho na Rasilimali ya Vyakula vya Mifugo, Sura ya 180. Kifungu cha 3 kinarekebishwa kwa kuboresha misamiati iliyopo na kuongeza misamiati mipyä ili kuweka maana iliyokusudiwa kwa masharti mbalimbali ya Sheria. Aidha, msamiati wa maneno “veterinary science” unapendekezwa kufutwa na badala yake kuweka “animal feed scientist” kwa lengo la kuweka wataalam wanaokidhi mahitaji ya tasnia ya vyakula vya mifugo. Kifungu cha 4 kinapendekezwa kurekebishwa kwa kuongeza kifungu kidogo cha (4) kwa lengo la kulipa Baraza mamlaka ya kuchagua mwakilishi kutoka sekta mbalimbali. Aidha, katika kifungu kidogo cha (5) inapendekezwa kufuta maneno “*of Grazing land*” (nyanda za malisho) kwa kuwa maneno hayo yametafsiriwa ndani ya Sheria.

Kifungu cha 5 kinarekebishwa katika kifungu kidogo cha (2) kwa kuongeza aya ya (e) ili kulipa Baraza jukumu la kusimamia na kudhibiti nyanda za malisho, rasilimali ya vyakula vya mifugo na biashara. Vilevile, Sheria inarekebishwa katika vifungu vya 7, 8, 8A, 9, 14 na 20 kuhusu uteuzi, majukumu na mamlaka mbalimbali ya wakaguzi wa rasilimali za malisho ya mifugo na wakaguzi wa nyanda za malisho kwa lengo la kuboresha ukaguzi na usimamizi wa utii wa Sheria. Aidha, Sheria inarekebishwa katika vifungu vya 30, 33, 34 na 39 kwa kuongeza adhabu mbalimbali katika Sheria ili kudhibiti ukiukwaji wa makosa mbalimbi yenyé athari kubwa kwa mifugo, binadamu, biashara na mazingira. Kifungu cha 38 kinarekebishwa katika aya ya (d) ili kujumuisha vyama vya ushirika katika Rejesta ya Taifa inayotunzwa na Mkurugenzi chini ya Sheria hii.

Sheria inarekebishwa kwa kuongeza kifungu kipyä cha 38A kwa lengo la kuweka usimamizi bora wa nyanda za malisho, kinga na udhibiti wa migogoro ya ardhi na udhibiti wa uingizwaji wa mifugo toka nje ya Tanzania bara kwa madhumuni ya kuhifadhi nyanda za malisho. Kifungu kipyä cha 38B kinaongezwa ili kuweka masharti ya kafililisha makosa kwa lengo la kukuza utii wa sheria na kuokoa muda na gharama zinazohusiana na uendeshaji wa mashauri mahakamani.

Kifungu cha 38C kinapendekezwa kwa lengo la kuzuia kulisha mifugo katika maeneo yaliyotengwa ambapo litakuwa ni kosa la jinai na kuweka adhabu kwa ukiukwaji wa kifungu hicho. Marekebisho

yanapendekezwa katika kifungu cha 44 (d) ili kupanua wigo wa maeneo ambayo Waziri anaweza kuyatengenezea kanuni. Vilevile, inapendekezwa kurekebisha Jedwali la Pili la Sheria kwa lengo la kudhibiti virutubisho hatarishi (*hazardous ingredients*) katika uchakataji wa vyakula vyao mifugo. Marekebisheso ya mwisho yanapendekezwa kufanyika katika Jedwali la tatu katika maelezo yanayofuata katika sehemu “M: FEED ADDITIVES”, na pia kurekebisha sehemu “P” kwa lengo la kuhuishwa na kuboresha orodha iliyopo katika Jedwali hili

Sehemu ya Nane ya Muswada inapendekeza kurekebisha Sheria ya Tafsiri ya Sheria, Sura ya 1 ambapo kifungu cha 54 kinafanyiwa marekebisheso ya kiuandishi kwa lengo la kujumuisha katika masharti ya kifungu hicho vyombo vingine viliviyotajwa katika kifungu kidogo cha (1) tofauti na bodi.

Sehemu ya Tisa ya Muswada inapendekeza kurekebisha Sheria ya Taasisi za Kazi, Sura ya 300 ambapo, kifungu cha 50 kinarekebisheso na kifungu cha 54 kinafutwa na kuandikwa upya ili kuweka masharti yanayohusu Naibu Wasajili. Marekebisheso haya yanalenga kuhakikisha kuwa Naibu Wasajili wanajumuishwa katika muundo wa Mahakama na kuwawezesha kutekeleza majukumu yao ipasavyo.

Sehemu ya Kumi ya Muswada inapendekeza kurekebisha Sheria ya Ulinzi wa Taifa, Sura ya 192. Inapendekezwa kutambua katika Sheria Kamati ya Mipango na Utekelezaji ambayo ni moja ya vyombo vyao juu vya utekelezaji wa shughuli za majeshi. Lengo la marekebisheso haya ni kuipa Kamati hiyo nguvu ya kisheria. Hivyo, inapendekezwa kuongeza kifungu kipyaa cha 7A kinachohusu uanzishwaji, majukumu na mamlaka ya Kamati ya Mipango na Utekelezaji. Kutokana na mabadiliko haya, inapendekezwa Kamati ya Ulinzi ambayo imeanzishwa kwa mujibu wa Sheria hiyo ibadilishwe na kuwa na Baraza la ulinzi ambacho kitakuwa ndicho chombo cha juu kabisa katika masuala ya JWTZ.

Sehemu ya Kumi na Moja ya Muswada inapendekeza marekebisheso katika Sheria ya Hifadhi za Taifa, Sura ya 282. Kifungu cha 2 kinarekebisheso kwa kuongeza tafsiri ya misamiati mbalimbali ambayo imeonekana ni muhimu ikatafsiriwa ndani ya Sheria hii. Inapendekezwa

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kufuta na kuandika upya kifungu cha 31 ili kutambua masharti ya vifungu vya 10, 11 na 12 vya Sheria ya Wanyamapori, Sura 283 kuhusu uanzishwaji wa Jeshi Usu. Aidha, mapendekezo haya pia yamekusudia kuwatambua watumishi wa Wakala wa Misitu Tanzania kama sehemu ya jeshi usu. Marekebisho haya yamelenga kuzingatia uanzishwaji wa Jeshi Usu chini ya Sheria ya Uhifadhi wa Wanyamapori.

Sehemu ya Kumi na Mbili ya Muswada inapendekeza marekebisho katika Sheria ya Hifadhi za Eneo la Ngorongoro, Sura ya 284, ambapo kifungu cha 2 kinapendekezwa kurekeblishwa kwa kuongeza tafsiri ya misamiati mbalimbali ambayo imeonekana ni muhimu kutafsiriwa ndani ya Sheria. Aidha, inapendekezwa pia kuongeza kifungu kipyga cha 42A ili kutambua masharti ya vifungu vya 10, 11 na 12 vya Sheria ya Wanyamapori, Sura 283 kuhusu uanzishwaji wa Jeshi Usu. Aidha, mapendekezo haya pia yamekusudia kuwatambua watumishi wa Wakala wa Misitu Tanzania kama sehemu ya Jeshi Usu. Marekebisho haya yamelenga kuzingatia uanzishwaji wa Jeshi Usu chini ya Sheria ya Uhifadhi wa Wanyamapori.

Sehemu ya Kumi na Tatu ya Muswada inapendekeza marekebisho katika Sheria ya Mbegu, Sura ya 308. Kifungu kipyga cha 24A kinapendekezwa kuongezwa katika Sheria hiyo ili kutambua taasisi za kuthibitisha ubora wa mbegu zilizoanzishwa nje ya Tanzania. Lengo la marekebisho haya ni kuhakikisha kuwa mbegu ambazo ubora wake umethibitishwa katika nchi nyingine zinatambuliwa nchini Tanzania. Kifungu cha 26 kinapendekezwa kurekeblishwa ili kuongeza adhabu ya jumla kwa makosa mbalimbali chini ya Sheria hiyo. Marekebisho haya yamelenga kuhakikisha masharti ya Sheria yanazingatiwa. Aidha, kifungu kipyga cha 32A kinapendekezwa kuongezwa ili kumwezesha “Chief Seed Certification Officer” kufililisha makosa. Kifungu cha 33 cha Sheria kinarekeblishwa ili kujumuisha daraja la awali la mbegu mionganoni mwa madaraja mbalimbali ya mbegu yaliyoainishwa katika kifungu hicho.

Sehemu ya Kumi na Nne ya Muswada inapendekeza kurekebisha Sheria ya Tasnia ya Sukari, Sura ya 251, ambapo kifungu cha 2 kinarekeblishwa ili kuboresha tafsiri ya misamiati mbalimbali iliyotumika ndani ya sheria hiyo na kuongeza tafsiri ya misamiati mingine ambayo

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imeonekana ni muhimu kutafsiriwa. Lengo la marekebisho haya ni kuhakikisha kuwa tafsiri za misamiati zinaeleweka vizuri na kuondoa mkanganyiko wa maana unaoweza kujitokeza.

Kifungu cha 4 kinarekeblishwa ili kujumuisha wasambazaji wa sukari mionganoni mwa watu wanaotakiwa kusajili ama kupewa leseni na Bodi chini ya Sheria hiyo. Marekebisho haya yana lengo la kuhakikisha kuwa Bodi inasimamia watu wote wanaofanya shughuli zinazohusiana na sukari. Kifungu cha 6 kinapendekezwa kurekeblishwa katika kifungu kidogo cha (4) kwa kufuta neno “Baraza” na badala yake kutumia neno “Taasisi”. Marekebisho haya yanapendekezwa kwa kuwa Taasisi ndiyo yenyenye jukumu la kutoa mafunzo ya masuala mbalimbali ya uendelezaji wa tasnia ya sukari na si Baraza kama inavyosomeka katika kifungu hicho.

Kifungu cha 9 kinarekeblishwa ili kuhakikisha kuwa majukumu mahsususi ya mamlaka nyingine yanatekelezwa na mamlaka husika. Kwa sasa, kifungu hiki kinampa Mkurugenzi mamlaka ya kuidhinisha uingizaji mbegu za miwa nchini wakati “TOSCI” ndiyo chombo mahsususi chenyenye mamlaka ya kudhibiti masuala yote yanayohusu mbegu nchini. Aidha, inapendekezwa kurekebisha kifungu cha 14 ili kuwapa wazalishaji wa sukari (sugar manufacturers) jukumu la uingizaji sukari kwa matumizi ya kawaida. Lengo la marekebisho haya ni kuongeza uwazi katika uingizaji wa sukari kwa matumizi ya kawaida.

Kifungu cha 11A cha Sheria kinarekeblishwa ili kupanua wigo wa ushiriki wa wadau katika kupanga bei elekezi ya miwa na sukari. Marekebisho hayo yanalenga kuhakikisha kuwa wakulima na wazalishaji wa miwa wanashiriki ipasavyo katika mchakato wa kubaini gharama ya uzalishaji ambayo itakuwa ni kigezo cha kufikia bei elekezi.

Kifungu kipyta ya 11B kinapendekezwa kuongezwa ili kuweka masharti ya usajili wa wazalishaji wa sukari ambacho ni moja kati ya vigezo vya kupata leseni ya kuzalisha sukari. Marekebisho haya pia yamekusudia kuainisha vigezo vitavyozingatiwa katika kusajili kiwanda kipyta cha uzalishaji ili kuhakikisha kuwa shughuli za kiwanda kilichopo haziathiriwi na kiwanda kipyta.

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Kifungu kipywa cha 16A kinaongezwa kwa lengo la kuitaka Bodi ya Sukari kusaini mkataba wa utekelezaji na kila mzalishaji wa sukari ili kuhakikisha maendeleo endelevu na kupanua uzalishaji wa sukari. Sambamba na marekebisho haya, kifungu cha 17A kinarekebishwa ili kiweze kuendana na masharti ya kifungu kipywa cha 16A.

Kifungu cha 29 kinarekebishwa kwa lengo la kufafanua mamlaka ya Waziri kutengeneza kanuni. Kulingana na marekebisho haya, Waziri atatengeneza kanuni baada ya kushauriana na Bodi na sio baada ya kupokea mapendekezo ya Bodi. Marekebisho mengine katika kifungu hiki yanalenga kuweka masharti kwa Waziri kutengeneza kanuni kwa kuzingatia masharti ya Sheria hii.

Sheria inarekebishwa kwa kuongeza kifungu kipywa cha 34B kinachoweka masharti ya ufungashaji (repackaging) wa sukari kufanywa na wazalishaji peke yao. Aidha, kifungu hiki kinazuia ufungashaji wa sukari kwa lengo la kubadili jina halisi ya sukari.

Vifungu vya 16 na 35 vinarekebishwa ili kuongeza adhabu kwa makosa chini ya sheria hiyo. Marekebisho haya yanalenga kuhakikisha sheria zinazingatiwa. Kifungu kipywa cha 35A kinapendekezwa kuongezwa ili kuiwezesha Bodi kafililisha makosa chini ya Sheria hiyo kwa lengo la kupunguza mlundikano wa kesi mahakamani na kuokoa muda na gharama zinazoambatana na uendeshaji wa kesi mahakamani.

Sehemu ya Kumi na Tano ya Muswada inapendekeza marekebisho katika Sheria ya Uhifadhi wa Wanyamapori, Sura ya 283. Kwa ujumla, marekebisho haya yanalenga kumuwezesha Waziri kuanzisha Jeshi Usu ambalo litakuwa na jukumu la kudhibiti, kuhifadhi, kusimamia na kulinda wanyamapori, misitu, nyuki, maliasili na mfumo wa ekolojia. Kwa muktadha huo, mapendekezo ya jumla yanapendekezwa kwa kufuta neno “unit” popote lilipotumika katika Sheria na badala yake kutumia neno “Service”. Marekebisho haya yamelenga kupanua wigo wa utendaji wa Jeshi Usu ili kujumuisha sio tu utendaji katika masuala ya uhifadhi wa wanyamapori bali katika uhifadhi wa misitu na nyuki pia. Aidha, Jeshi Usu litasimamiwa na viongozi wa juu wa taasisi zinazohusika na masuala ya

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uhifadhi katika maeneo yao ya kiutawala. Wizara itakuwa na jukumu la kuweka mfumo wa uratibu utakaowezesha Jeshi hilo kutekeleza majukumu yake.

Dodoma,
7 Januari, 2020

ADELARDUS L. KILANGI,
Mwanasheria Mkuu wa Serikali

SCHEDULE OF AMENDMENT TO BE MOVED BY THE HON. PROF. ADELARDUS L. KILANGI, THE ATTORNEY GENERAL AT THE SECOND READING OF A BILL ENTITLED “THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT, 2020”

(Made under S.O. 86(10))

A Bill entitled “The Written Laws (Miscellaneous Amendments) Act, 2020” is amended as follows:

A: By deleting Clause 6 and substituting for it the following:

“Amendment of
section 2

- 6.** The principal Act is amended in section 2, by-
- (a) inserting the words “agricultural machinery” between the words “agricultural fertilizers” and “certified seeds” appearing in the definition of the term “agricultural inputs”; and
 - (b) adding in its appropriate alphabetical order the following definition:
““agricultural machinery” includes self propelled machines and trailed or pulled implements;”;

B: In Clause 20, by deleting paragraph (b) and substituting for it the following:

- “(b) deleting the word “consumers” appearing in subsection (2)(b) and substituting for it the word “customers”;”;

C: In Clause 46, by deleting the word “resources” appearing at the end of paragraph (c);

D: In Clause 59, by deleting paragraphs (a) and (b) of the proposed section 38C(3) and substituting for them the following:

- “(a) in the case where the animal associated with offence is cattle, donkey, camel, horse or water buffalo, be liable to a fine of not less than fifteen thousand shillings but not exceeding twenty thousand shillings per each animal; and
- (b) in the case where the animal associated with offence is sheep, goat, pig or such other animal, be liable to a fine of not less than three thousand shillings but not exceeding five thousand shillings per each animal,”;

E: In Clause 60, by deleting the words “two years” appearing at the end of that Clause and substituting for them the words “six months but not exceeding two years.”;

F: By deleting Clause 67 and substituting for it the following:

“Amendment of
section 50

- 67.** The principal Act is amended in section 50-
- (a) in subsection (2), by-
 - (i) adding immediately after paragraph (a) the following:
“(b) such number of Deputy Registrars as the Chief Justice may consider necessary; and”;
 - (ii) renaming paragraph (b) as paragraph (c);
 - (b) in subsection (3), by deleting figure “(2)(b)” and substituting

for it figure “(2)(c)”;

G: In Clause 72, by deleting subsection (1) of the proposed section 7A and substituting for it the following:

“(1) There is established the Planning and Implementation Committee whose composition and proceedings shall be prescribed in the Order issued by the Chief of Defence Forces.”;

H: In Clause 78, by deleting the word “The” appearing at the beginning of the proposed section 42A(2) and substituting for it the words “For the purpose of subsection (1), all”;

I: In Clause 96, by deleting the words “or to imprisonment for a term of not less than three years” appearing in the proposed section 34B(3) and substituting for them the words “but not exceeding one hundred million shillings or to imprisonment for a term of not less than one year but not exceeding three years”;

J: By deleting Clause 97 and substituting for it the following:

“Amendment of
section 35

97. The principal Act is amended in section 35 by deleting the words “to imprisonment for a term not exceeding twenty four months or to a fine not exceeding two million shillings” and substituting for them the words “to a fine of not less than one hundred thousand shillings but not exceeding ten million shillings or to imprisonment for a term of not less than six months but not exceeding two years”.

Dodoma,
....., 2020

ALK
AG

WAZIRI WA FEDHA NA MIPANGO: Mheshimiwa Spika, naafiki.

SPIKA: Ahsante sana Mheshimiwa Mwanasheria Mkuu wa Serikali, hoja imetolewa na imeungwa mkono. Tunakushukuru sana kwa kuwasilisha vizuri na kutoa maelezo yako kuhusiana na Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa Mwaka 2020.

Sasa nimuite Mwenyekiti wa Kamati, Makamu Mwenyekiti, Mheshimiwa Najma Giga.

MHE. NAJMA MURTAZA GIGA - MAKAMU MWENYEKITI KAMATI YA KUDUMU YA BUNGE YA KATIBA NA SHERIA: Mheshimiwa Spika, ahsante sana kwa kunipa fursa hii.

Mheshimiwa Spika, kwa mujibu wa Kanuni ya 86(5) ya Kanuni za Kudumu za Bunge, naomba kuwasilisha maoni na ushauri wa Kamati ya Bunge ya Katiba na Sheria kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa Mwaka 2020 [*The Written Laws (Miscellaneous Amendments) Bill, 2020*].

Mheshimiwa Spika, katika kutekeleza masharti ya Kanuni ya 84(1) ya Kanuni za Kudumu za Bunge, Kamati ilikutana katika Ukumbi wa Msekwa uliopo katika Ofisi za Bunge Dodoma, mnamo tarehe 4 Mei, 2020 ili kupokea maelezo ya Serikali kuhusu Muswada huu. Katika kikao hicho, maelezo ya mtoa hoja yaliyowasilishwa kwa njia ya Bunge Mtandao, ambapo alijulisha Kamati kuwa, Muswada huu unakusudia kufanya marekebisho katika sheria kumi na nne ili kuboresha utekelezaji wa sheria hizo kwa kuondoa upungufu uliojitekeza wakati wa kutumia sheria hizo na kuongeza masharti mengine ili kuleta uwiano kati ya sheria zinazorekebishwa na sheria zilizopo. Maelezo ya Serikali yalionesha kuwa, Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa Mwaka 2020 unapendekeza kufanya marekebisho katika sheria kumi na nne (14), kama zilivyoainishwa kwenye taarifa hii.

Mheshimiwa Spika, baada ya kupokea maelezo hayo, Kamati ilizingatia masharti ya Kanuni ya 84(2) ya Kanuni za Kudumu za Bunge na kutoa matangazo ya kuwaalika wadau mbalimbali wafike mbele ya Kamati kwa lengo la kuisaidia katika uchambuzi wa Muswada huu. Kwa matangazo hayo, wadau walipata fursa ya kuwasilisha maoni yao kwa njia ya barua pepe, ambayo yalipokelewa na kuchambuliwa na Kamati. Majina ya wadau hao ni kama yalivyoainishwa kwenye taarifa yetu. Napenda kuchukua fursa hii kuwashukuru kwa dhati wadau wote kwa ushirikiano wao kwa kuisaidia Kamati kuuelewa na kuuchambua Muswada huu.

Mheshimiwa Spika, maoni na ushauri wa Kamati. Baada ya kuzungumzia masuala ya awali katika utangulizi wa taarifa hii, napenda kuwasilisha mbele ya Bunge lako Tukufu maoni ya Kamati ambayo yametokana na maelezo ya Serikali pamoja uchambuzi wa Kamati katika Sehemu na Ibara mbalimbali za Muswada huu.

Mheshimiwa Spika, mnamo tarehe 8 Mei, 2020, Kamati ilikutana na Serikali kwenye Ukumbi Na. 9 Jengo la Utawala, katika Ofisi za Bunge, kwa lengo la kujadili masuala mbalimbali ya kiuchambuzi yaliyoibuliwa na Kamati, hatua ambayo iliwezesha Serikali kuufanyia Maboresho Muswada huu kwa kuzingatia maoni na ushauri wa Kamati, kama ilivyoainishwa katika Jedwali la Marekebisho la Serikali.

Mheshimiwa Spika, maelezo ya jumla kuhusu uchambuzi wa Muswada. Kamati ilipitia na kufanya uchambuzi wa Sehemu Kumi na Tano za Muswada zenye jumla ya Ibara Mia Moja na Sita pamoja na vifungu vyote vyta Sheria vinavyopendekezwa kurekebishwa.

Mheshimiwa Spika, kutokana na uchambuzi wa Muswada uliofanywa na Kamati, kwa kupitia Ibara zote zinazopendekeza marekebisho katika Sheria Mama husika, Kamati inapenda kutoa maoni kuwa, kwa ujumla maudhui ya Muswada huu yana tija kwa taifa na endapo mapendekezo ya marekebisho yatapitimshwa na kuwa sheria yatasaidia kuondoa mapungufu yaliyopo katika sheria hizo

ili ziweze kuendana na sheria nyingine zinazotumika kwa sasa. Hivyo, Kamati imeridhia marekebisho yanayopendekezwa kwa kila sheria inayorekebishwa katika Muswada huu na inaipongeza Serikali kwa kubainisha upungufu katika sheria husika na kuandaa mapendekezo ya kuboresha yaliyowasilishwa katika Muswada huu, na ambayo yameridhiwa na Kamati, pamoja na Maoni ya Kamati kwa baadhi ya vifungu vya sheria husika vyenye kuhitaji maboresho, kama inavyoonekana katika Jedwali la Marekebisho.

Mheshimiwa Spika, hata hivyo, pamoja na Kamati kuridhishwa na maudhui pamoja na mantiki ya marekebisho yanayopendekezwa kwa kila sheria husika, ilibaini baadhi ya dosari za kiuandishi na kupendekeza marekebisho machache katika sheria mbalimbali, ambayo yamepokelewa, kama inavyoonekana katika Jedwali la Marekebisho lilloletwa na Serikali.

Mheshimiwa Spika, suala mahsusni katika Muswada. Uchambuzi wa Kamati ulibaini kuwa marekebisho ya Sheria ya Misitu, Sura ya 323 yanayopendekezwa katika Muswada huu yamebainika kuwa yana umuhimu mkubwa katika kuweka uwiano wa masuala ya uhifadhi kwa lengo la kuendana na mfumo mpya wa utumishi ambapo watumishi wote wanaohusika na uhifadhi wamebadilishwa kada zao kutoka katika utumishi wa kiraia na kwenda kwenye mfumo wa Jeshi Usu ili waweze kutekeleza kazi zao katika mazingira yaliyopo. Kwa, muktadha huo, marekebisho hayo pia yanagusa sheria nyingine ambazo ni Sheria ya Hifadhi za Taifa, Sura ya 282 na Sheria ya Hifadhi ya Eneo la Ngorongoro, Sura ya 284, kwa lengo la kuweka uwiano mzuri wa utekelezaji wa sheria hizo katika kusimamia hifadhi za Taifa.

Mheshimiwa Spika, Kamati ilikwenda mbali zaidi na kufanya irejee ya sheria za baadhi ya nchi za Jumuia ya Afrika Mashariki, hususan Kenya na Uganda na kubaini kuwa matumizi ya mfumo wa Jeshi Usu katika kulinda na kusimamia hifadhi za nchi, umekuwa sehemu ya sheria za nchi hizo kwa muda mrefu sasa. Kwa mfano, nchini Kenya, sheria

zinazosimamia uhifadhi za wanyamapor na mali kale zimeweka mfumo wa utumishi wa Jeshi chini ya Sheria ya Kenya ya Uhifadhi na Usimamizi wa Wanyamapor, chini ya kifungu cha 3(1) cha Sheria ya *Wildlife Conservation and Management Act (Act.No. 16 of 1989)*. Aidha, nchini Uganda, Sheria ya *Uganda Wildlife Act of 2019*, kifungu cha 18(4), inatambua utumishi katika uhifadhi kuwa wa Jeshi.

Mheshimiwa Spika, kwa mifano hiyo michache, kutoka kwenye mifumo ya kisheria ya uhifadhi katika nchi ya Kenya na Uganda, maoni ya Kamati ni kwamba ni wakati stahiki wa Serikali kuanzisha na kuimarissha mfumo wa Jeshi Usu kwa lengo la kuhifadhi na kusimamia maliasili za nchi yetu kuititia Hifadhi za Taifa bila kusahau hifadhi za misitu yetu. Kwa mantiki hiyo, Kamati inakubaliana na mapendekezo ya Serikali kama yalivyo kwenye sheria husika kwa ustawi wa Hifadhi za Taifa na kwa maendeleo endelevu ya Taifa letu.

Mheshimiwa Spika, maoni na mapendekezo. Kamati ilibaini dosari za kiuandishi katika jumla ya Ibara sita (6) za Muswada ambazo ni Ibara ya 6, 20(b), 45, 46(c), 67 na 78 na kupendekeza marekebisho. Serikali ilipokea mapendekezo ya Kamati kama yanavyoonekana kwenye Jedwali la Marekebisho.

Mheshimiwa Spika, Kamati ilibaini dosari za kimantiki na kimaudhui ambazo zililitaji maboresho ili kuepuka changamoto zinazoweza kuathiri utekelezaji wa vifungu vya sheria husika. Dosari hizo zimebainishwa katika Ibara za sheria zenye kupendekeza masharti ya adhabu zinazotokana na kufifilisha makosa ambapo adhabu zinazopendekezwa kwenye Ibara husika hazijaainisha ukomo wa chini au ukomo wa juu, hatua ambayo kwa maoni ya Kamati hilo ni ombwe linaloweza kutumiwa vibaya na baadhi ya watekelezaji wa sheria hizo na hivyo kukwamisha utekelezaji wake. Jumla ya Ibara saba zilizobainika kuwa na dosari za uainishi wa makosa na adhabu zake ni Ibara za 27, 59, 60, 82, 92, 96 na 98 ambapo Kamati ilipendekeza Ibara hizo zifanyiwe marekebisho. Serikali ilipokea mapendekezo ya Kamati kama yanavyoonekana kwenye Jedwali la Marekebisho.

Mheshimiwa Spika, Mapendeleko ya jumla. Kamati ilibaini masuala mbalimbali ya jumla ambayo muhimu yakaboreshwa kwa lengo la kuleta ufanisi wa kutosha kwenye sekta husika kama ifuatavyo:-

Mheshimiwa Spika, kwa kuwa Kamati imebaini kuwa sekta za kilimo, uvuvi na mifugo ni mtambuka na zina changamoto nyingi zenyenye kuhusisha wadau mbalimbali ikiwemo Wizara, Halmashauri, Mamlaka nyingine na sekta binafsi zinazohusika na sekta hizo kwa namna mbalimbali. Na kwa kuwa, ufanisi mkubwa wa sekta hizo utabainika tu endapo kutakuwepo ushirikiano wa kutosha baina ya wadau wote katika hatua zote za uandaaji wa sheria, miongozo, kanuni na utekelezaji wa sheria za sekta husika.

Hivyo basi, Kamati inashauri kuwa, Wizara na taasisi zote zinazohusika na Sekta za Uvuvi na Mifugo nchini pamoja na wadau wote wa sekta husika, ziboreshe mfumo wa mawasiliano kwa kuongeza ushirikiano wa karibu kwa lengo la kuboresha masuala mbalimbali ya kiutendaji ili sekta hizo zichangie maendeleo ya nchi kwa viwango vinavyotakiwa.

Mheshimiwa Spika, naomba nihitimishe kwa mara nyingine kwa kukushukuru sana wewe kwa kutoa kibali ili kamati ya Katiba na Sheria iweze kuufanyia kazi Muswada huu. Pia naomba kumtambua na kumshukuru Mwanasheria Mkuu wa Serikali, Mhe. Prof. Adelardus Kilangi, pamoja na Watendaji wote wa Ofisi ya Mwanasheria Mkuu wa Serikali kwa ushirikiano wao wa dhati ulioiwezesha Kamati kukamilisha uchambuzi wa Muswada huu kwa wakati. Aidha, Kamati inatambua na kumshukuru kila Waziri wa Wizara ya Katiba na Sheria, Mheshimiwa Dkt. Mwigulu Lameck Nchemba (Mb) na Watendaji wake waliofika mbele ya Kamati kwa lengo la kuisaidia Kamati kukamilisha kazi yake kwa ufanisi mkubwa na kwa wakati.

Mheshimiwa Spika, kwa namna ya pekee kabisa, naomba niwashukuru Wajumbe wa Kamati ya Katiba na Sheria kwa weledi na umahiri wao waliouonesha wakati wa kuchambua Muswada huu na hatimaye kutoa

Mapendekezo ya msingi ya kuuboresha. Naomba majina yao yaingizwe kwenye Kumbukumbu Rasmi za Bunge (*Hansard*).

Mheshimiwa Spika, nawashukuru Watumishi wote wa Ofisi ya Bunge hususan Katibu wa Bunge Ndg. Stephen Kagaigai kwa Uongozi thabiti ambao umerahisisha utendaji kazi wa Kamati. Aidha, namshukuru Mkurugenzi wa Idara ya Kamati za Bunge, Ndg. Athuman Hussein, Wakurugenzi Wasaidizi Ndg. Michael Chikokoto, na Ndg. Gerald Magili, Wanasheria Wasaidizi wa Bunge ambao ni Ndg. Nesta Kawamala, Ndg. Evelyne Shibandiko, Ndg. Seraphine Tamba na Ndg. Rehema Kipera, Katibu wa Kamati Ndg. Stanslaus Kagisa pamoja na Msaidizi wa Kamati Ndg. Rahel Masima waliofanikisha kazi ya uchambuzi na uratibu wa shughuli za Kamati kwa kuiwezesha Kamati kutekeleza majukumu yake ipasavyo na kukamilisha taarifa hii kwa wakati.

Mheshimiwa Spika, pia naomba taarifa yetu kama ilivyoletwa yote iingie kwenye *Hansard*. Naomba kuwasilisha. (*Makofii*)

**MAONI NA USHAURI WA KAMATI YA BUNE YA KATIBA NA
SHERIA KUHUSU MUSWADA WA SHERIA YA MAREKEBISHO YA
SHERIA MBALIMBALI WA MWAKA 2020 (*THE WRITTEN LAWS
(MISCELLANEOUS AMENDMENTS) BILL, 2020 - KAMA
YALIVYOWASILISHWA MEZANI***

1.0 UTANGULIZI

Mheshimiwa Spika, Mnamo tarehe 7 Februari, 2020 wakati wa Kikao cha Tisa (9) cha Mkutano wa Kumi na Nane wa Bunge, Muswada wa Sheria ya Marekebisho ya Sheria Mbalmali wa Mwaka 2020 [*The Written Laws (Miscellaneous Amendments) Bill, 2020*] ulisomwa Bungeni mara ya kwanza. Baada ya hapo, ulizingatia Masharti ya Kanuni ya 84(1) kwa pamoja na Kifungu cha 7(1) (b) cha Nyongeza ya Nane ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016 na kupeleka Muswada huo kwenye Kamati ya Kudumu ya Bunge ya Katiba na Sheria. Naomba kulijulisha Bunge lako

tukufu kuwa, Kamati iliujadili Muswada huo kwa kuzingatia matakwa ya Kanuni za Kudumu za Bunge hususan Sehemu ya Nane ya Kanuni za Bunge inayohusu masharti ya Jumla kuhusiana na kutunga Sheria.

Mheshimiwa Spika, kwa mujibu wa Kanuni ya 86 (5) ya Kanuni za Kudumu za Bunge, naomba kuwasilisha Maoni na Ushauri wa Kamati ya Bunge ya Katiba na Sheria Kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa Mwaka 2020 (*The Written Laws (Miscellaneous Amendments) Bill, 2020*).

Mheshimiwa Spika, katika kutekeleza masharti ya Kanuni ya 84(1) ya Kanuni za Kudumu za Bunge, Kamati ilikutana katika **Ukumbi wa Msekwa** uliopo katika Ofisi za Bunge Dodoma, mnamo tarehe 4 Mei, 2020 ili kupokea maelezo ya Serikali kuhusu Muswada husika. Katika kikao hicho, Maelezo ya Mto Hoja yallyowasillishwa kwa njia ya Bunge Mtandao, ambapo alijulisha Kamati kuwa, Muswada huu unakusudia kufanya marekebisho katika Sheria Kumi na Nne (14) ili kuboresha utekelezaji wa Sheria hizo kwa kuondoa upungufu uliojitekeza wakati wa kutumia Sheria hizo na kuongeza masharti mengine ili kuleta uwiano kati ya Sheria zinazorekebishwa na Sheria zilizopo.

Mheshimiwa Spika, Maelezo ya Serikali yalionesha kuwa, Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa Mwaka 2020 unapendekeza kufanya marekebisho katika Sheria Kumi na Nne (14), kama zilivyoainishwa kwenye taarifa hii.

Mheshimiwa Spika, baada ya kupokea maelezo hayo, Kamati ilizingatia masharti ya **Kanuni ya 84(2)** ya Kanuni za Kudumu za Bunge na kutoa matangazo ya kuwaalika wadau mbalimbali wafike mbele ya Kamati kwa lengo la kuisaidia katika Uchambuzi wa Muswada huu.

Kwa matangazo hayo, Wadau walipata fursa ya kuwasilisha maoni yao kwa njia ya Barua pepe, ambayo yalipokelewa na kuchambuliwa na Kamati. Majina ya Wadau hao ni kama yalivyoainishwa kwenye taarifa hii.

Mheshimiwa Spika, napenda kuchukua fursa hii kuwashukuru kwa dhati Wadau wote kwa ushirikiano wao kwa kuisaidia Kamati kuulewa na kuuchambua Muswada huu.

2.0 MAONI NA USHAURI WA KAMATI

Mheshimiwa Spika, baada ya kuzungumzia masuala ya awali katika utangulizi wa Taarifa hii, napenda kuwasilisha mbele ya Bunge lako tukufu maoni ya Kamati ambayo yametokana na maelezo ya Serikali pamoja uchambuzi wa Kamati katika Sehemu na Ibara mbalimbali za Muswada huu.

Mheshimiwa Spika, mnamo tarehe 8 Mei, 2020 Kamati ilikutana na Serikali kwenye Ukumbi Na. 9 Jengo la Utawala, katika Ofisi za Bunge, kwa lengo la kujadili masuala mbalimbali ya kiuchambuzi yaliyoibuliwa na Kamati, hatua ambayo iliwezesha Serikali kuufanyia Maboresho Muswada huu kwa kuzingatia maoni na ushauri wa Kamati, kama ilivyoainishwa katika Jedwali la Marekebisho la Serikali.

2.1 Maelezo ya Jumla kuhusu uchambuzi wa Muswada

Mheshimiwa Spika, Kamati ilipitia na kufanya uchambuzi wa Sehemu Kumi na Tano (15) za Musawada zenye jumla ya Ibara Mia Moja na Sita (106) pamoja na vifungu vyote vya Sheria vinavyopendekezwa kurekebishwa.

Mheshimiwa Spika, kutokana na uchambuzi wa Muswada uliofanywa na Kamati, kwa kupitia Ibara zote zinazopendekeza marekebisho katika Sheria Mama husika, Kamati inapenda kutoa maoni kuwa, kwa ujumla maudhui ya Muswada huu yana tija kwa taifa na endapo mapendekezo ya marekebisho yatapitishwa na kuwa Sheria yatasaidia kuondoa mapungufu yaliyopo katika Sheria hizo ili ziweze kuendana na Sheria nyingine zinazotumika kwa sasa.

Hivyo, Kamati imeridhia marekebisho yanayopendekezwa kwa kila Sheria inayorekebishwa katika Muswada huu, na inaipongeza Serikali kwa kubainisha upungufu katika Sheria husika na kuandaa mapendekezo ya kuboresha yaliyowasilishwa katika Muswada huu, na ambayo yameridhiwa na Kamati, pamoja na Maoni ya Kamati kwa

baadhi ya Vifungu vya Sheria husika vyenye kuhitaji maboresho, kama inavyoonekana katika Jedwali la Marekebisho.

Mheshimiwa Spika, hata hivyo, pamoja na Kamati kuridhishwa na maudhui pamoja na mantiki ya Marekebisho yanayopendekezwa kwa kila Sheria husika, ilibaini baadhi ya dosari za kiuandishi na kupendekeza marekebisho machache katika Sheria mbalimbali, ambayo yamepokelewa, kama inavyoonekana katika Jedwali la Marekebisho liliiletwa na Serikali.

2.2 Suala Mahsusni katika Muswada

Mheshimiwa Spika, Uchambuzi wa Kamati ulibaini kuwa, Marekebisho ya Sheria ya Misitu (Sura 323) yanayopendekezwa katika Muswada huu, yamebainika kuwa na umuhimu mkubwa katika kuweka uwiano wa masuala ya uhifadhi, kwa lengo la kuendana na mfumo mpya wa utumishi, ambapo watumishi wote wanaohusika na uhifadhi wamebadilishwa kada zao kutoka katika utumishi wa kiraia na kwenda kwenye mfumo wa Jeshi USU ili waweze kutekeleza kazi zao katika mazingira yaliyopo.

Mheshimiwa Spika, kwa, muktadha huo, Marekebisho hayo pia yanagusa Sheria nyingine ambazo ni Sheria ya Hifadhi za Taifa, Sura ya 282, na Sheria ya Hifadhi ya Eneo la Ngorongoro, Sura ya 284, kwa lengo la kuweka uwiano mzuri wa utekelezaji wa Sheria hizo katika kusimamia hifadhi za Taifa.

Mheshimiwa Spika, Kamati ilikwenda mbali zaidi kwa kufanya rejea ya Sheria za baadhi ya nchi za Jumuia ya Afrika Mashariki, hususan Kenya na Uganda, nakubaini kuwa, Matumizi ya mfumo wa Jeshi Usu katika kulinda na kusimamia hifadhi za nchi, umekuwa sehemu ya Sheria za nchi hizo kwa muda mrefu.

Kwa mfano:- nchini Kenya, Sheria zinazosimamia uhifadhi za wanyamaporini mali kale zimewewa mfumo wa utumishi wa Jeshi Usu chini ya Sheria ya Kenya ya Uhifadhi na usimamizi wa Wanyamaporini, chini ya Kifungu cha 3(1) cha Sheria ya

Wildlife Conservation and Management Act (Act.No.16 of 1989).

Aidha, nchini Uganda, Sheria ya *Uganda Wildlife Act of 2019*, Kifungu cha 18(4), inatambua utumishi katika uhifadhi kuwa wa Jeshi Usu.

Mheshimiwa Spika, kwa mifano hiyo michache, kutoka kwenye mifumo ya kisheria ya uhifadhi katika nchi ya Kenya na Uganda, maoni ya Kamati ni kwamba, ni wakati stahiki wa Serikali kuanzisha na kuimarisha mfumo wa Jeshi Usu, kwa lengo la kuhifadhi na kusimamia Maliasili za nchi yetu kuitia Hifadhi za Taifa bila kusahau hifadhi za Misitu yetu.

Kwa mantiki hiyo, Kamati inakubaliana na mapendekezo ya Serikali kama yalivyo kwenye Sheria husika, kwa ustawi wa Hifadhi za Taifa, kwa maendeleo endelevu ya Taifa letu.

2.3 Maoni na Mapendekezo

2.3.1 **Mheshimiwa Spika**, Kamati ilibaini dosari za kiuandishi katika jumla ya Ibara Sita(6) za Muswada, ambazo ni **Ibara ya 6, 20(b), 45, 46(c), 67 na 78** na kupendekeza marekebisho. Serikali ilipokea mapendekezo ya Kamati kama yanavyoonekana kwenye Jedwali la Marekebisho.

2.3.2 **Mheshimiwa Spika**, Kamati ilibaini dosari za kimantiki na kimaudhui, ambazo zilihitaji maboresho ili kuepuka changamoto zinazoweza kuathiri utekelezaji wa Vifungu vya Sheria husika. Dosari hizo zimebainishwa katika Ibara za Sheria zenye kupendekeza masharti ya adhabu zinazotokana na kufifilisha Makosa, ambapo, adhabu zinazopendekezwa kwenye Ibara husika hazijaainisha ukomo wa chini au ukomo wa Juu, hatua ambayo, kwa maoni ya Kamati, hilo ni ombwe linaloweza kutumiwa vibaya na baadhi ya watekelezaji wa Sheria hizo na hivyo kukwamisha utekelezaji wake.

Mheshimiwa Spika, Jumla ya Ibara Saba (7) zilizobainika kuwa na dosari za uainishaji wa Makosa na Adhabu zake ni **Ibara ya 27, 59, 60, 82, 92, 96 na 98**, ambapo Kamati ilipendekeza ibara hizo zifanyiwe marekebisho.

Mheshimiwa Spika, Serikali ilipokea mapendekezo ya Kamati kama yanavyoonekana kwenye Jedwali la Marekebisho.

2.4 Mapendekezo ya Jumla

Mheshimiwa Spika, Kamati ilibaini masuala mbalimbali ya jumla ambayo muhimu yakaboreshwa kwa lengo la kuleta ufanisi wa kutosha kwenye sekta husika kama ifuatavyo:-

Mheshimiwa Spika,

Kwa kuwa, Kamati imebaini kuwa Sekta za Kilimo, Uvuvi na Mifugo ni mtambuka, na zina changamoto nyingi zenyenkuhusisha wadau mbalimbali ikiwemo Wizara, Halmashauri, Mamlaka nyingine na Sekta Binafsi zinazohusika na Sekta hizo kwa namna mbalimbali,

Na kwa kuwa, ufanisi mkubwa wa sekta hizo utabainika tu endapo kutakuwepo ushirikiano wa kutosha baina ya Wadau wote katika hatua zote za uandaaji wa Sheria, Miongozo, Kanuni na utekelezaji wa Sheria za Sekta husika,

Hivyo basi, Kamati inashauri kuwa, Wizara na taasisi zote zinazohusika na Sekta za Mifugo, Uvuvi na Mifugo nchini pamoja na Wadau wote wa Sekta husika, ziboreshe mfumo wa mawasiliano kwa kuongeza ushirikiano wa karibu kwa lengo la kuboresha masuala mbalimbali ya kiutendaji, ili Sekta hizo zichangie Maendeleo ya nchi kwa viwango vinavyotakiwa.

3.0 HITIMISHO

Mheshimiwa Spika, kwa mara nyingine naomba nikushukuru sana wewe kwa kutoa kibali ili kamati ya Katiba na Sheria iweze kuufanyia kazi Muswada huu.

Mheshimiwa Spika, naomba kumtambua na kumshukuru Mwanasheria Mkuu wa Serikali, Mhe. Prof. Adelardus Kilangi, pamoja na Watendaji wote wa Ofisi ya Mwanasheria Mkuu wa Serikali kwa ushirikiano wao wa dhati ulioiwezesha Kamati kukamilisha Uchambuzi wa Muswada huu kwa wakati. Aidha, Kamati inatambua na kumshukuru kila Waziri wa Wizara ya Katiba na Sheria, Mheshimiwa Dkt. Mwigulu Lameck

Nchemba (Mb) na Watendaji wake waliofika mbele ya Kamati kwa lengo la kuisaidia Kamati kukamilisha kazi yake kwa ufanisi mkubwa na kwa wakati.

Mheshimiwa Spika, Kwa namna ya pekee kabisa naomba niwashukuru Wajumbe wa Kamati ya Katiba na Sheria kwa weledi na umahiri wao waliouonesha wakati wa kuchambua Muswada huu na hatimaye kutoa Mapendekezo ya msingi ya kuuboresha. **NAOMBA MAJINA YAO YAINGIZWE KWENYE KUMBUKUMBU RASMI ZA BUNGE (HANSARD).**

Mheshimiwa Spika, nawashukuru Watumishi wote wa Ofisi ya Bunge hususan Katibu wa Bunge **Ndg. Stephen Kagaigai** kwa Uongozi thabiti ambao umerahisisha utendaji kazi wa Kamati. Aidha, namshukuru Mkurugenzi wa Idara ya Kamati za Bunge, Ndg. Athuman Hussein, Wakurugenzi Wasaidizi Ndg. Michael Chikokoto, na Ndg. Gerald Magili, Wanasheria Wasaldizi wa Bunge ambao ni Ndg. Nesta Kawamala, Ndg. Evelynne Shibandiko, Ndg. Seraphine Tamba na Ndg. Rehema Kipera, Katibu wa Kamati Ndg. Stanslaus Kagisa, pamoja na Msaidizi wa Kamati Ndg. Rahel Masima waliofanikisha kazi ya Uchambuzi na uratibu wa shughuli za Kamati kwa kuiwezesha Kamati kutekeleza majukumu yake ipasavyo na kukamilisha taarifa hii kwa wakati.

Mheshimiwa Spika, naomba kuwasilisha.

Najma Murtaza Giga, Mb
MAKAMU MWENYEKITI
KAMATI YA BUNGE YA KATIBA NA SHERIA
18 Mei, 2020

SPIKA: Ahsante sana Mheshimiwa Najma Giga kwa kupitia taarifa ya Kamati kwa niaba ya Kamati. Nawashukuru sana Wana-Kamati wa Kamati hii ya Katiba na Sheria, kwa kweli mmeefanya kazi kubwa sana katika kipindi chote hicho cha Bunge hili la Kumi na Moja, Miswada mingi sana imepita mikononi mwenu na mmeitendea haki. Wakati mwingine

mmefanya kazi kwa masaa mengi bila kuchoka, hongereni sana na Mungu awatangulie.

Msemaji Mkuu wa Kambi...

MHE. JUMA S. NKAMIA: Mheshimiwa Spika, Mwongozo wa Spika,

SPIKA: Mwongozo

MWONGOZO WA SPIKA

MHE. JUMA S. NKAMIA: Mheshimiwa Spika, nimesimama mbela ya Bunge lako tukufu na ninakushukuru kwa kunipa nafasi niweze kuomba mwongozo. Mimi ni mkulima na sasa hivi kuna changamoto kubwa sana ya uuzaaji wa mazao ya wakulima hasa ufuta na alizeti.

Mheshimiwa Spika, yapo maelekezo katika Mikoa na katika Wilaya kwamba wakulima hawa wauze mazao yao kupitia *AMCOS*. *Case studyya Chemba* kwa mfano ambayo najua hata kule kwako Banjibanji ipo, ni kwamba mkulima anatakiwa auze ufuta wake kwa *AMCOS* lakini anapopeleka hapewi hata shilingi 100/=, zile *AMCOS* hazina pesa. Wanawaambia mpaka wafikishe tani 100 ndiyo wawalipe wale wakulima, lakini pia ni kwenye mnada na inawezekana siku ile ya mnada bei zisifikiwe ikachukua miezi minne au mitano.

Mheshimiwa Spika, sasa mwongozo wangu ni nini? Nilikuwa naomba mwongozo wako Serikali itoe maelezo; na naomba nimnukuu Mheshimiwa Rais, alisema mkulima analima na hamjampa mbolea, hamjampa mbegu, lakini leo mnapangia auze wapi mazao yake. (*Makof!*)

Mheshimiwa Spika, sasa mkulima wa Mpendo, Soya na Hamia, leo kuna mizani zimepelekwa kule na watu wa *AMCOS* amba hawana hata shilingi 100/= wanawalazimisha kwamba wauze ufuta wao pale halafu watalipwa pesa zikifika tani 100. Zisipofika! Fedha itatoka wapi? Kumekuwa

na maelekezo makali sana kwenye *level* ya mikoa na hata hapa Dodoma yalitolewa maelekezo mkoani na yameenda Wilayani, bahati mbaya sisi kama wadau hatukushirikishwa na ninaambiwa hata Katavi, *almost* nchi nzima, nami leo nilikuwa nazungumza na wakulima kule Kiteto ni hivyo hivyo.

Mheshimiwa Spika, nilikuwa naomba maelezo ya Serikali, tatzio ni nini? *AMCOS* hizi hazina pesa, unawaambia wakanunue mazao na unamlazimisha mkulima lazima apeleke pale, kwa kweli inaumiza kidogo.

Mheshimiwa Spika, naomba mwongozo wako.
(*Makof!*)

SPIKA: Ahsante tutalishughulikia hilo jambo. Mwongozo nitautoa baadaye kidogo, baada ya kuwa nimewasiliana na *Chief Whip* na upande wa Serikali wamenipatia ushauri. Basi wakati hilo linaendelea, nimwite Msemaji Mkuu wa Kambi Rasmi ya Upinzani, Mheshimiwa Salome.

MHE. SALOME W. MAKAMBA - MSEMAMI MKUU WA KAMBI RASMI YA UPINZANI BUNGENI WA WIZARA YA KATIBA NA SHERIA: Mheshimiwa Spika, nakushukuru. Yafuatayo ni maoni ya Kambi Rasmi ya Upinzani Bungeni kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali ya Mwaka 2020 (*The Written Laws Miscellaneous Amendments*) chini ya Kanuni ya 86(6) ya Kanuni za Kudumu za Bunge toleo la Januari, 2016.

Mheshimiwa Spika, naomba kuanza kwa kumshukuru Mwenyezi Mungu kwa kunipa uzima na nguvu ya kuweza kuendelea kutekeleza majukumu yangu ya Kibunge nikiwa na utimamu wa mwili na akili. Naomba pia kuwatakia heri waumini wa dini ya Kiislamu mfungo mwema wanaoendelea nao. Funga zao zipokelewe na Mwenyezi Mungu.

Mheshimiwa Spika, napenda kutoa pole kwako na Waheshimiwa Wabunge wenzangu na familia kwa kuwapoteza Waheshimiwa Wabunge wenzetu Mheshimiwa

Getrude Rwakatale, Mheshimiwa Richard Ndassa na Mheshimiwa Dkt. Mahiga, nasema wote ni wa Mungu na kwake tutarejea, wapumzike kwa amani.

Mheshimiwa Spika, napenda pia kutoa shukrani zangu za dhati kwa Kiongozi wa Kambi Rasmi ya Upinzani Bungeni, Mheshimiwa Freeman Aikaeli Mbewe kwa kunituea na kuniamini kuwa Msemaji Mkuu wa Kambi Rasmi ya Upinzani katika Wizara hii. Uteuzi huu ni ishara ya imani aliyonayo Kiongozi wa Kambi Rasmi ya Upinzani kwangu mimi binafsi. Ni heshima kwa wananchi wa Mkoa wa Shinyanga, familia yangu, wanachama wenzangu na viongozi wenzangu ambao kwa nyakati mbalimbali mawazo yao yamenifanya kuwa hivi nilivyo leo. Nawashukru sana.

Mheshimiwa Spika, napenda kumpongeza Mheshimiwa Sabreena Sungura anayewakilisha Mkoa wa Kigoma kwa tiketi ya Chama cha Demokrasia na Maendeleo (CHADEMA) kwa kuaminiwa na kuteuliwa kuwa Naibu Waziri Kivuli na Msaidizi wangu katika Wizara hii. Sote kwa pamoja tunaahidi utendaji uliotukuka.

Mheshimiwa Spika, mabadiliko haya yanafuatia kadhia aliyopata aliyekuwa Msemaji Mkuu wa Kambi Rasmi ya Upinzani Bungeni katika Wizara hii kwa kuvamiwa na kushambuliwa na kulazimika kupelekwa ughaibuni kupata tiba na hatimaye kupoteza Ubunge wake akiwa huko. Mabadiliko haya, kwa mara ya kwanza katika historia ya Taifa hili, yanamfanya Mheshimiwa Freeman Aikaeli Mbewe kuwa Kiongozi wa kwanza kuunda kwa Baraza Kivuli la Mawaziri lenye uwakilishi wa wanawake kwa zaidi ya asilimia 50.

Mheshimiwa Spika, maneno haya yanathibti katika mabadiliko ya Baraza Kivuli yaliyofanywa na Kiongozi wa Kambi Rasmi ya Upinzani Bungeni ambapo kati ya Mawaziri Vivuli na Manaibu wao ambao jumla ni 42 idadi ya wanawake walioleuliwa ni 27 sawa na aslimia 64.3 ya Baraza kivuli lote. Kwa hiyo, wale tunaoamini katika sheria za usawa wa kwenye vyombo vyaya uwakilishi, hatua hii ni ya

kupongezwa na kuchukuliwa kama mfano wa kuigwa na viongozi mbalimbali.

Mheshimiwa Spika, pamoja na salamu zangu hizo, nawapongeza pia Waheshimiwa wabunge wenzangu ambaao wameteuliwa na kuwa Wasemaji wa Kambi yetu katika Wizara mbalimbali. Binafsi ninaamini kwamba wataonesha uwezo mkubwa katika Wizara husika na watatumikia Watanzania kwa uaminifu mkubwa. Nawatakia kila la heri katika majukumu mapya. Ushauri wangu kwao, wahakikishe wanajipambanua kwa kuwa waumini wa kuheshimu matakwa ya Katiba na Sheria za Taifa hili. Waamini kwamba Tanzania ni kubwa kuliko mtu yeyote, hata awe na madaraka makubwa kiasi gani.

Mheshimiwa Spika, mwisho lakini siyo kwa umuhimu, napenda kutumia nafasi hili kuishukuru familia yangu kwa kunivumilia pale nilipkuwa mbali nao katika kutekeleza wajibu wangu na majukumu ya kisiasa. Nawashukuru kwa kuendelea kuniunga mkono na kuniombea wakati wote. Uimara wenu umekuwa ni nguzo muhimu sana kwangu katika kipindi chote cha utumishi wangu hapa Bungeni, mmekuwa nguvu yangu. Ahsanteni sana.

Mheshimiwa Spika, baada ya kutoa utangulizi huo wa pongezi na salamu, sasa niangalie hoja iliyo mbele yetu ambayo ni kuhusu marekebisho ya sheria mbalimbali zinazoletwa kupitia Muswada huu wa Marekebisho ya Sheria Na. 8 wa Mwaka 2019. Muswada huu unapendekeza kufanyiwa marekebisho katika sheria 14 ambazo ni:-

- (i) Sheria ya Mawakili, Sura ya 341;
- (ii) Sheria ya Mfuko wa Pembejeo, Sura ya 401;
- (iii) Sheria ya Umeme, Sura ya 131;
- (iv) Sheria ya Mbolea, Sura ya 378;
- (v) Sheria ya Misitu, Sura ya 323;
- (vi) Sheria ya Nyanda za Malisho na Rasilimali ya Vyakula vya Mifugo, Sura ya 180;
- (vii) Sheria ya Tafsiri ya Sheria, Sura ya 1;
- (viii) Sheria ya Taasisi za Kazi, Sura ya 300;

- (ix) Sheria ya Ulinzi wa Taifa, Sura ya 192;
- (x) Sheria ya Hifadhi za Taifa, Sura ya 282,
- (xi) Sheria ya Hifadhi ya Eneo la Ngorongoro, Sura ya 284;
- (xii) Sheria ya Mbegu, Sura ya 308;
- (xiii) Sheria ya Tasnia ya Sukari, Sura ya 251; na
- (xiv) Sheria ya Uhifadhi wa Wanyamapori, Sura ya 283.

Mheshimiwa Spika, katika mabadiliko haya ya sheria, hoja kubwa inayosemwa kusukuma mabadiliko haya ni kuboresha yale yanayolenga kuziwezesha sheria hizi ziendane na mabadiliko na kutatua changamoto mbalimbali zilizojitokeza wakati wa utekelezaji wake. Ikiwa jambo hili ni kweli, basi kulikuwa na haja ya kuwashirikisha wadau mbalimbali wa sheria hizi ili waweze kutoa maoni yao kuhusu maboresho haya.

Mheshimiwa Spika, uharaka na mabadiliko ya ratiba kuhusu Muswada huu, unaminya muda na maandalizi kwa wadau mbalimbali kutoa maoni yenye lengo la kulisaidia Taifa hili.

Mheshimiwa Spika, kuhusu mapitio ya vifungu katika Muswada na Maoni ya Kambi Rasmi; Kambi Rasmi ya Upinzani itapitia marekebisho ya vifungu katika sheria zile tu ambazo imeona kuna umuhimu wa kufanya marekebisho. Ya kwanza ni Sheria ya Mfuko wa Pembejeo, Sura Na. 401.

Mheshimiwa Spika, mabadiliko yanayopendekezwa katika sheria hii ni pamoja na marekebisho katika Kifungu cha 2, ambacho inapendekezwa kuongezwa tafsiri ya msamiati "*agricultural machinery*" ndani ya sheria hiyo kwa lengo la kutoa tafsiri pana ya msamiati huo kujumuisha nyenzo zote muhimu zilizokusudiwa na sheria. Aidha, kwa mujibu wa Muswaada, Kifungu cha 7 kinarekebishwa ili kuainisha Wajumbe wa Bodi ya Wadhamini watakaoteuliwa na Waziri.

Mheshimiwa Spika, tunapendekeza kuwa kifungu kipywa cha 9(A) kiongezwe ili kuweka utaratibu wa kuomba mikopo katika Mfuko wa Pembejeo. Aidha, kifungu kipywa cha 12(A) kinapendekezwa kuongezwa ili kuweka utaratibu wa

rufaa kwa mtu asiyeridhika na maamuzi ya Bodi. Lengo ni kuweka mfumo madhubuti wa kushughulikia malalamiko ya wakulima dhidi ya Mfuko wa Pembejeo.

Mheshimiwa Spika, ukiangalia mapendekezo ya marekebisho ya sheria hii, utagundua kwamba siyo vifungu vyote vinavyofanyiwa mapendekezo na vifungu vilivyokuwepo katika sheria mama ambavyo vinaondoa kero ya wakulima kwenye pembejeo. Kambi Rasmi ya Upinzani Bungeni inapendekeza kwamba mabadiliko kwenye sheria hii, waongeze kifungu cha kuitaka Serikali kuhakikisha inatenga asilimia 40 ya bajeti ya Wizara ya Kilimo kwa ajili ya pembejeo za kilimo.

Mheshimiwa Spika, aidha ni muda sasa kupitia marekebisho ya sheria hii kuongeza kifungu kinachotoa adhabu kali kwa watumishi wa Serikali wanaotumia madaraka yao vibaya na kuiba pembejeo ambazo zinalenga kuwasaidia wakulima na badala yake zinaishia kuwanufaisha Watendaji wa Serikali huku wakulima wakikosa pembejeo.

Mheshimiwa Spika, katika Sheria ya Umeme, Sura ya 131; Sehemu ya Nne ya Muswada uliowasilishwa mbele ya Bunge lako Tukufu unapendekeza marekebisho katika Sheria ya Umeme. Kifungu cha 3 tafsiri ya misamiati "licensee" na "*supply*" vifungu hivi vinarekebishwa kwa lengo la kuboresha tafsiri ya misamiati hiyo na pia kuongeza tafsiri ya misamiati mingine ambayo kwa sasa hajatafsiriwa katika sheria.

Mheshimiwa Spika, Kifungu kipyaa cha 4(A) kinapendekezwa kuongezwa ili kuweka nafasi ya Kamishna wa Masuala ya Umeme na kuainisha Mamlaka na majukumu yake. Lengo la marekebisho haya ni kutambua kisheria nafasi na majukumu ya Kamishna wa Masuala ya Umeme kama ilivyo kwa Makamishna wengine wa mafuta na madini na ambaao nafasi na majukumu yao yapo kisheria.

Mheshimiwa Spika, swali ambalo kila Mtanzania anapaswa kujiuliza ni ikiwa changamoto ya Taifa hili kwenye

Sekta ya Umeme ni kukosekana kwa Kamishina wa Umeme au ni changamoto za uzalishaji na usambazwaji wa umeme hapa nchini? Ni muhimu kutafakari jambo hili kwa kina kwa vile inaonekana kama tukishapata Kamishina kama mapendekezo ya sheria yalivyo, changamoto za umeme hapa nchini zitakuwa zimefikia kikomo, jambo ambalo siyo kweli.

Mheshimiwa Spika, kifungu cha 18 cha Muswada kinarekebisha Kifungu cha 28(8) cha Sheria ya Umeme kwa lengo la kuwezesha mteja kurudishiwa gharama na mto huduma ambazo mteja amegharamia wakati wa kuunganishiwa umeme. Hoja yetu ya msingi katika kifungu hiki ni namna gani mteja ataweza kurejeshewa gharama ambazo ametumia katika kuunganishiwa huduma ya umeme? Ni kwa nini sheria isimpatie jukumu hilo mto huduma la kuwaunganishia wateja huduma bila kuwataka wapata huduma kulipa gharama husika kwa kisingizio cha kurejeshewa gharama hizo? Changamoto ya kifungu hiki iko katika kanuni ambazo sasa zitatungwa ili kuleta utekelezwaji huo. Kambi Rasmi ya Upinzani Bungeni ina wasiwasi kwamba huenda yaliyowahi kutokea kwenye utungwaji wa kanuni, likiwemo sakata la kikokotoo likajirudia na hivyo kutoleta tija kwa mpata huduma ya umeme.

Mheshimiwa Spika, ikiwa kwa mfano hadi sasa, yako madai ya marejesho ya *VAT returns* ambazo kwa taarifa za Kambi Rasmi ya Upinzani Bungeni zinaonesha Serikari bado inadaiwa na wafanyabiashara na hadi sasa hawajalipwa, uhalali wa kusema wananchi watakaounganishiwa umeme watarejeshewa gharama zao unatoka wapi? Ni maoni ya Kambi Rasmi ya Upinzani Bungeni kwamba, gharama za kuunganishiwa huduma ya umeme zitolewe na kugharamikiwa na mto huduma ya umeme. Wajibu wa mwananchi na mpata huduma iwe ni kulipia huduma hiyo, lakini gharama za miundombinu ya nishati ya umeme ziwe ni za mto huduma.

Mheshimiwa Spika, Kifungu kipyaa cha 48 (A) kinaongezwa kwa lengo la kubainisha adhabu ya jumla kwa

makosa ambayo adhabu yake haikuainishwa mahsus i katika sheria. Hata hivyo, kiwango cha adhabu kinaonekana kuwa ni kikubwa na hakikisi uhalisia na madhumuni ya dhana nzima ya adhabu.

Mheshimiwa Spika, kifungu cha 27 cha Muswada kinarekebisha sheria mama kwa kuongeza Kifungu kipycha 48 (A) ambacho kinahusu adhabu kwa makosa yasiyokuwa na adhabu. Kifungu hicho kinasomeka kama ifuatavyo:

"27. The principal Act is amended by adding immediately after section 48 the following:

General penalty:

48A. A person convicted of an offence under this Act for which no specific penalty is expressly provided, shall upon conviction, be liable to a fine of not less than three million shillings but not exceeding ten million shillings, and in the case of a continuing offence, to a fine not exceeding one million shillings for every day during which the offence continues after conviction."

Mheshimiwa Spika, kwa mustakabali mwema wa uendeshaji wa Sekta ya Umeme ni muhimu sana sheria hii ikaweka adhabu ambazo zinatekelezeka. Mapendekezo haya ambayo yanalenga kutoza adhabu ya shilingi milioni moja kwa kila siku ni mapendekezo ambayo yanakwenda kinyume na dhana nzima ya adhabu kwa binadamu. Hata hivyo, ni jambo la kushangaza kwa sababu inaonekana tunatunga sheria ambayo hata sisi wenyewe humu ndani, hakuna uhakika kama tunaweza kulipa adhabu hii ambayo inapendekezwa na sheria.

Mheshimiwa Spika, Kambi Rasmi ya Upinzani Bungeni kwa kipindi cha miaka Mitano sasa, imekuwa inalishauri Serikali mambo mengi yanayohusu Sekta ya Umeme hapa nchini, ambayo tulitarajia sasa kuyaona hata yakijitokeza katika mabadiliko ya Sheria ya Umeme. Mabadiliko haya yangeboresha huduma hii na hivyo kuacha chachu ya maendeeo kwa wananchi. Baadhi ya matarajio yetu

yalikuwa ni sheria kufanyiwa maboresho katika nyanja zifuatazo:-

Mosi, kwamba, sheria ingefanya maboresho katika Shirika la Umeme Nchini (*TANESCO*) na kuligawa kama ambavyo tumekuwa tukipendekeza. Hoja hii inatokana na ukweli kwamba huwezi kufanya marekebisho ya Sheria ya Umeme bila kuathiri shirika lenye dhamana ya umeme hapa nchini na ufanisi wake.

Pili, sheria kuainisha bei za umeme zinazopitishwa na *EWURA* kuzingatia gharama halisi zinazotumiwa na *TANESCO* kuzalisha umeme au kununua kutoka kwa makampuni binafsi ya uzalishaji umeme kuliko hali ilivyo kwa sasa kwa kuwa shirika linaonekana kuendeshwa kwa kuficha ukweli kuliko uhalisia ambaao hauwekwi wazi.

Tatu, kwa kuwa mionganoni mwa majukumu ya shirika hili ni pamoja na kufua na kuimarisha mitambo ya umeme ya shirika, kununua kutoka kwa wazalishaji binafsi na nchi za jirani, basi Kambi Rasmi ya Upinzani Bungeni inaitaka Serikali kuhakikisha manunuvi ya umeme toka kwenye makampuni binafsi ya uzalishaji umeme yanafanyika kwa uwazi na ushindani kama inavyotakiwa na Sheria ya Manunuvi ili kuiwezesha *TANESCO* kununua umeme kwa bei nafuu.

Nne, ili kuhakikisha shirika linatimiza jukumu lake la kuwekeza kwenye miradi mipya ya uzalishaji, usafirishaji, usambazaji na kufanya tafiti za vyanzo mbalimbali vya nishati ya umeme kama vile nguvu za maji (*hydropower*), gesi asilia, makaa ya mawe, juu na upepo; Serikali iliwezeshe Shirika la Umeme (*TANESCO*) ili iweze kuwekeza kwenye uzalishaji umeme wa bei nafuu, hivyo kusaidia kuepukana na utaratibu wa kununua toka vyanzo vya gharama kubwa.

Mheshimiwa Spika, katika Sheria ya Mbolea, Sura ya 378; Mapendekezo yanayopendekezwa katika Muswaada huu ni pamoja na Kifungu cha 4, kinachorekebishiwa ili kupanua wigo wa majukumu ya Mamlaka ya Udhibiti wa Mbolea Tanzania na kuainisha mfumo bora wa uingizaji

mbolea nchini na usafirishaji mbolea nje ya nchi. Lengo la marekebisho haya ni kuboresha usimamizi na udhibiti wa mbolea inayoingizwa nchini au kusafirishwa nje ya nchi.

Mheshimiwa Spika, pamoja na maboresho yanayolengwa, udhibiti wa mbolea inayoingizwa na kusafirishwa nje ya nchi, ni rai yetu kwamba Sheria ya Mbolea ingeboreshwa zaidi ili kuwezesha wazalishaji na waingizaji wa mbolea hapa nchini kupata msamaha wa kodi ili mbolea ipatikane kwa urahisi.

Mheshimiwa Spika, kwa mfano Kifungu cha 40 kinarekebishwa ili kuongeza katika orodha ya makosa vitendo vyta kuuza mbolea kwa bei ya juu kuliko bei elekezi na kuuza mbolea katika mifuko ya wazi kinyume na matakwa ya sheria hiyo, pamoja na dhamira hiyo ya kuhakikisha kila mtu anazingatia bei elekezi na mbolea kuuzwa kwa kuzingatia sheria na hivyo kumlinda mteja.

Mheshimiwa Spika, kifungu hicho pia kinarekebishwa ili kuhuisha adhabu kwa makosa mbalimbali nchini. Ni ushauri wa Kambi Rasmi ya Upinzani Bungeni kwamba Serikali ihakikishe inafanya maboresho ya sheria katika mapana yake ili kuhakikisha wakulima wanapata ruzuku ya mbolea na kuchochea uzalishaji kwa kuwa Tanzania ina wakulima wengi kuliko kundi lingine lolote.

Mheshimiwa Spika, Kifungu cha 40A kilichorekebishwa ili kuweka masharti ya kuwasilisha taarifa kwa Mkurugenzi wa Mashtaka pale ambapo mamlaka itafifilisha makosa chini ya Sheria hiyo. Hata hivyo kifungu hiki hakisemi lengo la taarifa hiyo na ikiwa sasa chini ya Sheria hiyo Mkurugenzi wa Mashitaka anageuka kuwa mamlaka ya kupokea taarifa au anapaswa kupata taarifa kwa maana ya kuchukua hatua.

Mheshimiwa Spika, hitimisho; kwa kuhitimisha ni kwamba, Kambi Rasmi ya Upinzani inatoa rai kwa Waheshimiwa Wabunge na Bunge hili tuangalie kwa tafakuri pana marekebisho ya sheria zinazoletwa na Serikali ili kupata ridhaa ya kuwa Sheria.

Mheshimiwa Spika, ni ukweli kwamba mambo mengi ambayo yanakuwa na hila mara nyingi yanaletwa kuititia Miswada hii ya Marekebisho ya Sheria Mbalmali, kwani njia hizi ni uhakika kwamba Kamati za Kisekta kwa baadhi ya sheria zinazokuwa zinafanyiwa marekebisho hazipati nafasi kujadili kwa kina marekebisho husika. Jambo hili linafifisha tafakuri ya kina kuhusu marekebisho yanayokuwa yanaletwa na Wizara na sekta husika.

Mheshimiwa Spika, baada ya kusema hayo, naomba kuwasilisha. (*Makofii*)

**MAONI YA KAMBI RASMI YA UPINZANI BUNGENI, KUHUSU
MUSWADA WA SHERIA YA MAREKEBISHO YA SHERIA
MBALIMBALI YA MWAKA 2020 (THE WRITTEN LAWS
(MISCELLANEOUS AMENDMENTS)**

*(Chini ya Kanuni ya 86(6) ya Kanuni za Kudumu za Bunge,
Toleo la Januari, 2016)*

A. UTANGULIZI

1. Mheshimiwa Spika, naomba kuanza kwa kumshukuru Mwenyezi Mungu kwa kunipa uzima na nguvu kuweza kuendelea kutekeleza majukumu yangu ya kibunge nikiwa na utimamu wa mwili na akili. Naomba pia kuwataktakia heri waumini wa dini ya kiislamu mfungo mwema wanaoendelea nao, funga zao zipokelewe na Mwenyezi Mungu na zikafanyike sadaka ya kulinusuru Taifa hili na janga la Corona linalotukabili.

2. Mheshimiwa Spika, Napenda pia kutoa Shukrani zangu za dharti Kwa Kiongozi wa kambi Rasmi ya Upinzani Bungeni, Mheshimiwa Freeman Aikaeli Mbewe (MB) kwa kuniteria kuwa msemaji Mkuu wa Kambi Rasmi ya Upinzani katika Wizara hii. Uteuzi huu, ni ishara ya imani aliyonayo Kiongozi wa Kambi Rasmi ya Upinzani kwangu mimi binafsi, Ni heshima kwa wananchi wa Mkoa wa Shinyanga, familia yangu, wanachama wenzangu na viongozi wenzangu ambaao kwa

nyakati mbalimbali mawazo yao yamenifanya kuwa hivi nilivyo leo hii, nawashukru sana.

3. Mheshimiwa Spika, Napenda pia kumpongeza Mheshimiwa Sabrina H. Sungura (Mb) anayewakilisha Mkoa wa Kigoma kwa tiketi ya Chama Cha Demokrasia na Maendeleo kwa kuaminiwa na kuteuliwa kuwa Naibu waziri kivuli na Msaidizi wangu katika wizara hii, sote kwa pamoja tunaahidi utendaji uliotukuka.

4. Mheshimiwa Spika, Mabadiliko haya yanafuatia kadhia aliyopata aliyejikuwa msemaji Mkuu wa Kambi Rasmi ya Upinzani Bungeni katika Wizara hii, kwa kuvamiwa na kushambuliwa, na kulazimika kupelekwa ughaibuni kupata tiba na hatimaye kupoteza Ubunge wake akiwa huko. Mabadiliko haya, kwa mara ya kwanza, katika historia ya Taifa hili, yamepelekea kuundwa kwa Baraza Kivuli la Mawaziri lenye uwakilishi wa wanawake kwa zaidi ya 50%. Napenda kutumia fursa hii kumpongeza Kiongozi wa Upinzani Bungeni kwa kutambua na kuthamini uwezo wa wanawake katika utendaji.

5. Mheshimiwa Spika, Napenda pia kutumia fursa hii kuwapongeza waheshimiwa Wabunge wenzangu ambao wameteuliwa kuwa wasemaji wa Kambi yetu katika wizara mbalimbali, binafsi ninaamini kwamba wataonesha uwezo mkubwa katika wizara husika na watawatumikia watanzania kwa uaminifu Mkubwa. Nawatakia kila la kheri katika majukumu mapya. Ushauri wangu kwao, wahakikishe wanajipambanua kwa kuwa waumini wa kuheshimu matakwa ya Katiba na sheria za taifa hili, waamini kwamba Tanzania ni kubwa kuliko mtu yoyote hata awe na madaraka makubwa kiasi gani.

6. Mheshimiwa Spika, Mwisho lakini si kwa umuhimu, napenda kutumia nafasi hii kuishukuru familia yangu kwa kunivumilia pale ninapokuwa mbali nao katika kutekeleza wajibu na majukumu yangu ya kisiasa, Nawashukuru kwa kuendelea kuniunga mkono na kuniombea wakati wote, uimara wenu umekuwa ni nguzo muhimu sana kwangu katika kipindi chote

cha utumishi wangu hapa Bungeni. Mumekuwa nguvu yangu asanteni sana!

7. Mheshimiwa Spika, baada ya utangulizi huo, sasa naomba nijielekeze kwenye Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali namba 8 wa mwaka 2020 (**THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) 2020**)

8. Mheshimiwa Spika, Muswada huu unapendekeza kufanya marekebisho katika Sheria Kumi na Nne ambazo ni:

- i. Sheria ya Mawakili, Sura ya 341,
- ii. Sheria ya Mfuko wa Pembejeo, Sura ya 401.
- iii. Sheria ya Umeme, Sura ya 131,
- iv. Sheria ya Mbolea, Sura ya 378,
- v. Sheria ya Misitu, Sura ya 323,
- vi. Sheria ya Nyanda za Malisho na Rasilimali ya Vyakula vya Mifugo, Sura ya 180,
- vii. Sheria ya Tafsiri ya Sheria, Sura ya 1,
- viii. Sheria ya Taasisi za Kazi, Sura ya 300,
- ix. Sheria ya Ulinzi wa Taifa, Sura ya 192,
- x. Sheria ya Hifadhi za Taifa, Sura ya 282,
- xi. Sheria ya Hifadhi ya Eneo la Ngorongoro, Sura ya 284,
- xii. Sheria ya Mbegu, Sura ya 308,
- xiii. Sheria ya Tasnia ya Sukari, Sura ya 251 na
- xiv. Sheria ya Uhifadhi wa Wanyamapori, Sura ya 283.

9. Mheshimiwa Spika, katika mabadiliko hayo ya sheria hoja kubwa inayosemwa kusukuma mabadiliko haya ni maboresho yanayolenga kuwezesha sheria husika ziendane na mabadiliko ya wakati na kutatua changamoto mbalimbali zilizojiteza wakati wa utekelezaji wake. Ikiwa jambo hili ni kweli, basi kulikuwa na haja ya kuwashirikisha wadau mbalimbali wa sharia hizi ili waweze kutoa maoni yao kuhusu maboresho haya. Uharaka na mabadiliko ya ratiba kuhusu mswaada huu unaminya muda na maandalizi kwa wadau mbalimbali kutoa maoni yenye lengo la kulisaidia Taifa hili.

B. MAPITIO YA VIFUNGU KATIKA MUSWADA NA MAONI YA KAMBI RASMI

10. Mheshimiwa Spika, Kambi Rasmi ya Upinzani itapitia marekebisho ya vifungu katika sheria zile tu ambazo imeona kuna umuhimu wa kufanyiwa marekebisho.

i. Sheria ya Mfuko wa pembejeo, Sura ya 401.

11. Mheshimiwa Spika, Mabadiliko yanayopendekezwa katika Sheria hii ni pamoja na marekebisho katika kifungu cha 2, ambacho inapendekezwa kuongezwa tafsiri ya msamiati "agricultural machinery" ndani ya Sheria hiyo kwa lengo la kutoa tafsiri pana ya msamiati huo kujumuisha nyenzo zote muhimu zilizokusudiwa na Sheria. Aidha kwa mujibu wa mswaada, Kifungu cha 7 kinarekebishwa ili kuainisha wajumbe wa Bodi ya Wadhamini watakaoteuliwa na Waziri.

12. Mheshimiwa Spika, Inapendekezwa kuwa, kifungu kipyta cha 9A kiongezwe ili kuweka utaratibu wa kuomba mikopo katika Mfuko wa Pembejeo. Aidha, kifungu kipyta cha 12A kinapendekezwa kuongezwa ili kuweka utaratibu wa rufaa kwa mtu asiyeridhika na maamuzi ya Bodi. Lengo ni kuweka mfumo madhubuti wa kushughulikia malalamiko ya wakulima dhidi ya Mfuko wa Pembejeo.

13. Mheshimiwa Spika, ukiangalia mapendekezo ya marekebisho ya Sheria huu, utagundua kwamba si vifungu vyote vinavyofanyiwa mapendekezo na au vifungu

vilivyokuwepo katika sharia mama ambavyo vinaondoa kero ya wakulima kwenye pembejeo. Kambi Rasmi ya Upinzani Bungeni inapendekeza kwamba mabadiliko kwenye sheria hii, iongeze kifungu cha kuitaka serikali kuhakikisha inatenga asilimia 40 ya bajeti ya wizara ya kilimo kwa ajili ya pembejeo za kilimo. Aidha ni muda sasa kupitia marekebisho ya sheria hii kuongeza kifungu kinachotoa adhabu kali kwa watumishi wa Serikali wanaotumia madaraka yao vibaya na kuiba pembejeo ambazo zinalenga kuwasaidia wakulima na badala yake zinaishia kuwanufaisha watendaji wa serikali huku wakulima wakikosa pembejeo.

ii. Sheria ya Umeme, Sura ya 131

14. Mheshimiwa Spika, Sehemu ya Nne ya Muswada uliwasilishwa mbele ya Bunge lako Tukufu unapendekeza marekebisho katika Sheria ya Umeme. Kifungu cha 3 tafsiri ya misamiati "licensee" na "supply" vinarekeblishwa kwa lengo la kuboresha tafsiri ya misamiati hiyo na pia kuongeza tafsiri ya misamiati mingine ambayo kwa sasa hajjatafsiriwa katika Sheria. Kifungu kipyaa cha 4A kinapendekezwa kuongezwa ili kuweka nafasi ya Kamishna wa Masuala ya Umeme na kuainisha mamlaka na majukumu yake. Lengo la marekebisho haya ni kutambua kisheria nafasi na majukumu ya Kamishna wa Masuala ya Umeme kama ilivyo kwa makamishna wengine wa mafuta na madini na ambao nafasi na majukumu yao yapo kisheria.

15. Mheshimiwa Spika, Swali ambalo kila mtanzania anapaswa kujuliza ni ikiwa changamoto ya Taifa hili kwenye sekta ya umeme ni kukosekana kwa kamishina wa umeme au ni changamoto za uzalishaji na usambazwaji wa umeme hapa nchini. Ni muhimu kutafakari jamabo hili kwa kina kwa vile inaonekana kama tukishapata kamishina kama mapendekezo ya sheria yalivyo changamoto za umeme hapa nchini zitakuwa zimefikia kikomo, jambo ambalo siyo la kweli.

16. Mheshimiwa Spika, kifungu cha 18 cha mswaada kinarekebisha Kifungu cha 28(8) cha Sheria ya Umeme kwa

lengo la kuwezesha mteja kurudishiwa gharama na mtoa huduma ambazo mteja amegharamia wakati wa kuunganishiwa umeme. Kifungu hicho kinasema

17. "The principal Act is amended in section 24, by-

(a) deleting subsection (8) and substituting for it the following:

"(8) Notwithstanding any payments made for supply of electrical energy, electric supply lines shall be property of the licensee and may be used to supply other persons:

Provided that, such use does not prejudicially affect the supply of electrical energy to the person who first required such electric supply lines to be laid down or erected.

(9) A person who made payment in terms of subsection (8) shall be entitled to repayment by the licensee through reimbursement of cost of the electricity purchased or consumed at the rate and in the manner specified in the regulations.";

18. Mheshimiwa Spika, hoja yetu ya msingi katika kifungu hiki ni namna gani mteja atawezza kurejeshewa gharama ambazo ametumia katika kuunganishiwa huduma ya umeme. Ni kwa nini sheria isimpatie jukumu hilo mtoa huduma la kuwaunganishia wateja huduma bila kuwataka wapata huduma kulipa gharama husika kwa kisingizio cha kurejeshewa gharama hizo. Chnagamoto ya kifungu hiki iko katika kanuni ambazo sasa zitatungwa ili kuleta utekelezwaji wako, Kmabi Rasmi ya Upinzani Bungeni inawasiwasi kwamba huenda yaliyowahi kutokea kwenye utungwaji wa kanuni, likiwemo sakata la kikokotoo likajirudia na hivyo kutoleta tija kwa mpata huduma ya umeme.

19. Mheshimiwa Spika, ikiwa kwa mfano hadi sasa, yako madai ya marejesho ya VAT returns ambazo kwa taarifa za Kambi Rasmi ya Upinzani Bungeni zinaonesha Serikari bado inadaiwa na wafanya biashara na hadi sasa hawajalipwa, uhalali wa kusema wananchi watakaounganishiwa umeme watarejeshewa gharama zao unatoka wapi? Ni maoni ya

Kambi Rasmi ya Upinzani Bungeni kwamba, gharama za kuunganishiwa huduma ya umeme zitolewe na kugharamikiwa na mto huduma ya umeme, wajibu wa mwananchi na mpata huduma iwe ni kulipia huduma hiyo lakini gharama za miundombinu ya nishati ya umeme liwe na mto huduma.

20. Mheshimiwa Spika, Kifungu kipywa cha 48A kinaongezwa kwa lengo la kubainisha adhabu ya jumla kwa makosa ambayo adhabu yake haikuainishwa mahsus katika Sheria. Hata hivyo kiwango cha adhabu kinaonekana kuwa ni kikubwa na hakiaksi uhalsia na madhumuni ya dhana nzima ya adhabu.

21. Mheshimiwa Spika, kifungu cha 27 cha Msawaada kinarekebisha sheria mama kwa kuongeza kifungu kipywa cha 48A ambacho kinahusu adhabu kwa mamkosa yasiyokuwa na adhabu, kifungu hicho kinasomeka kama ifuatavyo:

27. The principal Act is amended by adding immediately after section 48 the following:

"General penalty

48A. A person convicted of an offence under this Act for which no specific penalty is expressly provided, shall upon conviction, be liable to a fine of not less than three million shillings but not exceeding ten million shillings, and in the case of a continuing offence, to a fine not exceeding one million shillings for every day during which the offence continues after conviction."

22. Mheshimiwa Spika, kwa mustakabari mwema wa uendeshaji wa sekta ya umeme ni muhimu sana sheria hii ikaweka adhabu ambazo zinatekelezeka. Mapendekezo haya ambayo yanalenga kutoza adhabu ya shilingi milioni moja kwa kila siku ni mapendekezo ambayo yanakwenda kinyume na dhana nzima ya adhabu kwa binadamu, hata hivyo ni jambo la kushangaza kwa sababu inaonekana tunatunga sheria ambayo hata sisi wenywewe humu ndani, hakuna uhakika kama tunaweza kulipa adhabu hii ambayo inapendekezwa na sheria hii.

23. Mheshimiwa Spika, Kambi Rasmi ya Upinzani Bungeni kwa kipindi cha miaka Mitano sasa, imekuwa inalishauri Serikali mambo mengi yanayohusu sekta ya Umeme hapa nchini, ambayo tulitarajia sasa kuyaona hata yakijitokeza katika mabadiliko ya sheria ya umeme. Mabadiliko haya (reform) ingeboresha huduma hii na hivyo kuwa chachu ya maendeeo kwa wananchi; baadhi ya matarajio yetu yalikuwa ni sheria kufanyiwa maboresho katika Nyanja zifuatazo:

- i. Kwamba, Sheria ingefanya maboresho katika Shirika la Umeme Nchini TANESCO na kuligawa kama ambavyo tumekuwa tukipendekeza. Hoja hii inatokana na ukweli kwamba huwezi kufanya marekebisho ya sheria ya umeme bila kuathiri shirika lenye dhamana ya umeme hapa nchini na ufanisi wake.
- ii. Sheria kuanisha bei za umeme zinazopitishwa na EWURA kuzingatia gharama halisi zinazotumiwa na TANESCO kuzalisha umeme au kununua toka kwa makampuni binafsi ya uzalishaji umeme kuliko hali ilivyo kwa sasa kwa kuwa shirika linaonekana kuendeshwa kwa kuficha ukweli kuliko uhalisia ambaao hauwekwi wazi.
- iii. Kwa kuwa mionganoni mwa majukumu ya shirika hili ni pamoja na kufua na kuimarissha mitambo ya umeme ya shirika, kununua kutoka kwa wazalishaji binafsi na nchi za jirani, basi Kambi Rasmi ya Upinzani Bungeni inaitaka Serikali kuhakikisha manunuzi ya umeme toka kwenye makampuni binafsi ya uzalishaji umeme yanafanyaika kwa uwazi na ushindani kama inavyotakiwa na sheria ya manunuzi ili kuiweesha TANESCO kununua umeme kwa bei nafuu.
- iv. Ili kuhakikisha shirika linatimiza jukumu lake la kuwekeza kwenye miradi mipyä ya uzalishaji, usafirishaji, usambazaji na kufanya tafiti za vyanzo mbalimbali vya nishati ya umeme kama vile nguvu za maji (hydropower), gesi asilia, makaa ya mawe (coal), juu na upepo; Serikali iliwezeshe shirika la umeme nchini (TANESCO) ili iweze kuwekeza kwenye uzalishaji

umeme wa bei nafuu hivyo kusaidia kuepukana na utaratibu wa kununua toka vyanzo vyatama kubwa.

Sheria ya Mbolea, Sura ya 378

24. Mheshimiwa Spika, Mapendekezo yanayopendekezwa katika mswaada huu ni pamoja na Kifungu cha 4, kinachorekebishwa ili kupanua wigo wa majukumu ya Mamlaka ya Udhibiti wa Mbolea Tanzania na kuainisha mfumo bora wa uingizaji mbolea nchini na usafirishaji mbolea nje ya nchi. Lengo la marekebisho haya ni kuboresha usimamizi na udhibiti wa mbolea inayoingizwa nchini au kusafirishwa nje ya nchi.

25. Mheshimiwa spika, pamoja na maboresho yanayolenga udhibiti wa mbolea inayoingizwa na kusafirishwa nje ya nchi, ni rai yetu kwamba, sheria ya Mbolea ingeboreshwa zaidi ili kuwawezesha wazalishaji na waingizaji wa Mbolea hapa nchini kupata msamaha wa kodi ili mbolea ipatikane kwa urahisi.

26. Mheshimiwa Spika, kwa mfano Kifungu cha 40 kinarekebishwa ili kuongeza katika orodha ya makosa vitendo vya kuuza mbolea kwa bei ya juu kuliko bei elekezi na kuuza mbolea katika mifuko ya wazi au kinyume na matakwa ya Sheria hiyo. Pamoja na dhamira hiyo ya kuhakikisha kila mtu anazingatia bei elekezi na mbolea kuuzwa kwa kuzingatia sheria na hivyo kumlinda mteja. Kifungu hicho pia kinarekebishwa ili kuhuisha adhabu kwa makosa mbalimbali chini ya Sheria. Ni ushauri wa Kambi Rasmi ya Upinzani Bungeni kwamba, Serikali ihakikishe inafanya maboresho ya sheria katika mapana yake ili kuhakikisha wakulima wanapata ruzuku ya mbolea na kuchochlea uzalishaji kwa kuwa Tanzania hii inawakulima wengi kuliko kundi linguine lolote.

27. Mheshimiwa Spika, Kifungu cha 40A kinacholekebishwa ili kuweka masharti ya kuwasilisha taarifa kwa Mkurugenzi wa Mashtaka pale ambapo Mamlaka itafililisha makosa chini ya Sheria hiyo, hata hivyo kifungu hiki hakisemi lengo la taarifa hiyo na ikiwa sasa chini ya sheria hiyo Mkurugenzi wa

Mashitaka anageuka na kuwa mamlaka ya kupokea taarifa na au anapaswa kupata taarifa kwa maana ya kuchukua hatua.

C. HITIMISHO

- 28. Mheshimiwa Spika**, kwa kuhitimisha ni kwamba, Kambi Rasmi ya Upinzani inatoa rai kwa waheshimiwa wabunge na Bunge hili tuangalie kwa tafakuri pana marekebisho ya sheria zinazoletwa na Serikali ili kupata ridhaa ya kuwa sheria.
- 29. Mheshimiwa Spika**, ni ukweli kwamba mambo mengi ambayo yanakuwa na hila mara nyingi yamekuwa yanaletwa kupitia miswada hii ya marekebisho ya sheria mbalimbali, kwani kwa njia hizi ni uhakika kwamba kamati za kisekta kwa baadhi ya sheria zinazokuwa zinafanyiwa marekebisho hazipatiwi nafasi kujadili kwa kina marekebisho husika, jambo hilo linafifisha tafakuri ya kina kuhusu marekebisho yanayokuwa yanaletwa na wizara au sekta husika.
- 30. Mheshimiwa Spika**, Baada ya kusema hayo naomba kuwasilisha!

.....
Salome Wycliffe Makamba (mb)

MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI BUNGENI

KATIKA WIZARA YA KATIBA NA SHERIA

18 Mei, 2020

SPIKA: Ahsante sana kwa maoni hayo. Sasa Waheshimiwa Wabunge tunaingia kwenye eneo la uchangiaji na ninao wachangiaji kadhaa. Nianze na Mheshimiwa Balozi, Mheshimiwa Dkt. Diodorus Kamala na atafuatiwa na Mheshimiwa Sware Semesi.

MHE. BALOZI DKT. DIODORUS B. KAMALA: Mheshimiwa Spika, ahsante sana kwa kunipa fursa hii muhimu ya kuchangia Muswada wa Marekebisho ya Sheria mbalimbali.

Mheshimiwa Spika, katika Kifungu cha 3A ambacho kinaelezea kuhusu *Advocate* yoyote akishateuliwa na Mheshimiwa Rais au na mamlaka yoyote ya uteuzi basi hataweza kufanya kazi yake ya Uwakili. Sasa anayeteuliwa na Mheshimiwa Rais hiyo iko sawasawa, inaeleweka, kwamba ameshapewa kazi na Mheshimiwa Rais ni vizuri ufanye kazi hiyo, basi ikitokea umeacha kazi hiyo ndiyo unaweza ukaendelea ku-*practice*, hicho kiko sawa sawa.

Mheshimiwa Spika, pale unaposema umeteuliwa na Rais au na mamlaka yoyote ya uteuzi, hii inaweza ikaenda mpaka mtu *let say Lecturer* anaweza akawa ni Wakili na ni *Lecturer*. Anaweza akaambiwa kwamba wewe unajua umeteuliwa katika nafasi hiyo maana ukiwa *Lecturer* unapewa barua ya uteuzi kwamba umeteuliwa kuwa fulani,sasa ukinyambulisha hii ya kutoka kwa Mheshimiwa Rais ukaifananisha nauteuzi wa mamlaka nyingine unaweza ukakuta tumeadhibu Mawakili wengi ambao wanafanyakazi nyingine za uteuzi. Kwahiylo, nitaomba *AG* atuweke sawa kwenye hilo ili kutotoa nafasi kwa watu wengine kujikuta wameingizwa kwenye jambo ambalo hatukusudii tunapotunga sheria hii.

Mheshimiwa Spika, pia nimeangalia kwenye Wajumbe wa Bodi ya *Agricultural Input Trust Fund Act*; ukiwaangalia wale unakuta kuna Wizara ya Kilimo ina Mjumbe pale, huyu siyo lazima awe karibu na masuala ya kilimo, anaweza akawa Wizara ya Kilimo lakini wala hajishughulishi na mambo ya Kilimo. Unakwenda Wizara ya fedha kuna Mjumbe, siyo lazima awe karibu na changamoto wanazokutana nazo watu wanaohitaji pembejeo na huenda huyu wala hajawahi kutumia hata mbolea hata kununua. Ukiangalia Afisa wa *Local government*, Mjumbe lakini nae huyu kuna uwezekano mkubwa wa kumkuta ni Afisa mzuri wa *Local Government* lakini mambo ya kilimo ye ye na kilimo ni maji na mafuta.

Mheshimiwa Spika, sasa nilikuwa najaribu kuangalia hii kwamba ukiangalia, mtu pekee ambaye naona atakuwa kwenye Bodi hii na ambaye atakuwa karibu na wakulima na

anaweza akatoa mchango mzuri na akaangalia maslahi yao, ni *Recognized Farmers Association*, huyu sawa ingawa na yenye we inaleta changamoto sasa *associations* hizi ziko nyingi isije ikaleta utata uko mbele. Sababu ni kwa kuwa ziko *associations* nyagine ambazo tunafahamu, ukiangalia jina unaona kwamba inashughulika na kilimo, lakini ukichunguzakwa ndani unakuta waliomo wala hawashughuliki na mambo ya kilimo. Haya nimambo ya kuyaangalia ili Wajumbe wa Taasisi hii watakaoteuliwa na Mheshimiwa Waziri basi *wa-reflect* masuala ya kilimo na wawe karibu na sekta yenye we.

Mheshimiwa Spika, naomba niende kwenye kifungu cha 18(8) ambacho kinatoa fursa ya kwamba ukijigharamia kwenye kuunganishiwa umeme, basi utarejeshewa gharama zake kadri umeme utakavyokuwa unanunua. Hili jambo naona liko vizuri kwasababu kuna watu wengi sana katika maeneo mbalimbali wanatumia fedha zao na wakishamaliza kuunganishiwa umeme hizo rasilimali unaambiwa sasa siyo za kwako ni za *TANESCO*. Sasa hili jambo nadhani limechelewa kuja au limekuja wakati muafaka,kwahiyo naliunga mkono kwasababu litatusaidia kuongeza *speedy* kuusambaza umeme.

Mheshimiwa Spika, ukiangalia 18(9) kuna kipengele ambacho kinasema, kama Mtu umeme ametoa hela yake, amepata umeme na wengine wanaweza wakawekewa umeme lakini isije ikamuathiri huyu aliyetoa fedha zake. Hii inatokea, unakuta unapokuwa unahitaji kuuvuta umeme kuupeleka kwenye eneo lako, ukiwaambia majirani zako watakwambia sisi kwa kweli hatuhitaji umeme, lakini siku ukimaliza kuvuta umeme ukafika kwenye eneo lako na wengine wale wale waliosema hawahitaji kuchangia taratibu wanaanza kuunganishiwa umeme, matokeo unakuta sasa wewe una umeme kidogo.

Sasa kwa kweli niseme kifungu hiki kwa kweli kwenye sheria hii kitakuwa bora kwamba sawa watu wengine wataunganishiwa umeme, lakini usiathiri yule aliyetoa fedha zake mwanzo kwa ajili ya kuunganishiwa umeme.

Mheshimiwa Spika, nikienda kwenye *grazing land* 38A, ya machungio; sasa naona hapa hawa ng'ombe wanaotoka nje ya nchi wakiingia huku uka-*graze* ndani ya Tanzania adhabu imetolewa hapa, ni adhabu nzuri ya 100,000 kuna na kifungo. Nisingependa kuzungumza sana hili, lakini niulize, kuna watu wamekuwa wakitozwa fine mara nyingi elfu hamsini hamsini nitaomba AG anisaidie kuniambia hao waliokuwa wanatozwa elfu hamsini hamsini ilikuwa inatumika sheria ipi, ili niweze kujua ninapotunga sheria hii, ni sheria mpya au tunarekebisha kitu kilichokuwepo.

Mheshimiwa Spika, kuna maeneo ambayo yametengwa kwa ajili ya kuchunga faini yake hapa imeelezwa kwa ng'ombe ambaeo wako ndani ya nchi kuna 20,000 na 5,000. Sasa ambacho nataka AG anisaidie, mimi kwangu kule Misenyi watu wamekuwa wakitozwa muda mrefu tu 50,000 kama ng'ombe wakiingia eneo fulani, sasa naona hapa tunatunga sheria itakuwa 20,000, ningependa kujua kwamba tumeshusha ile au wale waliokuwa wanatozwa hamsini hamsini walikuwa wanatumia sheria nydingine ambayo labda Mheshimiwa AG huenda haijui.

Mheshimiwa Spika, faini inayotolewa kwambuzi ni 5,000, sasa nataka nilifahamishe Bunge lako Tukufu kwamba, mbuzi akienda sehemu akala majani, madhara yake ni makubwa kuliko ng'ombe akila hayo majani. Sasa kwa maana ya *volume* ya majani kweli mbuzi atakula kidogo, lakini yale *mate* ya mbuzi anapokuwa anakula yale majani yanaathiri pia hayo maeneo. Nafikiri mbuzi na yeze angepewa adhabu kubwa zaidi kwasababu madhara yake anayoyasababisha kwenye mazingira ni makubwa kuliko mtu ambavyo unaweza ukawa unafikiria. Haya yakizingatiwa basi hii nisheria nzuri ambayo itatusaidia.

Mheshimiwa Spika, naunga mkono hoja. (*Makofii*)

SPIKA: Ahsante sana Mheshimiwa Dkt. Kamala. Kwa kweli lile la umeme ilikuwa linawaumiza watu wengi sana. Unaingia gharama kubwa unavuta umeme, wenzio wote wanakuangalia tu. Ukishafikisha umeme tayari wanaanza

kuvuta kesho yake bure, dezo kabisa, halafu unakuwa umeumia peke yako tu. Hili nijambo jema sana.

Mheshimiwa Dkt. Sware atafuatiwa na Mheshimiwa Dkt. Stephen Kiruswa.

MHE. DKT. IMMACULATE S. SEMESI: Mheshimiwa Spika, nashukuru sana kwa nafasi.

Mheshimiwa Spika, nina mchango wangu na nitajikita katika Sehemu ya Saba ya Muswada huu inayohusu *amendments of the grazing land and animal feed resource act cap. 180* iko ukurasa wa 18 na nitajielekeza katika clause 48 ambayo iko ukurasa wa 22 ni *addition of section 8A*.

Mheshimiwa Spika, kwenye *clause hii ya 48* kipengele cha 8A(1) na (2) inahusiana na *powers of Grazing Land Inspector*. Huyu *Grazing Land Inspector* eye amepewa mamlaka kama inavyoandikwa katika Muswada huu kwamba *at any reasonable time* huyu *Grazing Land Inspector* anaweza akaingia kwenye *any grazing land for the purpose of exercising the functions of this act* na pia huyu *Grazing Land Inspector* ana uwezo wa *ku-enforce standards, designs, construction and maintenance criteria for the grazing land improvement and other additional conditions or modifications made or prescribe by the Minister*.

Mheshimiwa Spika, kifungu hiki kimeleta sintofahamu kwa huyu *Grazing Land Inspector* wasababu anakwenda kujipa majukumu na mamlaka ya kwa yule mfugaji kwamba wakati wowote, muda wowote anaweza akaingia kwa mfugaji na kwa wakati wowote, muda wowote anaweza *ku-enforce* sijui neno la Kiswahili ni nini, *ku-enforce standards, designs na construction maintenance* kwa huyo mfugaji.

Mheshimiwa Spika, mwanzoni kabisa mwa Bunge hili nilikuwana swalii namba tatu katika Bunge lako nalo nilisema: "Je, Serikali ina mkakati gani wa kurasimisha na kuboresha shughuli za ufugaji nchini ili uwe wa kisasa na wenye tija zaidi badala ya ufugaji wa kuhama hama?"

Mheshimiwa Spika, pia niliongea hivyo juzi kwenye mchango wangu kwamba badala ya kuwa tuna wafugaji, tuna wachungaji kwa zaidi ya asilimia 80 nchini, kwamba wale wafugaji wanahamahama, hamna mtu mwenye ranchi. Ni Serikali ina *ranch* asilimia chache na wale wafugaji wakubwa wako wachache sana, lakini majority ya Watanzania sisi tunafanya zile *traditional means* za ufgaji na ndio majibu walioni patia Serikali kupitia Wizara ya Mifugo na Uvuvi, kwamba urasimishaji bado lakini wako katika mikakati ya kuboresha na wamesema kwamba asilimia 97 ya mifugo hufugwa kwa mfumo wa asili ambapo kaya milioni 4.6 sawasawa na asilimia 50 ya kaya zote Vijiji hufuga mifugo kwa njia hiyo ya kuhamahama.

Mheshimiwa Spika, sasa kwa hiki kilicholetwa hapa mezani kwetu je, hili linakwenda kutekelezwaje kwa kuwa wafugaji wetu hawana hizi *ranch*, hatuna maeneo ambayo yapo tayari *demarcated* kwa ajili ya shughuli za mifugo tu. Sasaleo hii unakwenda kumpa huyu *inspector* mamlaka ya kuingia eneo lolote, wakati wowote na kwenda kusimamia, kwamba ana uwezo wa kusimamia *enforce standards* za *designs* zipi ilihali hii *situation* bado?

Mheshimiwa Spika, kama tungakuwa ni nchi ambayo ina wafugaji wana maeneo tayari mahususi na Wizara imeshaleta sheria ambayo inatekelezeka kuniambia *guidelines*, ukiwa mfugaji, mimi Sware Semesi nikitaka kuwa mfugaji lazima niwe nimetekeleza a, b, c, d. kama hiyo tayari iko *on the ground*, basi hii Sheria kuwepo hapa ni sawa, lakini maadam hayo hayapo sasa hivi kwa wafugaji wetu, hiki kilichopendekezwa hapa siyo sawa. Kwahiyo, turudi nyuma kwanza turasimishe vile inavyotakiwa na kutoa *guidelines* mfugaji anatakiwa afanye nini, basi pale ndiyo tunatakiwa tumpe mamlaka huyu *Grazing Land Inspector* afanye hiki tunachoki-*propose* hapa. Hivi ilivyokaa haitekelezeki zaidi ya kwenda kutengeneza sintofahamu kwa wafugaji wetu.

Mheshimiwa Spika, kingine ninachotaka nikiongelee hapa hapa namba mbili, anasema kwamba hizo instructions *namaintenance criteria* na nini kifanyike, vyote hivyo pia

vitakuwa siyo tu kwenye sheria bali vinakwenda kutegemea kanuni ambazo zitakuwa ziko chini ya Waziri husika. Kwasababu ya unyeti wa suala hili na ile kutokuleta sintofahamu, na-*propose* badala ya kutengeneza kanuni, basi hii mikakati inayotakiwa iwepo hapo na hizo *standards* ziwe Kisheria ili kutokuleta sintofahamu.

Mheshimiwa Spika, kwenye *clause* namba 51, *amendments of sections* 16, ukurasa huo huo wa 22 wanaongelea kuhusu *grazing land* yaani kutengeneza mipaka ya *grazing land*(maeneo ya ufugaji) katika vijiji. Labda na Waziri wa Ardhi na Makazi yuko hapa atatueleza je, tayari tunayo hiyo katika Sheria Mama? Je, hiyo mipango ya matumizi bora ya ardhi imeshafanywa, kwamba maeneo haya ni ya miji yatatumika a, b, c, d na maeneo haya ni ya wafugaji na ukulima yatatumika 1, 2, 3? Sheria bado iko *flexible* katika kubadilisha matumizi ya ardhi mipango miji, sasa leo hii hizi *grazing land* ambazo zitatengenezwa na vijiji,je, vinaendana sawana Sheria Mama ya Ardhi?

Mheshimiwa Spika, naomba wazingatie kwamba matumizi ya ardhi yamekuwa yakibadilishwa; maeneo ya mashamba yamekuwa chini ya mipango miji matumizi hayo yanarekebishika hivyo. Sasa leo hii tunaanza kuongea kama vile tayari katika maeneo ya vijiji kuna maeneo mahususi ya wafugaji. Hiyo haijakaa sawa.

Mheshimiwa Spika, naomba niende ukurasa wa 23, kifungu cha 53; kifungu namba 53 kinakwenda kufanya *amendments* kwenye *section 18, 53(4)* inasema: "A person who uses grazing land shall be responsible for improving and developing such land in a manner prescribed in the regulation".

Mheshimiwa Spika, najiuliza hapa matakwa haya na shauri hili yangewekwa kisheria na si kikanuni kwasababu hapa tunaongelea matumizi bora ya ardhi na ardhi hiyo ndiyo mwanzo na sababu ya sintofahamu na migogoro ya ardhi. Kwahiyo isiwe chini ya Waziri husika kutengeneza kanuni bali iwe kisheria husika kusema kwamba ardhi hii ikatwajekatwaje

na itumikaje, badala ya kusema tu kwamba mwenye kufanya ufugaji eneo Fulani, basi afuate kanuni fulani maeneo hayo anakwenda kuyarekebishaje. Kwahiylo, kuwe kuna sheria ambayo inasema kwamba wewe ukiwa mfugaji kwenye eneo lako la ufugaji unatakiwa ufanye nini naisiwe chini ya kanuni bali iwe chini ya sheria.

Mheshimiwa Spika, la mwisho kabisa, naomba niende ukurasa wa 24 wa Muswada huu, *clause 59, addition of section 38A, 38Bna 38C*. Kipengele hiki kinaongelea provision of movement of animal into mainland Tanzania. Naomba ufanuzi katika Wizara husika wakisema neno *into mainland Tanzania* maana yake ni nini? Kwambani ufugaji ndani ya nchi, Tanzania Bara au ni ufugaji wa wale amba wako kutoka nchi zinazotuzunguka kama ni Kenya, ni Uganda, ni Rwanda ndiyo zinazokuja kufuga mifugo yao huku Tanzania? Kama basi kipengele hiki kinaongelea ku-*limit movement* ya ufugaji ndani ya Tanzania Bara *then* hapo kuna tatizo kubwa sana, kwasababu Serikali yenyewe imesema asilimia 97 hufugwa kwa mfumo wa asili na ufugaji wa mfumo wa asili ni wa kuhamahama.

Sasa hii sheria hapa ina maana gani kwamba unani-*limit* mimi mfugaji nisihamehame? Wasukuma wanahamahama, Wamasai wanahamahamanahuko Urangini kwetu wanahamahama, sidhani kama kuna mfugaji ana eneo lake kama vile eneo la shamba hapo ndipo anapofuga. Sasa leo hii anakwenda kunipa mimi faini au kunitaifishia mifugo yangu kwasababu nahamahama, kwani tuna maeneo *specific* hapa Tanzania ya kufuga?

Mheshimiwa Spika, kama hiyo ndiyo maana yao hii sheria inakwenda kuleta sintofahamu na kama inamaanisha kwamba kufunga *into* yaani kwamba wafugaji kutoka nchi za jirani wanaingia ndani kufuga katika ardhi yetu, basi huko tuna sheria za mipakani na kuna mkono wa Serikali amba una-*limit* mtu kuingia katika ardhi ya mtu mwingine.

Mheshimiwa Spika, kwa hayo, nashukuru sana kwa nafasi. (*Makofi*)

SPIKA: Nakushukuru sana Mheshimiwa Dkt. Sware kwa *concernszako*. Tutapata maelezo baadaye, ni kweli mambo mengine unajua hawa *ma-inspector* hawa ukimwambia *enter at any time* inafanya yaani mtu kuwa mfugaji kama ni *criminal offence* maana kuna watu yaani wanaweza kuingia saa yoyote, wakati wowote, yaani kidogo inakuwa shida, ingawaje wametumia neno *reasonable time*, sasa *what is the reasonable?* Sasa ili tuwawezeshe wafugaji wetu ni wasibabaishwe tu saa yoyote. Atatuambia Mheshimiwa Waziri baadaye kidogo, wakati wa akifafanua kama nia ni nini.

Waheshimiwa Wabunge, nilikwishamtaja Mheshimiwa Dkt. Kiruswa, tafadhali karibu.

MHE. DKT. STEPHEN L. KIRUSWA: Mheshimiwa Spika, nakushukuru kwa nipa nafasi ili nami niweze kuchangia kwenye haya marekebisho katika sheria mbalimbali na naomba nijikite kwenye hii sheria ya nyanda za malisho sura ya 180 kwa kuangalia kipengele kilichoko katika maelezo ya Mwanasheria Mkuu ukurasa wa 8 ambapo kwenye kifungu cha 5 kinarekebishwa katika kifungu kidogo cha (2) kwa kuongeza aya ya (e) ili kulipa barasa jukumu la kusimamia kudhibiti nyanda za malisho rasilimali ya vyakula vya mifugo na biashara.

Mheshimiwa Spika, sina mgogoro kabisa katika marekebisho yanayofanywa lakini nina masuala ambayo ningependa Serikali itutolee ufanuzi baadaye kwamba kwa kuundwa hili baraza ambalo limetoa hiyo dhamana ya kusimamia na kudhibiti nyanda za malisho,

Je, Sheria inakwenda kuangalia vipi masuala mengine ya kiuhalisia maana hapa ipo *theoretical* sana kwa maana kwanza mimi hata *definition* nyanda za malisho ambayo sheria hii inaenda kuzisimamia haijanikaa vizuri kichwani maana yake moja vilio vya wafugaji na mimi kama msemaji wa wafugaji kama mbunge wa jimbo la wafugaji kwa asilimia 95 ilikuwa ni kuiomba Serikali kwanza ibainishe nyanda za malisho.

Mheshimiwa Spika, zibainishwe, zижуlikane, zipemwe, zisajiliwe, zimilikishwe kama iliyosera ya ardhi ya kupanga kupima na kumilikisha kila kipande cha ardhi ya nchi yetu hiyo ndio imekuwa kilio changu na ninapoona kwamba sheria hata sasa inafanyiwa marekebisho na kuundiwa baraza ninaanza kujuliza kwamba hivi tumefika mahali pazuri kwali pa kuwa na hizo nyanda ambazo hili baraza litasisimamia na wataweza kusimamia nyanda zipi ambazo zimeshabainishwa na wakati kila siku tuna migogoro ya wakulima na wafugaji.

Mheshimiwa Spika, na katika sehemu zingine bado hizo nyanda ni maeneo kame kama kwenye Wilaya yetu ya Longido sisi tunakubwaga na ukame mara kwa mara na kuna wakati na hii sasa naenda kuhusisha ukurasa huo huo wa 8 kifungu cha 38(c) ambacho kimependekezwa kuongezwa kwa lengo la kuzuia kulisha mifugo katika maeneo yalijotengwa ambapo litakuwa ni kosa la jinai na kuweka adhabu kwa ukiukwaji wa kifungu hicho.

Mheshimiwa Spika, Sasa hii inaenda sambamba pia na pale mwanasheria akitoa maelezo akiposema kwamba watazibiti na mifugo kutoka nje ya nchi kuja kulisha katika nchi yetu suala nzuri na la msingi kabisa. Niliona wakati fulani mifugo kutoka Kenya walipiingia katika eneo la Mkomazi kuja kwetu Tanzania, Serikali ili kakamata na kutaifisha. Sasa katika mazingira ya hali halisi ya baadhi ya maeneo ya nchi yetu tunapata adha ya ukame sana, Longido ni wilaya ya mpakani na nchi jirani ya Kenya kuna wakati mvua inanyesha Kenya na kule Kenya kila kipande cha ardhi imepimwa imepangwa imemilikishwa, wafugaji wanavuka wanaenda kuelewana na wenzao wanaomba kibali cha kuja kuhemea majani wanapewa kuna wakati mvua inanyesha upande wetu wa Tanzania na wao wanakuja kuomba kupertia Serikali za Vijiji kwamba jamani nyie mmenepa tupeni na sisi mgao tulishe safari hii maana yake mvua hazijaingia kwetu.

Mheshimiwa Spika, sasa sheria hii ili baraza litakapokwenda kusimamia sheria kwa muktadha kama huo hayo mazingira ya ujirani mwema kubebana kwenye malisho

katika hizi nyanda zingine ambazo ni kame na hazijitoshelezi kwa maji ama kwa majani majira yote na kila mwaka yanakwenda kuathirikaje, ningeomba baadaye Mwanasheria Mkuu atowe ufanuzi kuhusiana na hilo suala.

Mheshimiwa Spika, lakini pia na naomba nitowe dukuduku langu kwa bahati mbaya siyo mjambe katika kamati ya Katiba na Sheria kwa hiyo sikupata bahati ya fursa ya kushiriki wakati wa hii Miswada ilivyokuwa inaangaliwa maana moja ya vilio ambavyo jamii ya wafungaji wanayo ni Sheria zingine ambazo sasa hivi naona kama zinaenda kuungeza umasikini badala ya kumkomboa mtanzania hasa mfugaji aondokane na maskini ambayo ni kauli mbiu ya Rais wetu.

Mheshimiwa Spika, Ng'ombe wanapokamatwa wameingia katika eneo lillohifadhiwa iwe kwa bahati mbaya iwe ni kwa makusudi kwasababu ya shida ya majani na maji lakini wanakamatwa mifugo ya watu hata wawe ng'ombe wangapi? Wote wanakamatwa wanazuiwa wakati kesi inaendelea ya kosa la *trespass* na ng'ombe wale tumeona na kushuhudia hata katika vyombo vya habari wiki hii jinsi wafugaji, yule mzee alikuwa na ngombe 311, ng'ombe zake zote zikazuiwa mpaka leo anaambiwa ana ng'ombe 140 ambazo hata hazijaweza kutolewa kuhakikisha kwamba bado zipo kwa sababu sheria iliyopo inawakamata wote na kuwazuia mpaka kesi itakapoisha.

Mheshimiwa Spika, nilitamani sana na naomba hii iwekwe katika kumbukumbu za Sheria za kubadilisha huko tuendapo vifungu vya kubadilisha ufanyiwa marekebisho kwamba ifike mahali sasa viumbe hai ambayo ndiyo rasilimali ya watu wengine ndiyo banki ndiyo pesa zao ya watu kama wafugaji inapokuwa imekamatwa mifugo wakishabainisha wakajulikana mwenye mifugo, wakajulikana na viongozi wa eneo lake wanapotoka waachiwe kesi iendelee au wazuiwe wenye thamani ya ile faini ambayo angetozwa ili kuepuka kuwatia hasara kubwa wafugaji ambayo wanafilisika kwa njia hiyo na unapokuwa umemfilisi mfugaji au mtu mmoja aliyejunja sheria akaingia ndani ya eneo ambalo liko *protect*

au haliruhusiwi kuingia unakuta umefilisisha zaidi ya watu 30 ndani ya kaya.

Mheshimiwa Spika, familia ya mfugaji wa kawaida wakibalabaigi au wa kimasai anaweza akawa na watoto 30 na hao ng'ombe 500 ya wastani labda ni ng'ombe 10 kwa kila kichwa ukiwazuiwa miaka 2, 3 mpaka wote wakaisha halafu baadaye uje useme ameshinda kesi, kesi imeisha na hana kitu cha kupeleka nyumbani ni kwamba umedidimiza ile familia ni kama umewatangazia tu adhabu ya kifu kwasababu hawana namna nyingine wanategemea mifugo kwa uhai wao.

Mheshimiwa Spika, kwa hiyo, naomba pamoja na kwamba hicho kipengele hakipo katika marekebisho haya hichi ni kipengelea ambacho *overdue* kwa ajili ya kumkomboa mfugaji kutokana na adha wanayopata mifugo yao inapozuiliwa mpaka inakwisha yote kwa sababu tu wameingia katika maeneo yaliyohifadhiwa.

Mheshimiwa Spika, mwisho nilikuwa pia nimeona kwamba waziri ana mamlaka ya kutengeneza kanuni za kusimamia uhifadhi wa hizo nyanda za malisho, naona kama kanuni nyingi zinatungwa bila kushirikisha wadau mahususi mchakato wa kutengeneza kanuni ningeomba uanzie kwenye *Grass roots* ianzie kabisa kule mashinani kwa wale ambao inakuja kuwajibisha watakavyokuwa wamezivunja ili na wao wawe na nafasi ya kutambua kuchangia na waweze kuwa watii kwa hizo kanuni zilizowekwa.

Mheshimiwa Spika, baada ya kusema hayo Mheshimiwa nakushukuru kwa kunipa nafasi ya kuchangia ahsante sana. (*Makofii*)

SPIKA: Ahsante sana, Dkt. Stephen Kiluswa, ni kweli hili la kukamata kundi zima la ng'ombe la mfugaji kwa kweli Mheshimiwa Waziri wa Mifugo huko mbele mje mliangalie maana hile ni mifugo siyo mtu yule wamepelekwa hapo ama na binadamu au amejikuta tu wako kwenye eneo ambalo ni la hifadhi sasa ikikamatwa zizi zima ni msiba mkubwa.

Ifanyike taratibu ushahidi watu uchukuliwe kila kitu basi lakini sio kukamata zizi kubwa, huko ni kuwaweka wafugaji katika mazingira ambayo wanapata machungu yasiyo kuwa ya kawaida kabisa. Kundi zima limeshikwa kule ndama wamebaki nyumbani ndama wanalia, mama zao kule wanalia hawawezi kurudi wale waliokamata hawawezi kufuata ile ratiba ya uongeshaji *Deeping* wala matibabu, wala nini yaani matokeo yake ni *disaster* kubwa alafu kumbuka *community* nzima inasikitika kwamba ng'ombe wa fulani wamekamatwa *community* nzima kwasababu ni kitendo *community* nzima ina *abhor*. (*Makofi*)

Kwa hiyo, huko mbele kama kuna marekebisho kama haya ili ni la kuitazama ili nalo liweze kuangaliwa namna gani litashughulikiwa. Mheshimiwa Rose Sukum, Mheshimiwa Rose Kamili hayupo amesema basi ok. Mheshimiwa Salome Makamba na atafuatiwa na Mheshimiwa Dkt. Suzan Kolimba.

MHE. SALOME W. MAKAMBA: Mheshimiwa Spika nakushukuru kwa kunipa nafasi Muswada huu muhimu lakini kabla sijaanza, niwafahamishe Wabunge wenzangu leo mahakama kuu imefanya maamuzi mazuri ya kukturangaza kifungu namba 148(5) cha sheria ya mwendendo ya makosa ya jinai kwamba kifungu hiki kipo kinyume na katiba kwa maana hiyo sasa hivi makosa yale ambayo yalikuwa yakitumiwa kutufanya tukae magereza bila kupata dhamana yote yanadhamini. (*Makofi*)

Mheshimiwa Spika, kwa hiyo hii ni hii ni habari njema, hasa kwa wakati huu ambapo kuna mwanachama mwenzetu Mdude Nyangari anashtakiwa kwa kesi ya madawa ya kulevyo. Kwa hiyo, na ye ye pia anadhamini. Niwaambie tu Wanasheria wenzangu kule waanze kufanya utaratibu wa kumpatia dhamana kwa kufuata kesi hii *Advocate Sanga versus General* ya mwaka 2016.

SPIKA: unajua tatizo lako Mheshimiwa Salome, unapenda sana kuvunja vunja Kanuni, maana yake sasa hilo linahusianaje na marekebisho yaliyoko mbele yetu hapa. Hawa wa madawa ya kulevyo sijui nini sasa...

MHE. SALOME W. MAKAMBA: Mheshimiwa Spika, nilikuwa nakupa tu taarifa habari inayoendelea huko kwenye Mahakama zetu.

SPIKA: Ndio kupewa mtu dhamana sio kwamba sasa ndio, maana yake unavyoongea ni kwamba vile yaani *is just okay* sasa kuendelea na madawa ya kulevyia na nini kwasababu watu watakuwa dhamana.

MHE. SALOME W. MAKAMBA: Mheshimiwa Spika, hapana mimi ni muumini wa dhamana, mimi ni muumini wa dhamana kwenye nchi hii na ni mmoja katika Wanasheria ambao tulitamani makosa yote yawe na dhamana.

Kwa hiyo, hii ni *debate* ambayo ilikuwa ya muda mrefu. Kwa hiyo, ni mafanikio makubwa kwa wale ambao tulikuwa tunaamini hilo. Ndio maana nilikuwa nataka nitoe pongezi kwa Mahakama.

MBUNGE FULANI: Mheshimiwa Spika, kuhusu utaratibu!

SPIKA: Ni sawa kabisa lakini sio mahali pake.

MBUNGE FULANI: Mheshimiwa Spika, kuhusu utaratibu!

MHE. SALOME W. MAKAMBA: Mheshimiwa Spika, naomba niendelee na marekebisho haya ya sheria, na nitaanza na sheria ya ...

MBUNGE FULANI: Mheshimiwa Spika, taarifa.

SPIKA: samahani kuna taarifa, samahani nilikuwa sijakuona.

NAIBU WAZIRI WA MAMBO YA NJE NA USHIRIKIANO WA AFRIKA MASHARIKI: Mheshimiwa Spika, naomba kumpa taarifa Mheshimiwa Salome Makamba Wakili Msomi, kwamba kwa mujibu wa Katiba. Mahakama inapotamka kwamba kifungu ni batili, kifungu hiko kinaendelea kutumika mpaka pale Bunge litakapofanya mabadiliko. (*Makofii*)

Mheshimiwa Spika, kwa hiyo, masuala ya dhamana yatasubiri maamuzi ya Bunge kwa mujibu wa Katiba ya Nchi yetu. (*Makof*)

SPIKA: Endelea Mheshimiwa Salome ndio maana nilikuambia unataka kutuanzishia jambo ambalo...

MHE. SALOME W. MAKAMBA: Mheshimiwa Spika, namfahamisha kaka yangu Mheshimiwa Dkt. Ndumbaro kwamba Mahakama imesema ndani ya miezi 18 mnatakiwa mlete marekebisho. Kwa hiyo, ukiwa kwenye baraza huko uwakumbushe Mawaziri wenzio, na Waziri Mwigulu afahamu hilo.

Mheshimiwa Spika, nianze na sheria ya umeme, marekebisho ya Sheria ya umeme *Cap 131*, tena umesema vizuri katika marekebisho haya, mimi naamini Serikali inapoleta marekebisho Bungeni, inazingatia yale ambayo sisi kama wawakilishi wa wananchi tumeshauri. Lakini pili inazingatia ombwe kubwa ambalo lipo kwenye jamii, naamini hiyo.

Mheshimiwa Spika, nimekaa kwenye Bunge hili sasa inaenda miaka mitano. Mambo ambayo Serikali imeleta kwenye marekebisho haya ya Sheria kwa ujumla wake nikiangalia hasa *Cap 131* kwanza wamejikita kwenye kutoa mamlaka kwa Kamishna. Lakini pili wamejikita kwenye kuongeza adhabu.

Mheshimiwa Spika, changamoto kubwa kwa miaka minne iliyopita ndani ya Bunge lako hili Tukufu. Changamoto kubwa na tukizipanga kwa kipaumbele changamoto ya Kamishna kama imewahi kujitokeza hajifika hata asilimia tano. Changamoto ya kuongeza adhabu kama imewahi kujitokeza hajifika hata asilimia tano. Changamoto kubwa ambayo ipo katika sheria hii ya umeme, ya kwanza kabisa ni ucheleweshwaji wa utoaji huduma unaofanywa na Shirika la Umeme *TANESCO*, haya ndio malalamiko makubwa ya wananchi.

Mheshimiwa Spika, na kila siku humu ndani hata kwenye maswali, tukienda kwenye Hansard. *Concern* za wananchi ambazo zinatolewa na Wabunge humu ndani kwangu sijapata umeme, umeme wa REA haujafika kwangu, kwa nini umeme umechelewa! Na tulitegemea sasa hiyo iwe reflected kwenye sheria hii. Sheria hii imekaa kimya kuhusiana na hilo.

Mheshimiwa Spika, changamoto ya pili ilikuwa ni bei ya umeme na tozo zake kwa maana VAT na tozo tofauti tofauti. Wabunge wanalalamika humu ndani. Sasa leo ukiacha ule umeme wa REA wa shilingi 27,000 mtu anatozwa VATkwanza anajuliza kikokotoo cha VATmpaka na tozo kwa nini nalipa bili hii. Hayo ndio maswali makubwa ya wananchi ambayo Serikali ilitakiwa kwenye marekebisho haya ya Sheria ya Umeme Cap 131 yapatiwe majibu.

Mheshimiwa Spika, changamoto nyininge ilikuwa ni namna gani watu binafsi wanaweza kuzalisha umeme. Na kuliuzia Shirika la Umeme la TANESCO, lakini hilo nalo halijapatiwa ufumbuzi yakinifu katika marekebisho haya ya Sheria. Kwa hiyo, ukinjuliza generally nini ilikuwa nia ya Serikali kuleta sheria hii nitasema walikuwa wanaongeza mtu atakesimamia zaidi ukusanyaaji wa mapato kwa maana ya Kamishna, lakini pili wanataka kuongeza adhabu ili waweze kukusanya mapato. Lakini *in reality intention* ya Serikali kwenye mabadiliko haya sijaona pamoja na kuleta kwa haraka namna hii sijaona kama imetatua changamoto kubwa ambazo wananchi kupitia Bunge, Mabaraza ya Madiwani, Vyombo vya Habari tumekuwa tukisema ili wananchi wetu wapate kutatuliwa.

Mheshimiwa Spika, kwa mfano wameleta mabadiliko kwenye kifungu cha 24 ambacho kimefuta kifungu kidogo cha (8) na kukiandika upya wakisema kwamba mimi nikivuta umeme leo, nikaenda kulipia nguzo nne tano, kuleta umeme kwenye eneo langu, basi watu wengine wakitaka kuvuta, wataruhusiwa kuvuta kupitia zile nguzo ambazo nimezilipia TANESCO. Na baada ya hapo wanasesma nitalipwa kidogo kidogo kwenye bili, hiyo kidogo kidogo ni shilingi ngapi?

Kwenye gharama na nitalipwa kwa muda gani? Sheria ipo kimya, na nikiwa sijalipwa kwa mfano mwezi huu nitalalamika wapi.

Mheshimiwa Spika, kwa hiyo, changamoto ilikuwepo kwamba tofauti na kwenye maji, kwenye umeme mtu anaweza akavuta umeme kwasababu wenzake wamemtegea, akaingia gharama Serikali ikatumia hiyo kama nafasi kuwauzia watu wengine umeme na bado yule mtu aliyehangaika kuingia gharama ya kuvutiwa umeme asilipwe au akalipwa kwa kusuasua na sio mara ya kwanza, kwasababu hata wafanyabiashara na kwenye hotuba tumeeleza vizuri. Kuna wafanyabiashara ambao wanaambiwa agizeni halafu ile VAT mtarudishiwa, wamerudishiwa lini?

Mheshimiwa Spika, sioni nia ya dhati ya Serikali kutatua changamoto ya umeme katika mabadiliko haya madogo ya Sheria. Jambo la pili ambalo, ziko sheria 14 zimetoa marekebisho lakini nitasema angalau mbili au tatu. Jambo la pili ni kwenye sheria hii ya tasnia ya sukari 251, anasema haki isitendeke tu lakini ioneokane kwamba imetendeka. Kwenye haya mambo ya sukari, upataji wa vibali wa kusambaza sukari bado ni changamoto. Sheria haijaonesha kutatua changamoto hiyo na baada ya kuingiza sukari nchini, namna ambavyo sukari ile itasambazwa bado ni changamoto. Wewe mwenyewe unafahamu kila mwezi wa nne wa mwaka sukari inapanda juu kupita kiasi. Sasa kama changamoto ni hiyo Serikali wamekuja na utatuzi gani katika mabadiliko haya ya sheria kutatua changamoto hiyo, sijaona tiba ambayo Serikali imeiweka. (*Makofii*)

Mheshimiwa Spika, lakini tumekuwa tukiona wafanyabiashara wanasumbuliwa hasa kwenye biashara hii ya sukari. Kwangu Shinyanga tuliwahi kufungiwa maduka ya jumla karibu wiki nzima. Mkuu wa Mkoa ametoka kwake amekuja Kahama amekamata wafanyabiashara wote wa maduka ya jumla. Anasema wale wanatuhumiwa kwa makosa ya kubadilisha mifuko ya sukari. Amewachukua

amewapeleka kwenye vyombo vy ya habari anawaambia haya kiri, kiri kwamba umebadilisha mfuko.

Mheshimiwa Spika, utawala gani, sheria gani inafanya namna hiyo! Sasa ni lazima sheria tunazitunga, usimamizi wa sheria hii ni lazima ufuate sheria zenyewe. Haiwezekani watu wanajichukulia sheria mkononi katika kusimamia kwasababu tu ni mamlaka.

Mheshimiwa Spika, hili ni jambo la kuzingatiwa sana, Serikali iwe wazi, ni namna gani vibali vinatolewa, itangaze. Na sio wanapewa kundi la watu wachache sababu mwisho wa siku tunaamini wanatumia hiyo kama njia ya kujimilikisha biashara hii ya sukari na wengine wanataabika.

Mheshimiwa Spika, baada ya kusema hayo nakushukuru sana. (*Makofi*)

SPIKA: Ahsante sana Mheshimiwa Salome Makamba, kusema ukweli leo nikiulizwa umesema nini hata sijasikia kabisa. (*Makofi/kicheko*)

Na sababu yake yaani nilikuwa bado nawaza yale yale ya mwanzo, Mheshimiwa Salome, si ni Mheshimiwa Salome nimesema Suzane ee!? Salome, nilikuwa bado nawaza yale yale ya mwanzo yale unajua wakati mwiningine Wanasheria bwana, anasema sisi ni wapambe wa makosa yote yadhaminike. Sasa hapa shida yangu mimi ni lile neno "yote" na ni kwasababu sisi wanasyansi huwa hatuamini katika neno *ALL, we don't believe in all*. Hata mimi ningependa makosa mengi yadhaminike, lakini makosa yote yadhaminike! Ina shida.

Mtu mmoja kule Arusha inasemekana juzi kampiga mama yake shoka kachukua damu kanywa. Hivi mtu kama yule wiki inayofuata eti amedhaminika yupo mtaani. Kweli! Mtu amebaka binti yako wewe mwenyewe wa chekechea sijui wa shule ya msingi halafu kesho yake tu unamwona yuko mtaani.

Waheshimiwa Wabunge mtu amebaka binti yako wewe mwenyewe wa Chekechea, sijui wa Shule ya Msingi, halafu kesho yake tu au kesho kutwa yake unamwona yuko mtaani. Yaani nina mifano mingi ninayoweza kutoa. Hivi vitu vingine mnaweza mkawa na ushabiki wa Ulaya huko lakini hapa Tanzania tutajenga tu *society ambayo ni lawlessness* kwamba sasa kumbe mtu nikimpata wa namna hii, huyu ni *size* yangu. Nikibeba tu bunduki, sijui panga au nini, nimalize basi.

Kwa hiyo, ni vitu vya kwenda navyo taratibu kidogo. Kweli makosa mengi yadhaminiike, lakini yote, aah! Jamani, jamani! Tunaendelea na Mheshimiwa Dkt. Susan Kolimba, atafuatiwa na Mheshimiwa Dkt. Mary Nagu.

MHE. DKT. SUSAN A. KOLIMBA: Mheshimiwa Spika, nashukuru kwa kunipa nafasi hii nami niweze kuchangia hoja iliyoko mbele yetu, Hoja ya Marekebisho ya Sheria Mbalimbali ya Mwaka 2020 ilioletwa kwetu na Mwanasheria Mkuu wa Serikali.

Mheshimiwa Spika, naomba nichukue nafasi hii kwanza kuwapongeza sana Serikali kwa kufanya maamuzi ya kuweza kwanza kuona kwamba kuna changamoto ya baadhi ya sheria na kwa safari hii sheria 14 ambazo zilikuwa zina upungufu ambapo kwa namna walivyokuwa wakitekeleza wameona kwamba kuna ulazima wa kuzileta hapa mbele yetu ili nasi kama watungaji wa sheria ndani ya Bunge hili tuweze kuisaidia Serikali kuweza kuondoa upungufu huo. Kwa namna ya kipekee nawapongeza sana kwa suala hilo.

Mheshimiwa Spika, mimi ni mmoja katika Wajumbe wa Kamati ya Katiba na Sheria ndani ya Bunge hili. Naungana na maoni yaliyotolewa na Kamati yetu na ushauri kwa Serikali na kuunga mkono hoja iliyowekwa na Serikali ya Mabadiliko ya Sheria ya Marekebisho ya Sheria Mbalimbali ndani ya Bunge na niseme kwamba naunga mkono kwa asilimia mia moja.

Mheshimiwa Spika, kabla sijaenda kwenye yale ambayo nilikuwa nataka tu kupongeza na pia kushauri mwishoni, nirudi kwa aliyemaliza kuongea, Mheshimiwa Salome, alipokuwa anazungumzia kwamba Serikali inapoleta mabadiliko au marekebisho ya sheria mbalimbali au Miswada, wanakuwa wameona kwamba kuna ombwe katika utekelezaji wa sheria walizonazo na kuweza kurekebisha ombwe hilo ndani ya nchi yetu au ndani ya Serikali husika.

Mheshimiwa Spika, unaweza ukashangaa kwamba mtu huyo huyo anayesema kwamba yeze hajaona hilo ombwe la kwa nini Serikali imeleta na sababu za Serikali kuleta mabadiliko haya ya sheria hizi 14 yameonekana ndani ya Muswada husika, nasi kama Kamati ambayo mlitupa mamlaka ya kusaidia kushauri na kuititia yale marekebisho yaliyoletwa, tumeona kwamba kulikuwa na ombwe nasi tumesema kwamba tunaungana na Serikali katika kuiunga mkono hoja waliyoiveka mbele yetu.

Mheshimiwa Spika, Mheshimiwa Salome pia anazungumzia kwamba kwa 5% kuongezwa kwa adhabu kwamba siyo kitu cha muhimu sana kwamba siyo hitajio; na vilevile anazungumzia kuhusu ucheleweshaji wa utoaji wa huduma sijui huo ndiyo ambao ni muhimu. Najua kwamba ni muhimu lakini najaribu kuangalia huu utafiti wa 5% alizokuwa anazitaja Mbunge aliyetangulia, ameutoa wapi? Labda pengine angetusaidia sisi kama Wabunge ambao tunaishauri Serikali tuweze hata kuona hizo asilimia anazozitaja kama kuna utafiti ameufanya na anao utusaidie na usaidie Serikali katika kurekebisha siku zijazo.

Mheshimiwa Spika, sasa naomba nirudi katika hoja iliyoko Mezani. Kama mmoja wa Wajumbe wa Kamati ya Katiba na Sheria, naunga mkono hoja kwa asilimia mia moja iliyowekwa na Mwanasheria Mkuu wa Serikali kwa kuisaidia Serikali ndani ya Bunge hili. Ni kwa sababu kwamba mengi yaliyowekwa hata ukiangalia katika hoja ya kuongeza au kupanua *terms* ambazo zimetumika katika sheria ambazo zinafanyiwa marekebisho, utaona tu kwamba Serikali ilikuwa

ina nia nzuri ili kuweka utendaji na utekelezaji mzuri na matumizi mazuri ya sheria zinazofanyiwa marekebisho, kuwasaidia wao kama Serikali na kuweza kutekeleza majukumu yao sawasawa.

Mheshimiwa Spika, ukienda kwenye sehemu ya tatu ya Sheria ya Muswada unaorekebishwa ya Mfuko wa Pembejeo, kwenye kifungu kile cha 2 ambacho mwanzoni kilikuwa na tafsiri iliyokuwa finyu, Serikali ikaona kuna umuhimu wa kuleta tafsiri pana inayoweza kutoa msamati ambao ni jumuishi unaoelezea nyenzo zote muhimu zinazotumika ndani ya sheria husika.

Mheshimiwa Spika, mtu anapopinga suala kama hilo na kuliona kwamba halina umuhimu, namshangaa, lakini wale wanaojua umuhimu wa kuhakikisha kwamba *terms* ambazo zinatumika katika sheria zinakuwa na upana ili kuweza kutekeleza lengo la sheria husika inakuwa ni muhimu. Kwa hiyo, naipongeza Serikali kwa kuleta kifungu hiki, ni kifungu bora nasi kama Kamati tumeunga mkono hoja hiyo.

Mheshimiwa Spika, eneo la pili nalionia katika Kifungu kile cha 7 ambacho kinazungumzia kuhusu kurekebisha au kuainisha Wajumbe wa Bodii ya wadhamini ambao wanateuliwa na Waziri ndani ya sheria hiyo hiyo ambapo inaonesha kwanza lazima wajulikane wanapatikana vipi kwa maana ya kwamba sifa za hao Wajumbe wanaolunda Bodii hiyo ya Udhaminii. Vilevile kwamba wanatoka katika maeneo yapi kwa maana ya Sekta.

Mheshimiwa Spika, nami naona kwamba wazo hilo na kifungu hichi kilicholetwa ni kifungu muhimu kwa sababu kinatengeneza, kumwezesha na kumpa mweleko Waziri kuweza kuteua watu ambao watakuwa wana weledi wa kutosha na kutekeleza majukumu yao ndani ya Kamati husika. Kwa hiyo, mimi pamoja na Kamati tunaunga mkono hoja hiyo na kifungu hiki ni kizuri sana. (*Makofi*)

Mheshimiwa Spika, Sehemu ya Saba ya marekebisho ambayo yameletwa, kuna kifungu ambacho kinamwondoa

mtu ambaye amesomea mambo ya *vertinary science* kutokuwa Mkaguzi wa Vyakula vya Mifugo. Kwenye Kamati kidogo tulikuwa tumejaribu kupata ufanuzi kwa nini anatolewa, tukaambiwa kwamba wao katika kufuatilia kuona kwamba huyo mtu ambaye amesoma *vertinary science* ambaye kwa utaalamu anakuwa ni mtu ambaye amesoma *vertinary medicine* ni kwamba hana utaalamu wa kutosha kuweza kupewa jukumu la ukaguzi wa vyakula vya mifugo na wakaainisha aina ya *course* ambazo mtu akisoma basi anaweza kufanya kazi hiyo.

Mheshimiwa Spika, kama Mjumbe wa Kamati ile, niseme tu kwamba nahitaji kuwashauri katika eneo hili kwamba nakubaliana kwamba lazima mtu anapopewa nafasi awe na ujzi na weledi wa kutosha katika eneo husika. Tulyapokea maelezo ya Serikali waliyosema kwamba watu hawa walikuwa wanatumika zamani kwa sababu enzi hizo tulikuwa hatuna wataalamu wa kutosha lakini sasa hivi Serikali imeshakutoa watu ambao wamefuzu katika eneo hili na wana weledi wa kutosha kufanya kazi hii.

Mheshimiwa Spika, ninachotaka kuishauri Serikali na huu ndio ushauri wangu wa mwisho, ni kwamba tunapotatumia watu kwa muda mrefu, hata kama huyo mtu atakuwa hajasomea nasi tumetumia na amefanya kazi yake vizuri, nashauri kwamba sekta husika na Wizara husika basi iwave nafasi wale ambaو walikuwa wakitumika katika nafasi hizo na kufanya kazi hiyo ya ukaguzi ya vyakula vya mifugo, kwa sababu sasa wanakuwa *replaced* na hawa ambaو wamesomea, basi wapewe nafasi ya kuongeza taaluma hiyo ili waweze kuendelea kufanya kazi katika eneo hili. Kwa sababu kwanza wana uzoefu lakini pili, pengine wanao uwezo wa kwenda kusoma *course* ambazo zinaonekana kwamba zimekosekana ili waweze kuisaidia Serikali.

Mheshimiwa Spika, najua kwamba nchi hii ni kubwa na uhitaji ni mkubwa pamoja na kwamba tunajua kwamba tunao sasa wale ambaو wamefuzu, ili tusije tukawaacha hawa. Labda pengine kama Serikali inaweza ikatueleza

kwamba hawa ambao wanatolewa kwenye nafasi hii watakuwa wamewekewa mkakati gani na watafanya shughuli zipi?

Mheshimiwa Spika, naomba kuunga mkono hoja kwa asilimia mia moja na ninakushukuru sana kwa kunipa nafasi. Ahsante sana. (*Makof*)

SPIKA: Ahsante sana Mheshimiwa Dkt. Suzan Kolimba, tunakushukuru sana. Mheshimiwa Dkt. Mary Nagu, atafuatiwa na Makamu Mwenyekiti, Mheshimiwa Najma Giga.

MHE. DKT. MARY M. NAGU: Mheshimiwa Spika, nakushukuru sana kwa kunipa nafasi ya kuweza kuchangia katika mabadiliko ya sheria mbalimbali ambazo *Attorney General* amezileta hapa.

Mheshimiwa Spika, mimi natoka kwenye Jimbo ambalo kuna wafugaji wengi lakini wamechanganyika na wakulima. Napenda kuunga mkono mabadiliko haya kwa sababu kwa sehemu kubwa inaonyesha jinsi Serikali inavyotaka kusaidia wafugaji kwa kuwawekea sheria. Nashukuru jambo moja kubwa kwamba sheria inakubali ufügaji wa kiasili na ufügaji wa kiasili ni pale ambapo hakuna mtu ambaye ana ardhi yake mwenyewe kwa kufuga ng'ombe zake, ila wafugaji huwa wanafuga pamoja.

Mheshimiwa Spika, naomba nikubali yote yaliyo kwenye hayo mabadiliko na *Attorney General*/na wataalamu wengine watanisaidia, hayo mabadiliko yako kwenye *section* gani na wapi ambapo tunaweza tukaboresha zaidi.

Mheshimiwa Spika, ninachosema, kwenye ufügaji wa kiasili hakuna mtu mwenye ardhi yake, lakini katika ufügaji wa asili wananchi wamekutwa na matatizo mengi kwa sababu shughuli nyingine ambazo siyo za mifugo ni rahisi kuingia kwenye eneo la ufügaji, kwa sababu ng'ombe wanapohama kwa sababu hakuna maji, hakuna alama inayoachwa. Ukiwa na shamba, hata ukienda safari Kondoa,

ukitoka Hanang, bado shamba linaonekana. Kwa hiyo, siyo rahisi kwa mtu mwingine kuweza kuvamia shamba lile.

Mheshimiwa Spika, kwa hiyo, naomba sana hili ambalo linasisitizwa na Wabunge wengi hapa kwamba Serikali ijitätahidi ku-*demarcate* yale maeneo ya wafugaji siyo ya mtu mmoja mmoja, bali ya kusaidia ufugaji wa kimsingi kwa sababu katika maeneo mengi ufugaji ni wa kiasili.

Mheshimiwa Spika, jambo lingine ambalo napenda kulisema ni juu ya faini au adhabu ambazo zinatolewa, utaona kwamba nyingi zimeongezeka na katika shughuli za ufugaji hatusemi kwamba kusiwe na misitu, hatusemi kwamba kusiwe na maeno ya kulima. Kwa hiyo, wafugaji wana wajibu wa kuona nami napenda kueleza sisi tunafanyaje pale ambapo kuna wafugaji na wakulima?

Mheshimiwa Spika, wewe mwenyewe umesema na ninakushukuru sana na nilipiga makofi sana kwa ulichosema kwamba jamani, ng'ombe ni mnyama, hana akili, lakini ng'ombe ni wa mtu fulani. Kule Hanang na nafikiri Mkao wa Manyara na hata wa Arusha kule ambako watu ni wafugaji na wengine ni wakulima, wajibu wa kuzuia ng'ombe kwenda kwenye maeneo mengine ya shamba au ya msitu siyo ya yule mwenye shamba peke yake kwa sababu ng'ombe anaweza akakimbia na watu wote walioko anayeona ng'ombe anaenda mahali ambako hapastahili, wanasaidia kuzuia. Kwa hiyo, naomba sheria hii isaidie sana huu ufugaji wa kiasili au shughuli za kiuchumi za kiasili zinaenda kwa namna ambayo watu pale wanakubaliana.

Mheshimiwa Spika, nilitaka kusema, ni sawa kwamba faini ziongezeke, lakini tuone ni namna gani mfugaji naye anapata *protection*? Analindwaje? Nataka kutoa mifano ilio halisi. Pale Kondoa Mfugaji aliyehama kutoka Hanang kwenda Kondoa alikuwa anafuga vizuri. Siku moja jioni akajiwa na watu wanaohusika na misitu, ng'ombe zake zikachukuliwa na zilipofika katikati wanamwambia awape shillingi milioni 10, nao walimdanganya kwamba hapa hapafai, tutakupeleka mahali pazuri. Je, mambo kama haya

yanapotokea, ni sheria gani au *section* gani tutaenda? (*Makofii*)

Mheshimiwa Spika, nataka niwaambie ng'ombe 270 walichukuliwa. Mpaka ilivyojulikana kwa kweli haikuwa sawa, ameruddishiwa ng'ombe 120 kutoka 270. Sasa napenda kwenye *amendments* hizi mwone matatizo kama haya. Kule kwininge, ng'ombe walichukuliwa nyumbani wakapelekwa Swagaswaga kule kwenye msitu. Walipofika kule, wanataka wale wafugaji wawafuate ili wapate hela. Nasema mambo ambayo kweli yanatokea.

Mheshimiwa Spika, mwishoni siyo rahisi, mfugaji atakataaje na ng'ombe wako katikati ya msitu na aliyechukua ni yule anayehusika na ule msitu? Hatimaye wale watu wakafungwa miezi sijui mingapi, lakini walipokata rufaa ile kesi yao ikaonekana kwamba kwa kweli walionewa. Namshukuru sana Hakimu au Jaji aliyehusika.

Mheshimiwa Spika, wafugaji wana matatizo mengi kwa sababu hakuna alama ya kuweza kutoa ushahidi. Kwa hiyo, naomba *amendments* hizi zisaidie kwa sababu ufugaji ni shughuli ya kiuchumi ambayo inamsaidia mtu binafsi na Taifa. Vilevile na nina hakika tunataka mifugo iongezeke. Kwa hiyo, kubwa ni hayo ambayo yanawasibu sasa wafugaji. Vilevile naomba tuone kwamba kuzuia ng'ombe kwa kweli ni wajibu wa kila mtu kama mfugaji hayuko pale na hasa wanapokuwa vijana kwenye kufuga ng'ombe.

Mheshimiwa Spika, nilikuwa nataka kuongelea suala la sukari. Nafikiri hili la mifugo nimelisema, hata kama sijaenda kwenye *section* mbalimbali lakini kwa kweli Serikali inaboresha hali ya mifugo ila tuangalie hayo mambo ambayo yanawaumiza wafugaji.

Mheshimiwa Spika, sukari ni suala muhimu sana kwa Watanzania watoto wetu wote wanakua kwa kupewa uji wenye sukari kwa kuwa watu wengi hawana maziwa. Wazee wengi hapa Tanzania asubuhi wanakunywa chai ya rangi; na bila sukari hawawezi. Kwa hiyo, tuangalie, kama tukiachia

shughuli zote kwamba walio na viwanda waagize wao na kama sukari inapatikana kwa urahisi nje na kwetu kuweza kuzalisha sukari ni ghali, utaona kitu kitakachotokea, wale watataka kuagiza nje. Kwa hiyo, haya yote yawe *regulated*, mtu anapopewa ruhusa ya kwenda kuagiza sukari nje apewe muda fulani kwamba urekebishe kiwanda chako, kiwe tija na ufanisi zaidi. Kwa hiyo, nimeona hayo mengi yameangaliwa nami napenda kuishukuru Serikali hata kwa hii sheria za *amendment* za kwenye mambo ya ufugaji Serikali imefanya kazi kubwa, ninaishukuru sana.

Mheshimiwa Spika, tuone kwamba sukari inaongezeka Tanzania, tuone kwamba sukari hatuagizi zaidi nje na tuwaruhusu watu kuwa na viwanda vyta sukari kwa sababu mkiweka *limit* watu watataka watu wasiingie kwenye kuzalisha sukari kwa sababu wakibaki wachache watapata faida kubwa sana.

Mheshimiwa Spika, nasema naunga mkono na tuboreshe shughuli zetu za kiuchumi ikiwemo hii ya ufugaji na tuwasaidie na wakulima vilevile.

Mheshimiwa Spika, ahsante sana na *Attorney General* Mungu akubariki. (*Makofii*)

SPIKA: Ahsante sana Mheshimiwa Dkt. Mary Nagu. Mheshimiwa Najma mchangiaji wa mwisho. Baada ya hapo ni Waheshimiwa Mawaziri. Tutaanza na Mheshimiwa Naibu Waziri wa Viwanda, Mheshimiwa Eng. Manyanya.

MHE. NAJMA MURTAZA GIGA: Mheshimiwa Spika, ahsante sana kwa kunipatia fursa hii. Kwanza kabisa sina budi kumshukuru Mwenyezi Mungu ambaye ni muweza wa yote na ambaye amenijalia afya na uzima hadi nikaweza kutimiza muda wote huu katika Bunge hili pamoja na kazi zangu za nje.

Mheshimiwa Spika, pia naomba nitue fursa hii leo kuwashukuru sana Umoja wa Wazazi Tanzania Jumuiya ya Chama cha Mapinduzi, Jumuiya ambayo ninaiwakilisha

katika Bunge hili kupitia Viti vya Akina Mama wa CCM Tanzania. Nao pia nawashukuru sana kwa ushirikiano wao kuanzia ngazi za Taifa hadi ngazi za mashina kwa Tanzania nzima. Bila ushirikiano wao basi nisingeweza kufanikisha kama hivi ambavyo nimeweza kufanikisha. Nawashukuru sana na kuwaombea dua na kila la heri, naamini wataendea kuniamini kuwa pamoja nami. (*Makof*)

Mheshimiwa Spika, nashukuru pia Chama changu cha Mapinduzi kwa kuendelea kushirikiana nami kuanzia ngazi ya Taifa hadi ngazi za Mashina na kuniamini kwa kazi ambazo nazifanya. Nao Mwenyezi Mungu awajalie tuendelee kushirikiana hivyo hivyo. (*Makof*)

Mheshimiwa Spika, pia naomba nitoe pole kwako na Wabunge sisi wenyewe tuwe pole kwa wenzetu ambaowametangulia mbele ya haki katika Bunge lote hili la Kumi na Moja kuanzia tulipoanza hadi hapa sasa tulipo. Naomba Mwenyezi Mungu awaweke mahali pema huko waliko, nasi basi atupe hatma njema huko mbele tunapoendelea. (*Makof*)

Mheshimiwa Spika, pia nitoe pole kwa Watanzania wote waliofikwa na majanga ya mafuriko sehemu zozote zile yalipotokea na janga hili la *Corona*, naamini kabisa kwa dua zetu Watanzania wote, basi majanga haya yatakwisha leo kabla ya kesho. (*Makof*)

Mheshimiwa Spika, nitakuwa sina shukrani wala Watanzania hatutakuwa na shukrani kama hatukumpongeza Mheshimiwa Rais wetu, Mheshimiwa Dkt. John Joseph Pombe Magufuli, ambaye ndiye jemedari wetu katika Taifa letu la Tanzania kwa namna anavyoliongoza Taifa letu toka alipoanza hadi hapa tulipofikia. Tukianza kutaja mafanikio tutafika mpaka usiku kwa maana ya kwamba yale ambayo yamefanywa yote yanajulikana. Kwa hiyo lazima Watanzania tuwe na shukrani. (*Makof*)

Mheshimiwa Spika, kwa niaba ya Jumuiya zote tatu za Chama cha Mapinduzi, natumia fursa hii kumpongeza kwa

kazi zote anazozifanya na naomba Mwenyezi Mungu amjalie umri mrefu wenyewe afya na miaka mitano ijayo aweze katuongoza kama ambavyo anatuongoza sasa hivi. (*Makof*)

Mheshimiwa Spika, sina budi pia kumpongeza Makamu wa Rais wa Jamhuri ya Muungano wa Tanzania, Mheshimiwa Samia Suluhu Hassan. Kalithibitishia Taifa letu na dunia kwa ujumla kwamba wanawake wa Tanzania tuna hadhi sawa na wanaume katika kutekeleza majukumu ya Taifa letu. Kwa hiyo na yeye Mwenyezi Mungu amjalie kila la heri kwa mambo ambayo anatufanya. (*Makof*)

Mheshimiwa Spika, pia nisimsahau Waziri Mkuu, Mheshimiwa Kassim Majaliwa. Anafanya kazi zake kwa umahiri kumsaidia Mheshimiwa Rais katika Serikali ndani na nje ya Bunge letu. Kwa kweli na yeye anastahili pongezi. Mwenyezi Mungu amjalie kila la heri. (*Makof*)

Mheshimiwa Spika, sambamba na huyo, kuna mama yetu, Mheshimiwa Jenista Mhagama ambaye na yeye ni kiongozi, *Chief Whip* wa chama chetu. Humu ndani amefanya kazi kubwa, lakini na nje ya Bunge pia anafanya kazi kubwa Serikalini, naamini jimboni kwake wameona haya na wataendelea kumwamini kabisa. Mwenyezi Mungu naye amjalie kila la heri. (*Makof*)

Mheshimiwa Spika, nisiwasahau vile vile Mawaziri wote wanawake katika Baraza la Mawaziri la Serikali yetu. Kwa kweli wameonyesha dhahiri kwamba wanawake tunaweza kusimamia Taifa letu na kuwasadnia akinababa katika kufanya majukumu ya nchi yetu. (*Makof*)

Mheshimiwa Spika, hali kadhalika niwashukuru viongozi wote, Mawaziri akinababa kwa jinsi wanavyoshirikiana na akinamama katika kusogeza mbele gurudumu la maendeleo ya Taifa letu. Kwa hiyo Baraza zima nalipongeza, Serikali kwa ujumla naipongeza, lakini na Wabunge wote nawapongeza. Kwa kweli wanafanya kazi nzuri na wanajitahidi kwa kadri ya uwezo wetu tunafanya kwa uzuri. (*Makof*)

Mheshimiwa Spika, naomba na leo nitumie fursa hii kukupongeza wewe mwenyewe. Kwa kweli kama sikusema hivi itakuwa Bunge langu sijalimaliza kwa uzuri ambao unastahili. Nimekuwa mgeni katika Bunge hili la kwanza katika miaka hii mitano, nimepewa nafasi ya Uenyekiti chini ya uongozi wako, lakini ushirikiano wako ulionipa umeweza kunipa *confidence* na kuweza kufanya kazi kwa namna ambayo sikuwahi kutegemea. Kwa hiyo nakushukuru sana. (*Makof*)

Mheshimiwa Spika, mbali na kazi unazozifanya katika kulibadilisha Bunge hili, inaonesha dhahiri kwamba miaka ya nyuma umepikika na umekuwa mahiri katika kuongoza Bunge. Kwa hiyo mambo mengi umeyafanya ambayo tumeyaona toka tunaanza Bunge mpaka sasa hivi tumeendelea, Bunge limekuwa na hadhi ya aina ya peke yake kitaifa na kimataifa. Kwa hiyo tunakupongeza sana na Mwenyezi Mungu na wewe akujalie kila lenye heri na ukirudi tena basi uendelee kuongoza vizuri zaidi. (*Makof*)

Mheshimiwa Spika, pia namshukuru Naibu Spika, mwanamke mwenzangu ambaye amekuwa karibu na mimi na amekuwa akinishauri baadhi ya mambo na kunisiaidia. Kwa hiyo namshukuru na yeye na naamini kwamba huko anakokwenda Mwenyezi Mungu atambariki naye anafanikiwa kabisa bila mashaka yoyote. (*Makof*)

Mheshimiwa Spika, baada ya kusema hayo, naomba sasa nirudi kwa Mwanasheria Mkuu. Kwa kweli Mwanasheria Mkuu kuitia Serikali, katika miaka mitano hii tumeweza kufanya marekebisho ya sheria mbalimbali nzuri katika kila sekta, hii inadhihirisha umakini wa Serikali katika kufuata sheria. Ingekuwa hakuna umakini wa Serikali katika kufuata sheria za nchi hii, tusingeweza kuwa na marekebisho mengi ya sheria na kutengeneza sheria nyingi mpya katika kila sekta ya Taifa letu. Kwa hiyo nimpongeze sana Mwanasheria Mkuu aliyetangulia kabla yake lakini na huyu kwa hapa tulipofikia, kwa ushirikiano wake mkubwa alioipa Kamati yetu, lakini na Kamati nyingine zote za Kisekta katika Bunge hili, wote

wamejitatidi kushirikiana na Mwanasheria Mkuu katika kufanya marekebisho ya sheria zetu.

Mheshimiwa Spika, kwa hiyo hilo ni jambo la kujivunia katika Bunge letu hili na ni lazima tumshukuru Mungu kwa kila jambo kwa sababu bila sheria hatuwezi kufanikiwa wala kufikia popote kwa sababu sheria za dunia ndiyo zinatuweka au zinaweka miongozo ili tuweze kufuata utaratibu na tusiende kama wanyama na sheria za Mungu zinatusaidia pia katika imani ili tuweze kuondokana na maafa na majanga ambayo yanakuja katika dunia yetu. Kwa hiyo yote mawili ni muhimu, nawapongeza sana Serikali kwa kuweza kuleta sheria nyingi ambazo zinaleta maslahi katika sekta zetu za Taifa, hasa za madini na nyingine zote za umeme na nishati na mambo mengine.

Mheshimiwa Spika, kama ambavyo nimezungumza, kwenye Kamati tumekubaliana mambo mengi na Serikali imekuwa siku kuanzia tulivoanza Bunge hadi leo, tunakwenda vizuri katika masuala ya Muungano, tunashirikiana vizuri mpaka hapa tulipofika. Hizi sheria ambazo zimeletwa leo zina maeneo 14, zote tumekubaliana, tumechambua tukafikia muafaka. Kwa hiyo sioni kama kuna kasoro kubwa sana ambazo zinaweza zikaathiri utekelezaji wa sheria hizi.

Mheshimiwa Spika, kwa mfano, tukija kwenye Sheria ya Mawakili hii moja; natoa tu mifano midogo kwa sababu zote tulishazichambua na zote tumekubaliana na Serikali, kwa hiyo tuwaombee Mungu tu Serikali waende wakazitengeneze vizuri zikishapitishwa ili ziweze kutekelezeka.

Mheshimiwa Spika, suala la Mawakili tulishakubaliana toka kipindi kilichopita kwamba twende na mfumo wa Jumuiya ya Madola, tusiweze kuweka migongano ya maslahi baina ya Mawakili wa Serikali na kazi za *private*. Kwa hiyo hili tumekubaliana nalo, lakini bado ombi langu kwa Serikali linarudi palepale; kuna Watanzania wenye hali za chini sana katika vijiji vyetu na maeneo mengine ambao wanahitaji

Mawakili hawa waweze kuwasaidia katika masuala ya hati pamoja na mikataba.

Mheshimiwa Spika, kwa sasa hivi kuwaondolea kabisa ada za uanachama na malipo mengine ni sawasawa na kusema kwamba tayari wameshaondoka katika *private sector* na sasa hivi wanabaki kwenye Serikali.

Pia tuwaangalie na hawa wananchi wenyе hali ya chini kabisa, kama kutakuwa na uwezekano wa kutengeneza mfumo bora katika Serikali, basi wale watu ambao wana hali za chini waweze kusaidiwa katika masuala madogomadogo ya kisheria kupitia hao hao Mawakili wa Serikali bila malipo makubwa, kwa sababu tunajua kabisa wale mawakili wa Serikali wakifanya kazi *private* ada zao zilikuwa ni ndogo, kwa hiyo ilikuwa inawezekana kutekeleza majukumu ya Watanzania walliokuwa na hali za chini kwa hali nzuri.

Kwa hiyo naomba Serikali izingatie hilo na tuangalie namna gani ya kuwasaidia watu ambao hawana kipato cha kutosha kuweza kusaidiwa na hawa Mawakili wa Serikali bila malipo yaliyokuwa makubwa.

(Hapa kengele illilia kuashiria kwisha kwa muda wa Mzungumzaji)

SPIKA: Ahsante sana Mheshimiwa Najma.

MHE. NAJMA MURTAZA GIGA: Mheshimiwa Spika, ahsante sana. Mwenyezi Mungu awabariki wote na awajalie Waislam wote Tanzania tumalize salama Ramadhani na sikukuu iwe nzuri mwisho wa wiki. Ahsante sana. *(Makof)*

SPIKA: Ahsante sana Mheshimiwa Najma Giga, hakika wema wako na ustaarabu ulionao Wabunge wote tunaufahamu na tunakupongeza sana, umejitatihidi sana. Siku ya mwisho hapa nitazungumza kidogo, pamoja na mengine, kuhusu jinsi ambavyo umenisaidia hapa Mezani.

MICHANGO KWA MAANDISHI

MHE. ZUBERI M. KUCHAUKA: Mheshimiwa Spika, awali ya yote nimshukuru Mwenyezi Mungu kwa kunijalia uhai na kuniwezesha leo kuchangia Muswada wa Sheria ya Marekebisha ya Sheria Mbalimbali kama ilivyowasilishwa na Mwanasheria Mkuu wa Serikali.

Mheshimiwa Spika, muswada unapendekeza kufanya marekebisho ya sheria kumi na nne ikiwemo ya kuundwa au kuanzishwa kwa Jeshi Usu. Hivyo basi nichukue nafasi hii kipongeza Serikali kwa kuona umuhimu wa kuleta marekebisho haya kwa wakati muafaka. Ama kwa kuanzisha Jeshi Usu hili ni jambo jema sana kwani kwa sasa hifadhi zetu zina uhitaji mkubwa sana za ulinzi wa kisheria.

Mheshimiwa Spika, katika utungwaji wa sheria hizi hapa nchini kwa sasa nashauri kupanua wigo kwa maana ya ushirikishwaji wa wadau mbalimbali ili kuzifanya sheria zetu kudumu kwa muda mrefu bila ya kuhitaji marekebisho ya mara kwa mara.

Mheshimiwa Spika, jambo lingine muhimu katika kukamilisha kazi hii nzuri ya kutunga sheria ni utungaji wa kanuni kazi ambayo inafanywa na Waheshimiwa Mawaziri, hivyo naiomba Serikali kuhakikisha kazi hii ya kutunga kanuni inakuwa shirikishi kwa kiwango kikubwa. Kwa kufanya hivyo kutakuwa na matumizi bora na shirikishi kwa watumiaji na wasimamizi wa sheria zetu.

Mheshimiwa Spika, migogoro mingi ya kisheria hapa nchini inaanza kwenye matumizi ya kanuni mbalimbali zinazotungwa na Mawaziri wetu, kwani zipo pia kanuni zinazoongeza ugumu wa utekelezwaji kwa sheria mama.

Mheshimiwa Spika, baada ya kusema hayo naunga mkono hoja kwa 100%.

MHE. RHODA E. KUNCHELA: Mheshimiwa Spika, sababu za Serikali kuleta mabadiliko ya Marekebisho ya

Sheria Mbalimbali 14, ucheleweshaji wa huduma kwa wananchi sheria hii ya mabadiliko katika sekta ya umeme na uvutaji wa umeme kwamba mwananchi akivuta umeme kwa gharama zake na ununuzi nguzo za umeme na akafikisha mpaka nyumbani kwake, je, Serikali inamsaidiaje kulipwa gharama zake na Serikali kwa utaratibu gani na kama hawajalipwa atalalamika wapi?

Mheshimiwa Spika, naona sheria hii itawaumiza baadhi ya wananchi ambao wako tayari kupeleka umeme kwenye maeneo ambayo Serikali imeshindwa kupeleka umeme wa *REA*, sasa ni jukumu la Serikali kutatua changamoto hii kabla haijaleta malalamiko kwa wataka nunua nguzo katika miji yao sheria iwe wazi.

MHE. ZACHARIA P. ISSAAY: Mheshimiwa Spika, tunamshukuru sana Mungu kwa majaliwa yake kwetu sote kwa muda wetu toka mwaka 2015-2020, hakika nchi yetu imestawi kijamii, kiuchumi, kisiasa, kiplomasia na huduma bora kwa jamii.

Mheshimiwa Spika, nawaomba sana Watanzania kwa imani zetu mbalimbali kuiombea nchi yetu na dunia nzima kwa Mwenyezi Mungu kutokana na janga hili la Corona linalotikisa dunia nzima kwa sasa. "Ewe Mwenyezi Mungu uturehemu sisi waja wako, Amina."

Mheshimiwa Spika, kwa namna ya pekee tunawaombea kwa Mwenyezi Mungu ndugu zetu Watanzania wote waliofariki dunia kwa namna mbalimbali kipindi chote. Mwenyezi Mungu awapokea katika ufalme wake usio na mwisho. Pia tunawaombea mioyo ya faraja Watanzania wote waliopoteza wapendwa wao kwa namna mbalimbali.

Mheshimiwa Spika, kwa niaba ya wananchi wa Jimbo la Mbulu Mjini nachukua nafasi hii kutoa salamu za shukrani, pongezi na kumwombea Mheshimiwa John Joseph Pombe Magufuli, Rais wetu mpPENDWA na Serikali nzima ya Awamu ya Tano kwa kazi kubwa ya utekelezaji wa Ilani ya CCM 2015

-2020 hakika tuko kidedea kuelekea uchaguzi mkuu Oktoba tukutane uwanjani.

Mheshimiwa Spika, sasa naomba nitoe mchango wangu kwa Serikali kuititia Wizara hii nikianza na kuingeza sana Serikali kwa kuleta muswada huu wa marejesho ya gharama ya kuweka umeme kutokana na manung'uniko kwa wateja kwani hali hii itachochea uwekaji, usambazaji wa umeme kwenda kwa wananchi wengi zaidi. Ushauri wangu ni Serikali kuitaka *TANESCO* na wadau mbalimbali kutafsiri utaratibu huu ili wananchi wenyewe uwezo wa kupeleka umeme kwenye maeneo yao na watu waliokaribu na mteja huyu kupata umeme kwa urahisi zaidi.

Mheshimiwa Spika, kwa kuwa wafugaji wengi nchini hawana ufahamu wa kutosha kuhusu sheria ya ufugaji wa mifugo na makosa ya uingizaji mifugo kwenye maeneo ya hifadhi na kupata kadha ya faini kubwa hali inayofanya wafugaji wengi kufilisika na wao kuchukia Serikali yetu, naishauri Serikali itafute utaratibu wa kutafsiri, kuelimisha, kuhasisha jamii ya wafugaji ili kuheshimu sheria za nchi ili kuleta mahusiano mazuri kwa upande wa Serikali na wafugaji.

Pia Serikali itazame upya ukubwa wa faini kwa wafugaji wanaoingiza mifugo kwenye hifadhi, hata hivyo uuzaaji wa mifugo wote wanaokamatwa kwenye hifadhi ufanyike kwa njia ya minada/uwazi na mifugo itakayouzwa iwe ni sehemu ya kupata ile faini kamili.

Mheshimiwa Spika, Serikali itazame kwa jicho la pekee suala la uaminifu, nidhamu, uadilifu ya maafisa wachache wa mamlaka ya hifadhi kwa matumizi makubwa ya nguvu na kuzichafua mamlaka zetu za hifadhi nchini na Serikali kwa ujumla. Hivyo basi maandalizi ya kanuni mbalimbali za sheria zetu yazingatie changamto zinazojitokeza kwenye utekelezaji.

Mwisho, nakushukuru sana kwa uongozi wako Mungu akujalie baraka na mafanikio upate kuchaguliwa tena.

Mheshimiwa Spika, naunga hoja mkono kwa 100% na naomba kuwasilisha.

SPIKA: Sasa kabla hatujaenda kwa Waheshimiwa Mawaziri maana yake ataanza Mheshimiwa *Engineer Manyanya*, nitakuomba Mheshimiwa Dkt. Kigwangalla na wewe nimekuweka kwenye orodha ya Mawaziri watakaozungumza hapa, kwa dakika chache sana, kutufafanulia tu kuhusu huyu *Conservation Commissionerwa Wildlife and Forestry Conservation Services*, nadhani watakuwa sijui Wizarani na je, sasa ina maana hizi sekta mbili zime-*merge* au inakuaje *structure* yake? Kidogo tu, nitawapa dakika tano kila mmoja.

Tuanze na Mheshimiwa *Engineer Manyanya*, atafuata Mheshimiwa Lukuvi, halafu Mheshimiwa kigwangalla. Baada ya hapo Mheshimiwa Mpina na Mheshimiwa Waziri wa Kilimo, halafu nitamkaribisha mtoa hoja, Mheshimiwa AG.

Mheshimiwa *Engineer Manyanya*.

NAIBU WAZIRI WA VIWANDA NA BIASHARA:

Mheshimiwa Spika, awali ya yote nianze kumshukuru sana Mwenyezi Mungu, mwiningi wa rehema kwa kutuwezesha kuendelea kuwa salama mpaka siku hii ya leo. Lakini vilevile nitumie nafasi hii kumshukuru sana na kumpongeza Mheshimiwa Rais wetu wa Jamhuri ya Muungano wa Tanzania kwa jinsi ambavyo anatuongoza, kututia moyo na kutuonesha njia yenye maamuzi sahihi ambayo sasa dunia yote wanaelewa Tanzania ni nchi gani. (*Makofii*)

Mheshimiwa Spika, niseme tu kwamba baada ya pongezi za Mheshimiwa Rais, naungana na pongezi zote alizozitoa Mwenyekiti wetu wa Bunge hili, Mheshimiwa Najma, kwa ufundi kabisa na wote tunaunga mkono. Hata hivyo nizidi kujazia kidogo pale kwa Mheshimiwa Waziri Mkuu.

Mheshimiwa Spika, juzi nimetoka kule jimboni, wanampongeza, wanamsalimu, Mheshimiwa Waziri Mkuu, wamemwona akiwa anatembelea kule Bwawa la Mwalimu

Nyerere, wamemwona akiwa anaelea angani kukagua *SGR*, wanasema jamani hivi Mheshimiwa Waziri Mkuu anapumzika saa ngapi? Tunamshukuru na tunampongeza sana; hongera sana. (*Makofi*)

Mheshimiwa Spika, kwake pekee na wote wanaokusaidia, kwa jinsi ambavyo unatuongoza vizuri katika Bunge hili kwa sababu hata upande wa pili watani zetu leo wako humu ndani. Nadhani kama sio maneno yako ya uongozi leo wangekuwa bado wako kule Dar es Salaam labda, lakini sasa tuko pamoja, tunachangia vizuri kwenye huu Muswada wetu, basi hayo ndiyo mambo yenye yanavyopendeza.

Mheshimiwa Spika, niseme tu kwamba kuna mambo ambayo yamechangiwa hapa na leo niseme pia nipo kuiwakilisha Wizara ya Nishati. Kwanza nampongeza sana Mheshimiwa Waziri wa Nishati, Dkt. Kalemani na Naibu wake, Mheshimwa Subira Mgali ambaye kwa leo ana dharura ya kufiwa na amefiwa na mtu wa karibu, alikuwa awe mwenyewe hapa. Niseme tu kwamba viongozi hawa wamefanya kazi kubwa sana kuhakikisha Sekta hii ya Nishati inafanya kazi zake vizuri na inawahudumia Watanzania inavyotakiwa.

Mheshimiwa Spika, leo mtu akikwambia kwamba katika mabadiliko ya Muswada huu yanakidhi asilimia tano tu hakuna chochote, wakati tumeshaambiya vijiji vilivyopata umeme ni zaidi ya 9,000; bwawa hilo la umeme linalojengwa ni zaidi ya megawati 2,100, lakini vilevile hawa wawekezaji binafsi katika kuzalisha umeme sheria ziko wazi, zinawakaribisha. Sasa unashangaa, nadhani unapochangia uwe umejiridhisha na kujitosheleza kwa mambo yanayoendelea katika nchi yetu.

Mheshimwa Spika, nakumbuka tukiwa humu Bungeni, kuna Mbunge, tena nadhani alikuwa wa Kambi ya Upinzani, akawa analalamikia suala hili la wananchi kulipia gharama za umeme, halafu hiyo gharama isirejeshwe badala yake mtu mwengine ye yote yule aweze kuunganishwa. Hilo suala

limejitokeza humu Bungeni. Sasa nadhani pamoja na kwamba kazi ya Mbunge ni kusema, lakini tuseme na kukumbuka yale ambayo tunayazungumza. Kwa sababu Serikali hii inayoongozwa chini ya Chama cha Mapinduzi, kwanza wajibu wake ni kuwajali wananchi, kusikiliza kero za wananchi. Hii ilikuwa ni kero mojawapo. Kwa hiyo kitendo cha kusema kwamba sasa hawa watu watarejeshewa gharama zao...

(Hapa kengele ililia kuashiria kwisha kwa muda wa Mzungumzaji)

SPIKA: Malizia Mheshimiwa Naibu Waziri.

NAIBU WAZIRI WA VIWANDA NA BIASHARA: ...itatoa faraja kwao na kuweza kulipia umeme wakati wowote bila kusubiri mpaka pale *TANESCO* itakapoenda au shirika lolote litakapoenda kabla ya kupata fungu la kupeleka umeme huu. Tukumbuke umeme ni gharama.

Mheshimiwa Spika, nina jukumu la kufafanua kitu kidogo tu hapa; suala la uwekezaji kwenye *way leave*, hii *way leave* inavyoambiwa sasa kwamba sasa hivi mwekezaji mwenyewe aweze kulipia, ni kumsaidia sana ili aweze kufanya miradi yake kwa haraka badala ya kusubiri mamlaka nyingine kama *EWURA* iweze kwanza kulipa hiyo gharama ya *way leave*. *Way leave* ni sawa na kiwanja unachokitumia kwa madhumuni yako iwe ya uwekezaji wa kituo cha umeme, iwe ya uwekezaji wa ujenzi wa *line*, kwa hiyo ilikuwa inachelewesha sana kuwawezesha hawa wawekezaji kufanya kazi kadri inavyotakiwa kwa muda waliojipangia.

Mheshimiwa Spika, nasema kwamba mazingira haya ya sheria hii pamoja na kumpa nguvu Kamishna aweze kuwa na maamuzi yanayomlinda kisheria na kuwajibika kisheria katika ushauri wake, haya yote yatatusukuma sisi katika kufanya maamuzi mbalimbali makubwa na kulisaidia Shirika au Wizara kufanya kazi zake vizuri kama ilivyo kwa Wizara nyingine.

Mheshimiwa Spika, nakushukuru, naunga mkono hoja.

SPIKA: Ahsante sana Mheshimiwa *Eng. Stella Manyanya*. Mheshimiwa Waziri wa Ardhi, Mheshimiwa Lukuvi.

WAZIRI WA ARDHI, NYUMBA NA MAENDELEO YA

MAKAZI: Mheshimiwa Spika, nakushukuru sana kwa kunipa fursa hii. Katika kuunga mkono Muswada huu nataka nitoe kidogo ufanuzi na kumwondoa hofu Mheshimiwa Dkt. Semesi. Alikuwa na mashaka kwamba pengine hiyo *grazing land* haitakuwa na uwiano na matumizi bora ya ardhi.

Mheshimiwa Spika, nataka nimhakikishie kwamba nchi hii ina Sheria mbili za Ardhi; Sheria kuu Na. 5 na Na. 4 za mwaka 1999, na Sheria inayotawala Ardhi ya Vijiji ni Na. 5. Na kati ya vijiji 12,319 ambavyo vimeshapewa hati ya kuwa vijiji na kusajiliwa kwa mujibu wa sheria na Ofisi ya Rais, TAMISEMI; vijiji 11,743 vimeshapimwa ardhi yake na vimepewa hati ya kumiliki ardhi ile na Kamishna wa Ardhi, kwa hiyo kila kijiji kina hati mbili.

Mheshimiwa Spika, sasa moja ya mahitaji makubwa ya Sheria Na. 5 ya Ardhi ya Vijiji ni kwamba wakishapata ile hati kubwa ya mipaka ya kijiji, lazima kila kijiji chini ya mamlaka za upangaji ambazo ni hal mashauri, lazima watengeneze matumizi bora ya ardhi. Ndani ya kila kijiji lazima wakutane wenyewe wakubaliane wataishi wapi, watalima wapi, watafuga wapi. Haya yanayofungwa, maeneo waliyopanga ya kufugwa ndiyo haya *grazing land*, ndiyo maeneo hayo. Kwa hiyo wananchi wanaamua wenyewe katika eneo lao. Ni kweli kumekuwa na udanganyifu siku za nyuma, wanapanga eneo la mifugo halafu wakulima wanaingia au eneo la kulima wafugaji wanaingia. Kwa hiyo asiwe na wasiwasi Mheshimiwa Dkt. Semesi ni kwamba wananchi wao ndio wanaopanga eneo la *grazing land*.

Mheshimiwa Spika, katika ardhi ya Tanzania tunatoa milki vilevile, ndani ya vijiji katika maeneo haya yaliyopangwa huwa wanatoa na hati za kimila, lakini wale wanaohitaji kuna wengine wana ranchi wanafuga, wengine wanapata hata

hati zile za jumla kama zile za mjini kwenye maranchi mengine, lakini ardhi ya kijiji ili iweze kubatilishwa mtu aweze kupata hati ya jumla, mamlaka hayo lazima ipande ngazi iende kwa Mheshimiwa Rais. Kwa hiyo nilitaka kumwondoaa wasiwasi kwamba hata ukisoma sheria ya msingi ya *grazing land* imeeleza mambo haya.

Mheshimiwa Spika, Mawaziri wakati wanatengeneza kanuni za utekelezaji wa sheria hizi, hata Waziri wa Mifugo anajua kwamba Mawaziri wote ambaa wanahusika, maana yake *grazing land* nydingine inaweza kuwa imegusa kwenye misitu, ardhi na nini, lazima wote huwa tunahusika. Kwa hiyo asiwe na wasiwasi, jambo hili ni la Serikali na wote tunaliju, limehusisha Wizara zote na sheria zote zimeangaliwa katika kutekeleza hili. Hiyo haki ya ardhi za vijiji na mipango ya matumizi bora imezingatiwa hata kwenye sheria mama. Maana hapa tunalmarisha tu eneo dogo, lakini sheria mama ukiangalia ukisoma ile ya *grazing land*, imeshazingatia na inatambua mipango ya matumizi bora ya ardhi.

Mheshimiwa Spika, nakushukuru sana wewe kwa kunipa huu wakati na fursa ya kuchangia. Naunga mkono sana marekebisho haya, hasa marekebisho haya madogo yanayoletwa kupitia Sekta ya Mifugo.

SPIKA: Ahsante sana Mheshimiwa Waziri Lukuvi. Mheshimiwa Waziri, Dkt. Kigwangalla, atafuatiwa na Mheshimiwa Waziri Mpina; Mheshimiwa Waziri wa Maliasili na Utalii, tafadhali.

WAZIRI WA MALIASILI NA UTALII: Mheshimiwa Spika, ahsante sana kwa fursa hii. Naomba nianze kwanza kwa kufafanua hoja ambayo ulipenda niifafanue kabla sijatoa mchango wangu. Pia nimpogezze Mheshimiwa Mwanasheria Mkuu wa Serikali kwa kuleta mabadiliko haya ya sheria mbalimbali zikiwemo sheria nydingi za Sekta yetu ya Maliasili na Utalii.

Mheshimiwa Spika, hatujaunganisha Idara ya Misitu na Idara ya Wanyamapori. Kilichofanyika hapa ni kwamba

tumeanzisha Jeshi Usu la Wanyamapor na Misitu. Hili Jeshi Usu la Wanyamapor na Misitu ni jeshi moja, litakuwa na vikosi mbalimbali kwenye taasisi lakini ni jeshi moja. Sasa ili kuliweka pamoja na ili kuliwekea mwongozo unaofanana ni lazima Kiongozi Mkuu, Msimamizi Mkuu wa Jeshi Usu awe ni mmoja. Kwa hiyo kwanza jeshi lenyewe jina lake kamili linaitwa Jeshi Usu la Uhifadhi wa Wanyamapor na Misitu. Kwa hiyo hata kiongozi wake ataitwa hivyo hivyo; Kamishna Jenerali wa Jeshi Usu la Uhifadhi wa Wanyamapor na Misitu, sio kwamba tumeziunganisha zile idara, hapana ziko kama zilivyo, kuna Idara ya Misitu na Nyuki, lakini pia kuna Idara ya Wanyamapor, zipo kama zilivyo na Wakurugenzi wake. Tulichokifanya hapa ni kuunda Jeshi Usu moja ambalo litakuwa lina kiongozi msimamizi mkuu mmoja ambaye ni *Conservation Commissioner General*.

Mheshimiwa Spika, na jambo llingine ambalo nilipenda labda nilisemee tu ni kwamba, kama unavyoona kwenye sheria hii tumelazimika kufanya mabadiliko ya Sheria ya Ngorongoro, Sheria ya TANAPA, Sheria ya Misitu na Nyuki ambayo ndani yake kuna taasisi ya TFS, ili mabadiliko haya ya kutengeneza jeshi sasa yawe kitu kimoja. Na haya ni mabadiliko ya awali ambayo tumeyaleta baadaye huko muundo na vitu vingine vitakapokamilika tutaleta tena mabadiliko mengine.

Mheshimiwa Spika, ningependa pia kuchangia suala la mifugo. Juji hapa ilipokuwa ikipitishwa bajeti ya Wizara ya Mifugo na Uvubi kulikuwa kuna mashambulizi makali sana ambayo yalielekezwa kwenye Wizara yetu. Na hatutaki kusema kwamba, mambo hayo hayatokei, yanatokea kwasababu, wapo askari wachache ambaao bado sio waaminifu, lakini kazi kubwa imefanyika katika kipindi hiki cha miaka mitano ya uongozi wa Rais wetu Dkt. John Pombe Joseph Magufuli kuwaweka sawa askari wetu. Lakini pia kuhakikisha kuna nidhamu na utendaji mzuri ndani ya jeshi letu.

Mheshimiwa Spika, kinachotokea hizi ni *pockets* za watu wachache ambaao wanakosa nidhamu ya kijeshi na

ndio maana tunafanya sasa utaratibu huu wa kuweka muundo wa jeshi moja ambalo sasa litakuwa lina nidhamu, kakamavu na uadilifu ambao unapaswa kuwepo kwenye jeshi. Na mabadiliko haya tuliyoyafanya kwenye sheria hii yatasaidia sana pia, kupunguza miogogoro baina ya wafugaji na sekta ya uhifadhi kwasababu, siku za nyuma ng'ombe wakikamatwa inabidi kuwe kuna *process* ya kwenda Mahakamani, kesi iendeshwe, kuna fursa ya kukata rufaa na hivyo malalamiko yanakuwa mengi sana, lakini kwa kupitisha mapendekezo haya maana yake sasa tutakuwa tunatoa fursa kwa mtu ambaye ng'ombe wake watakamatwa kuchajiwu palepale na kuondoka na ng'ombe wake.

Mheshimiwa Spika, kwa hivyo, yale mambo ya zamani ya kwenda mpaka Mahakamani na mchakato mrefu sasa yataondoka. Kwa hilo, binafsi nina faraja kubwa sana tumeweza kufanikiwa kufikia hatua hiyo. (*Makofii*)

Mheshimiwa Spika, baada ya kuyasema hayo, nikushukuru kwa nafasi hii, naunga mkono hoja na asanteni kwa kunisikiliza. (*Makofii*)

SPIKA: Ahsante sana. Tutaendelea na Mheshimiwa Waziri wa Mifugo, lakini kabla sijamuita nikupe tu *concern* yangu ilikuwa ni nini, lakini sina nia ya kwamba, Waziri usimame tena; yaani *concern* yangu ilikuwa ni kwamba, mfumo uliuokuwepo mwanzo tuna hawa *Tanzania Forestry Services* ni *Agency* inayojitegemea masuala ya misitu. Tuna watu wa *TANAPA* wanahuksika na *National Parks*, n.k. na wenyewe walikuwa na *departments* zao nyingi kadhaa, watu wa barabara, watu wa utalii, watu wa utafiti, watu wa nini, *sections* kadhaa, watu wa *TAWA*, watu wa Ngorongoro na watu wa *Bee Keeping* sasa.

Sasa wote hawa wamekuwa wanajeshi, wote, bila kubakia hata huyu mmoja, wote sasa ni wanajeshi wa jeshi hili. Na huko Wizarani tunaunda sasa hapa kwa sheria mtu anaitwa *Conservation Commissioner General*. Sasa kawaida ya kijeshi, ukishaunda jeshi maana yake hawa wote sasa

wako chini ya hili jeshi moja. Maana huyo *Conservation General*/maana yake sasa ndio *general*, hawa wengine wote si *rank* ndogondogo wanashuka chini, maana yake ni kama vile mnajaribu ku-*merge the whole thing*, ndio ilikuwa inanipa tabu hapo *are we merging* au kutakuwa tena na viongozi wengine ambaao wana cheo kidogo kuliko yule, lakini nao wana *decision making* au inakuaje?

Sina nia usimame uelezee hili, lakini limenichanganya kidogo yaani, *intention*, maana yake litakuwa kubwa hili hivyo, lakini sina nia; nitajaribu tu kuwasiliana na wewe baadaye tutashauriana kuona ni nini kinachoendelea. Mheshimiwa Waziri wa Mifugo, halafu atafuata Mheshimiwa Waziri wa Kilimo.

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Spika, nikushukuru sana kwa nafasi uliyonipa niweze kuchangia haya marekebisho ya sheria. Nikianza na Mheshimiwa Balozi Dkt. Deodorus Kamala, ambaye alitaka kujua kwamba, ile laki moja tunayotozo katika Kifungu cha 56 ni kweli ni kwa ajili ya mifugo wanaotoka nje ya nchi na kuingia kwenye maeneo yetu, kwenye *grazing land* zetu ndio tunawatoza ile laki moja.

Mheshimiwa Spika, lakini la pili aksauliza walikuwa wakitozwa shilingi hamsini kwake kule Misenyi, kwenye ile *ranch* ya Misenyi. Ni kweli kwamba, katika mashamba ya Serikali *fine* ya mifugo wakiingia kwenye *ranch* au kwenye shamba la Serikali, ilikuwa kati ya shilingi 10,000 mpaka shilingi 50,000. Na sisi tumetathmini tukaona kwamba, kwa ng'ombe kutozwa 50,000 ni gharama kubwa sana kwa siku moja mfugaji kutozwa shilingi 50,000. Na ndio maana tukasema acha ibaki 20,000/=. (*Makofii*)

Mheshimiwa Spika, lakini kwa yule ambaye ataingiza leo, ataingiza kesho, ataingiza keshokutwa ataendelea kutozwa hiyo 20. Na kwa mbuzi tukaamua itozwe ile, sio zaidi ya 5,000/= kulingana na thamani ya mnyama mwenyewe, ili *fine* zilingane na thamani ya wanyama na ndio hasa *logic* ilikuwa hiyo.

Mheshimiwa Spika, lakini Mheshimiwa Dkt. Sware yeye katika *Clause* ya 48 alitaka kujua kwamba, hawa *Inspector* wanaenda ku-*inspect* muda wote katika mashamba ya wafugaji au eneo la malisho. Na vilevile aksauliza kwamba, maeneo yenye kazi haya hayapo:-

Mheshimiwa Spika, ninachotaka kusema tu kwanza huyu *Grazing Land Inspector*, huyu anaenda kuangalia hata usalama wa wafugaji wetu. Kuna watu wanajitokeza katika siku za hivi karibuni hata kumwaga sumu kwenye eneo la malisho. Kwa hiyo, usipokuwa na *inspector* ambaye anaweza akafika eneo lolote hawezi kuiondoshia hii kasoro. Na yeye anapofika kwenye eneo hilo la *grazing land* kwamba, dharura maana yake mpaka kuna mambo tu ya dharura. Huwezi ukaenda tu kwenye eneo la machungio kwa jambo lolote au usiku wa manane kama hakuna dharura.

Mheshimiwa Spika, na ndio maana hawa ma-*inspector* tumewaanzisha wawili, mwingine ni wa *Animal Feed Resources Inspector*, lakini mwingine ni huyu wa *Grazing Land Inspector*. Na huyu wa chakula cha mifugo na yeye anawajibika kuingia wakati wowote kwa sababu, kama mnavyofahamu kama chakula kitaletwa kina kemikali, kama chakula kitaletwa hakina ubora na wafugaji wetu wakanunua wakalisha mifugo hiyo, mifugo itadumaa, mifugo itakuwa na baadaye kama amekula chakula chenye kemikali pia hata binadamu atakayekula chakula kile pia, na yeye atakuwa, kwa hiyo, madhara yake ni makubwa.

Mheshimiwa Spika, kwa hiyo, ndio maana tu ya hapo kwamba, atakuwa apewe huo muda wa kwenda mahali popote kwa maana hiyohiyo ya kuwa-*protect* mifugo wenye pamoa na wananchi, walaji kwasababu, mwisho wa siku hii ni mboga ambayo italiwa na watu kwa hiyo, lazima ilindwe kuanzia kwenye kuchungwa, lakini mpaka inapofikia katika maandalizi yake.

Mheshimiwa Spika, la pili, ilikuwa ni yeye kuulizia suala la maeneo ya wafugaji hapa nchini hayapo. Na Mheshimiwa Waziri wa Ardhi amejibu vizuri sana suala hilo:-

Mheshimiwa Spika, niunganishe hapohapo tu kwamba, Wizara ya Mifugo na Uvuvi pamoja na TAMISEMI na Tume ya Taifa ya Mipango ya Matumizi Bora ya Ardhi mpaka sasa hivi imekwisha katika vijiji 1,875 tayari zimeshafanyiwa mpango wa matumizi bora ya ardhi. Na katika mpango huo zilipatikana hekta 2,818,687.7 hekta kwa ajili ya malisho ya mifugo katika maeneo hayo. Na Serikali au kwa maana ya Wizara yangu kwa ushirikiano na halmashauri tayari tumekwishapima hekta 108,427.

Kwa hiyo, hizi zimeshapimwa zimewekewa mipaka inayoonekana na alama zinazoonekana na baadhi nyingine tumeshazi-gazzete na tutaendelea ku-gazzete maeneo haya yote. Wizara yangu tumejipanga vizuri sana kuhakikisha kwamba, hizi hekta zote milioni 2.8 zinapimwa, zinakuwa *gazzeted* na zinalindwa.

Mheshimiwa Spika, na nikumbushe tu ulipokuwa Mwenyekiti wa Kamati ya Maliasili na Utalii na kwasababu, naongea hii *point ambayo* ni ya kwako Mheshimiwa Spika, najua utaniongea muda; ulipokuwa Mwenyekiti wa Kamati ya Maliasili na Utalii ulipokuwa ukifuatilia suala la *North Mara* ulienda kutoka na mashauri makubwa kwa Serikali. Kuiagiza Serikali irekebishe hii Sheria ya *Grazing Land* kutokana na madhara makubwa ambayo wafugaji waliyatoa baada ya ule mgodi kutiririsha kemikali katika aneo la malisho ya mifugo na mifugo wengi walikufa. Kwa hiyo, na hata sasa ninayo furaha kwamba, leo sheria hii inafanyiwa marekebisho, ili kutoa ulinzi wa kutosha katika maeneo ya malisho ya mifugo ambayo yamekuwa yakibadilishiwa matumizi kila leo. (*Makof*)

Mheshimiwa Spika, tumeenda kuona hata baadhi ya maeneo *WMAs* zote zile zilikuwa ni malisho ya mifugo na leo zimetoweka, zaidi ya hekta milioni 3 zimechukuliwa kwa ajili ya *WMAs* na matumizi mseto yakazuiliwa katika maeneo hayo, matokeo yake mifugo ya Wananchi wa Tanzania ikakosa mahali pa kulishwa. Kwa hiyo, ujo wa sheria hii unaenda kutoa ulinzi mkubwa sana wa maeneo ya malisho ya wafugaji. (*Makof*)

Mheshimiwa Spika, lakini eneo lingine kwamba, kulikuwa na hoja ya kwamba, wanyama hawa wanapo-*move* in mainland Tanzania, hapo ilikuwa inamaanisha tu ni mifugo wa kutoka nje, sio mifugo yetu sisi. Kwamba, tuymekataza mifugo wasi-*move*, hapana, ni wale wa kutoka nje.

Mheshimiwa Spika, na niunganishe hapo na Mheshimiwa Kiruswa ambapo alisema sasa sisi wa Longido tunashirikiana na wenzetu katika maeneo ya malisho:-

Mheshimiwa Spika, lazima tujue kwamba, tuna magonjwa ambayo ni *trans-boundary animal diseases* ambayo zinaweza kuambukizwa kutoka nchi nyingine na kuingia kwenye nchi nyingine, sasa haya magonjwa utayalindaje?

Mheshimiwa Spika, na niwasihi kabisa wafugaji wetu kujitunza kwenye maeneo yao kwa sababu, sisi tumechukua hatua kubwa sana mpaka sasa hivi, kama Taifa, ku-*control* magonjwa ya mifugo. Ndio maana kwenye bajeti niliwaambia Waheshimiwa Wabunge kwamba, mifugo wanaouqua kwa mwaka mmoja tumeweza kushusha mpaka 29%, lakini mifugo wanaokufa tumeweza kuwapunguza kwa 37%.

Mheshimiwa Spika, sasa *measures* kama hizi tunazozichukua, kama mifugo tena ya Tanzania itavuka mipaka na kwenda nchi nyingine ambayo haina *control* sawasawa, unaweza kwenda kubeba magonjwa yale na kuyaleta tena kwenye nchi yetu. Kwa hiyo, ni lazima tukubali tu kwamba, maeneo yetu na tufuate hizi sheria zilizowekwa. (*Makofii*)

Mheshimiwa Spika, Serikali kubaini nyanda za malisho; nimemueleza Mheshimiwa Mbunge hata mwaka huu tu tumeweza kupima hekta 29,000 za maeneo ya malisho kwa mwaka huu mmoja wa fedha. Na maeneo mengine ya Serikali tumeyapima kuyawekea alama zinazoonekana zaidi ya hekta 23,000 kwa hiyo, tunaendelea kufanya hiyo kazi.

Mheshimiwa Spika, hoja nyingine iliyoulizwa hapa ilikuwa ni eneo la mifugo kuingia. Sheria imezuilia suala tufanyaje:-

Mheshimiwa Spika, nimelijibu hilo la Mheshimiwa Kiruswa.

Mheshimiwa Spika, lakini Mheshimiwa Mary Nagu pia, kukamatwa kwa mifugo kundi zima na mifugo hiyo kushikiliwa kwa muda mrefu:-

Mheshimiwa Spika, nadhani kama alivyosema Mheshimiwa Waziri wa Maliasili na Utalii ni kweli, kabisa kwamba, Wizara ya Mifugo na Uvuvi yenyewe haishikilii Mifugo na kukaa nayo kwa muda mrefu. Isipokuwa kwa Sheria Namba 5 ya mwaka 2009 ya Wanyamapori pamoja na Sheria Namba 14 ya mwaka 2002 ya Misitu, ndizo ambazo zinashikilia mifugo kwa muda mrefu, kuitafisha, kuishikilia muda mrefu na saa nyingine kufa ikiwa imekamatwa na kushikiliwa.

Mheshimiwa Spika, lakini kwa maana ya Wizara ya Mifugo na Uvuvi utakubaliana na mimi kwamba, tumerekebisha matatizo yaliyokuwa kwa Wananchi wa Kongwa ambaao walikuwa wakikamatwa kila leo wanapigwa *fine*, tumemega maeneo ya Serikali, lakini pia tumeamua kabisa kuwagawia wafugaji na kuwapangisha. Mpaka sasa hivi maeneo ya Serikali ambayo yameenda tu kumaliza migogoro hii ya kukamtakamata katika maeneo ya Serikali ni zaidi ya hekta 78,470 za Serikali zimekatwa kwa ajili ya wafugaji.

Mheshimiwa Spika, migogoro katika *ranches* zote imekwisha, hata kwa Mheshimiwa Dkt. Deodorous Kamala kule alikozungumza kule Misenyi migogoro yote imekwisha, kule Kagoma na kwenyewe hatujamaliza tu kupima, lakini tunapima na kumega maeneo na kwenyewe migogoro yote itakwisha. Huku Ruvu tumemaliza migogoro yote na tutaenda kwenye *ranches* zote mpaka tumalize. Lakini kama hiyo haitoshi tayari mpaka sasa hivi tumemega hekta 29,428

zenyewe tumemega kabisa na kuwarasimishia wafugaji katika maeneo ambayo yako karibu na *ranch*. Yote hiyo ni katika kuhakikisha kwamba, eneo hili linapata suluhu ya kudumu. (*Makof*)

Mheshimiwa Spika, lakini kama ulivyoniambia, ulivyoniliza kwamba, kukamatwa kwa mifugo kama Waziri wa Mifugo *role* yangu ni nini katika hili? Mheshimiwa Mwanasheria Mkuu wa Serikali aliliambia Bunge wakati nahitimisha bajeti na kweli najua mpaka sasa hivi kinachofanyika kwa maana ya kuwepo kama Serikali sisi kuzitizama hizi sheria zote kwa pamoja. Sheria za Mifugo, Sheria za Misitu, Sheria za Wanyama zote kwa pamoja kuangalia udhaifu uko wapi ambao unasababisha mifugo, kwasababu mifugo kama itakufa imeshikiliwa, Serikali tumekula hasara kwasababu ni rasilimali ya Taifa imekufa, lakini pia mfugaji huyu amekuwa masikini kwa hiyo, hakuna faida ambayo tunapata katika lile eneo. (*Makof*)

Mheshimiwa Spika, kwa hiyo, sasa ili jambo hili lifanyike kwa pamoja kwasababu, linaingilia, ni *cross cutting issue*. Kwa hiyo, Serikali sasa hivi inafanya mapitio ya malalamiko yote hayo yaliyowasilishwa na wafugaji ambao wengine wameshinda kesi Mahakamani ambao wengi wana changamoto fulani za kutaka kusikilizwa, ili kuwa na kikao cha pamoja ambacho kitahusisha wafugaji, wahifadhi na upande wa sheria na kuweza kutoka na jawabu ambalo sasa itakuwa ndio mustakabali wa uendelevu wa rasilimali zetu za Taifa.

Mheshimiwa Spika, kutokana na muda huu mfupi na ninaamini kwamba, mwenye Muswada atakuja kuendelea na *clarification* ya maeneo mengine, lakini pia nisisitize hili la Mheshimiwa Dkt. Marry Nagu kwamba, ametuhusia sana maeneo ya malisho yapimwe:-

Mheshimiwa Spika, ni kazi ambayo tunaifanya kwa nguvu zote na tumeahidi hata mwaka huu unaoanza wa fedha tutapima jumla ya hekta milioni moja na laki tano kwa mwaka mmoja. Na ndio tumejipanga kufanya hivyo na nia

na madhumuni ni hiyohiyo kwamba, mifugo wa nchi hii kila eneo walilokuwa wanalitumia limebadilishiwa matumizi. Kwa hiyo, mwisho wa siku sasa ufugaji Tanzania hauwezekani tena kwa sababu, kila eneo limeshabadilishiwa matumizi na mwisho wa siku kubaki na maeneo ambayo yanazungumzwa tu ni ya malisho ya mifugo, lakini ukweli ni kwamba, hayapo.

Mheshimiwa Spika, ahsante sana kwa nafasi. (*Makof*)

SPIKA: Ahsante sana, nakushukuru sana Mheshimiwa Mpina, Waziri wa Mifugo. Niwaambie tu Waheshimiwa Wabunge kwa sababu, baadhi tutakwenda katika ujasiriamali mionganoni mwa Wabunge moja ya eneo la Kulifkiria ni ufugaji, ni eneo lenye faida kubwa, ni eneo lenye uchumi wa uhakika. Babu zetu wamefuga kwa miaka mingi na mifugo haikuwa-*let down* hata kidogo.

Mheshimiwa Waziri wa Kilimo, tafadhali. Mheshimiwa Hasunga.

WAZIRI WA KILIMO: Mheshimiwa Spika, kwanza nianze kwa kumpongeza sana Mwanasheria Mkuu wa Serikali kwa kuleta mabadiliko haya ya sheria mbalimbali, zikiwemo sheria za mbegu, sheria ya pembejeo, sukari, pamoja na mbolea. Kweli nampongeza sana, lakini pia nianze kwa kuunga mkono moja kwa moja hoja hii ambayo imeletwa mbele yetu.

Mheshimiwa Spika, Kambi ya Upinzani imetoa maoni na imetoa moja ya mapendekezo ambayo wameyaleta ni kwamba, katika bajeti ya Wizara ya Kilimo asilimia 40 yote itengwe kwa ajili ya uzalishaji wa mbegu na ziende, yani yote bajeti nzima. Kwa kweli, hajafafanua hata ni bajeti ya maendeleo au bajeti ile ya matumizi ya kawaida. (*Makof*)

Mheshimiwa Spika, na ukisema bajeti nzima ya Wizara ya Kilimo yote iende kwenye uzalishaji wa mbegu, nafikiri bado utakuwa hujatatu tatizo. Tunachozungumzia sisi ni kwamba, unaposema bajeti asilimia 40 iende sehemu fulani, lazima uiangalie katika myororo mzima wa uzalishaji kuanzia kwenye utafiti, uzalishaji wa mbegu, uandaaji wa mashamba

mpaka hadi kwenda kufika sokoni mpaka bidhaa zinafika kwa mlaji. Kwa hiyo, hii kazi ya Wizara ni kuhakikisha kwamba, katika mnyororo mzima huu wa uzalishaji ndio sisi kazi yetu kutengeneza sera na miongozo ya kusaidia hapo, hatuendi kulima moja kwa moja, tunatengeneza miongozo katika uzalishaji mzima. Kwa hiyo, nadhani kwamba, hii hoja bado inakosa mashiko sana, haiwezi kutekelezeka.

Mheshimiwa Spika, Iakini pia kulikuwa na hoja kwamba, tuchukue hatua kali kwa baadhi ya wafanyabiashara ambao huwa wanakiuka bei elekezi za mbolea:-

Mheshimiwa Spika, hili nakubaliana kabisa na ndio msingi mkubwa wa marekebisho ambayo yapo katika hizi sheria. Utaona tunagusa adhabu mbalimbali, tumeongeza adhabu katika maeneo mbalimbali kuhakikisha kwamba, wale ambao watakuwa wanakiuka sheria hizi basi wawewe kuchukuliwa hatua kali. Wale kama tumetangaza bei elekezi kila mmoja aweze kuzingatia hizo bei elekezi. Na mimi nakubaliana na hilo ndio msingi wa marekebisho ya sheria hizi.

Mheshimiwa Spika, kulikuwa na hoja kwamba, kutoa ruzuku kwenye mbolea. Kwamba, tutoe ruzuku kwenye mbolea ili kuhakikisha kwamba, uzalishaji unaongezeka:-

Mheshimiwa Spika, nakubaliana kwamba, ruzuku toka tuliporekebisha sheria wakati ule tulipoondoa vocha ambazo ziliikuwa zinatolewa kama ruzuku tulikuja na aina nyingine ya kutoa ruzuku. Na aina ambayo tulikuja ni kupunguza kodi mbalimbali ambazo ziliikuwa ni kero kwenye upande wa kilimo, zaidi ya kodi 105 zimepunguzwa. Hii maana yake ni ruzuku ya aina yake, sio ruzuku ile ya kutoa vocha au kutoa pembejeo kwa namna gani, Iakini ukipunguza zile bei.

Mheshimiwa Spika, tumeondoa kwa mfano kodi za mionzi, tumeondoa kodi mbalimbali zile za uagizaji wa mbolea; sasa zana za kilimo, pembejeo za kilimo zote zinaingia kwa bei ambazo kwa kweli ndogo. Hii maana yake

ni ruzuku ya moja kwa moja inakuwa imetolewa katika upande wa kilimo.

Mheshimiwa Spika, kulikuwa na hoja ya upande wa vibali vya sukari. Hapa mchangiaji wa kwanza alisema kwamba vibali vya wasambazaji wa sukari. Labda niseme tu kwanza, mabadiliko haya ambayo tunayaleta kwenye upande wa tasnia ya sukari ni kutaka kuchochea uwekezaji mkubwa kwenye tasnia hii ya sukari.

Mheshimiwa Spika, sasa hivi kwa sheria ilivyo ilikuwa haichochei uwekezaji kwenye tasnia ya sukari, ndiyo maana tukaamua kwamba sasa ili kusudi watu waweze kuvutiwa kuwekeza zaidi, tuwawekee mazingira mazuri kwamba ye ye akiwekeza mtaji; maana yake tasnia ya sukari inahitaji mtaji mkubwa sana, sasa ukiwekeza mtaji mkubwa na huku labda watu wakawa wanaagiza sukari kutoka nje ya nchi kiholela, maana yake utashindwa kurudisha fedha zako na inawezekana hiyo biashara isiwe nzuri.

Mheshimiwa Spika, kwa hiyo, ndiyo maana tukaweka msingi kwamba waagizaji wa sukari ambayo inatokana na upungufu, basi wawe ni wale wenye viwanda ambao wamejenga viwanda vikubwa, wamewekeza mitaji mikubwa kusudi pale ambapo hawajafikia kile kiwango, basi kile kinachopungua wapewe mamlaka wao wenyewe kuagiza sukari hiyo na ndiyo utaratibu ambao unatumika.

Mheshimiwa Spika, zaidi ya hapo, ambacho tumekifanya ni kuhakikisha kwamba sukari yote ambayo inakuja hapa nchini lazima izingatie; kwanza wale wenye viwanda, ili apewe kibali cha kuagiza sukari, ile *gap sugar*, sasa hivi tunatoa *flat rate* kwa vile viwanda vikubwa vinne. Tunachotaka sasa hivi, ili kusudi hii iweze kuhakikisha mtu anapanua uwekezaji, tunasema kwamba ili uweze kupata kibali lazima kwanza uoneshe mpango wako wa upanuzi wa kiwanda. Pia tutakupa kibali kinacholingana na uzalishaji ulioufanya. Kwa hiyo, haitakuwa kwamba wote wanapewa sawa sawa. Watu watapewa kwa uwiano wa uzalishaji.

Mheshimiwa Spika, kwa hiyo, hii itawapa motisha kwamba ukizalisha zaidi hata kama utapata kibali cha kuagiza *gap sugar*, basi utapata kile kibali cha kuagiza zaidi.

Mheshimiwa Spika, nakushukuru sana kwa nafasi. Naunga mkono hoja. Ahsante sana. (*Makofi*)

SPIKA: Ahsante sana Mheshimiwa Hasunga, Mheshimiwa Waziri wa Kilimo. Tunarudi kwa mtoa hoja. Tunaamini Mawaziri wa Sekta wamekusaidia sehemu nyingi, basi yamebaki yale maeneo yako mwenyewe kama mtoa hoja kuhitimisha. Nadhani tukikupa dakika 15 zinakutosha. Ahsante sana.

Mheshimiwa Mwanasheria Mkuu wa Serikali. Karibu sana.

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Spika, nakushukuru sana kwa kunipa nafasi ya kuhitimisha hoja. Nianze kwa kuchukua nafasi hii kuwashukuru sana Waheshimiwa Wabunge wote ambao wametoa michango yao ambayo najua ina lengo la kuboresha Muswada huu na pia michango hiyo ambayo imetoka kwa maneno na mingine kwa maandishi ina malengo ya kuboresha hata uelewa wetu kwa nini kilichopo katika Muswada huu. Kwa hiyo, tunawashukuru sana.

Mheshimiwa Spika, naomba pia niwashukuru Waheshimiwa Mawaziri ambao wamesaidia kutoa ufanuzi katika baadhi ya maeneo haya, hasa yanayogusa sekta zao. Namshukuru sana Mheshimiwa Eng. Manyanya aliyezungumzia masuala ya nishati; Mheshimiwa Lukuvi, Waziri wa Ardhi; Mheshimiwa Kigwangalla, Maliasili na Utalii; Mheshimiwa Luhaga Mpina, Mifugo na Uvuvi; na Mheshimiwa Hasunga, Kilimo. Nawashukuru sana, kama ulivyosema mwenyewe kwamba wamemsaidia mtoa hoja tayari katika kuelezea maeneo mbalimbali.

Mheshimiwa Spika, naomba nirudie tena kuwashukuru sana Kamati ya Katiba na Sheria ambayo imekaa na

Muswada huu kwa muda mrefu. Ulisomwa kwa mara ya kwanza katika Bunge la Januari – Februari na kwa hiyo, wamekuwa na muda wa kutosha kuufanyia kazi kinyume na baadhi ya wachangiaji waliosema kwamba umekuja kwa haraka haraka. Nao wametupatia ushauri mwingu sana na tumeuzingatia, ndiyo maana liko jedwali la marekebisho. Pengine Waheshimiwa wengi hawakujua kwamba liko jedwali la marekebisho lilitolewa na Serikali na hii ni baada ya mashauriano na Kamati ya Katiba na Sheria. Tunawashukuru sana.

Mheshimiwa Spika, napenda tu kurudia kwamba kila kunapofanyika marekebisho mbalimbali, inafahamika kwamba ni lazima kuna tatizo mahali fulani na kwa hiyo, tunataka tupate suluhu ya tatizo hilo, tunafanya marekebisho madogo madogo ya sheria mbalimbali.

Mheshimiwa Spika, baada ya utangulizi huo, sasa nijielekeze kwenye baadhi ya hoja mahususi zilizotolewa na Waheshimiwa Wabunge. Nianze na hoja iliyotolewa na Mheshimiwa Diodorus Kamala ambaye aligudia mabadiliko katika Sheria ya Mawakili (*Advocates Act*) ambayo ni Ibara ya 4 ya Muswada huu wa Marekebisho ya Sheria Mbalimbali. Alieleza kwamba hana shida na hao wanaoteuliwa na Rais kwamba kwao ni *okay*.

Mheshimiwa Spika, katika mabadiliko haya tumesema, basi kwa wale wanaoteuliwa kuchukua majukumu ama katika Serikali au Bunge au katika Mahakama, basi wasifungwe na masharti fulani fulani ya ile Sheria ya Mawakili. Kwanza hawatafanya kazi za Uwakili na pia wasifungwe na masharti fulani fulani kama ya kulipa ada za kila mwaka. Sasa akasema kwa wale walioteuliwa na Mheshimiwa Rais pengine haina shida sana, lakini shida inakuwa kwa wale ambao wameteuliwa na mamlaka nyagine.

Mheshimiwa Spika, labda niseme tu hapa kwamba kwa ujumla wake mabadiliko haya yanawalenga wale wanaoteuliwa kutoka mionganoni mwa mawakili binafsi au

mawakili wa kujitegemea. Sasa huyu anateuliwa kuchukua majukumu ama ndani ya Serikali au kwenye Bunge au kwenye Mahakama na ndiyo hawa sasa wanaolengwa kwamba wanapoteuliwa tu hawawezi tena kuendelea kufanya kazi zao za uwakili.

Mheshimiwa Spika, hawa ndiyo wanaolengwa kwa sababu kama ni kuhusu Mawakili wa kawaida wa Serikali, hao tayari mabadiliko yameshafanyika kwenye Sheria ya Mwanasheria Mkuu wa Serikali na Sheria ya Mawakili inayowazuia kutekeleza majukumu yao tena kama mawakili wa kujitegemea. Nisingependa kurudi kwenye mjadala ule kwa sababu tulipokuwa tunajadili hii sharia hapa tulieleza kwa kirefu ni kwa nini hatupendi waende tena katika kutekeleza majukumu ya wakili binafsi.

Mheshimiwa Spika, pia kilichoongezeka hapa ni kwamba tunataka tuwaondolee ule mzigo wa kulipa zile ada za kila mwaka. Zile ada zinalipwa kwa sababu kimsingi ni kwamba huyu anafanya kazi ya uwakili inayoingiza kipato kupitia uwakili ule na kwa hiyo, lazima aliipe zile ada. Sasa kama hafanyi uwakili binafsi, basi siyo vyema kwa kweli kumtoza ada hizo. Kwa hiyo, hili ndiyo lengo la haya mabadiliko yaliyoletwa sasa.

Mheshimiwa Spika, Mheshimiwa Diodurus Kamala pia alizungumzia suala la *grazing land*, yaani hizi nyanda za malisho. Napenda labda hilo nichukue muda kidogo kulieleza kwa sababu limeibuliwa pia na Waheshimiwa Wabunge wengine walipokuwa wanachangia. Yeye aliuliza, ziko wapi na zinafanya kazi namna gani? Wengine pia waliuliza maswali kama hayo hayo kwamba tunahitaji kuzibainisha, ziko kweli au haziko; na nani aliyezitenga; na kadhalika. Namshukuru sana Mheshimiwa Lukuvi ameeleza kwa kiasi katika hoja hiyo kwamba ziko kwa mujibu wa sheria.

Mheshimiwa Spika, napenda nirudi kwenye sheria yenye we inayohusu nyanda za malisho (*The Grazing Land and Animal Feed Resources Act.*) Kifungu cha 3 cha sheria hiyo kinatoa maana ya *grazing land* na kwa hiyo,

marekebisho tunayoyafanya hapa tunayafanya tukifahamu kwamba *grazing land* au uwanda wa malisho umetafsiriwa tayari katika sharia. Hapa nitanukuu, inasema: "*means a developed or undeveloped land used for grazing.*"

Mheshimiwa Spika, hiyo inatuachia maswali. Tunaipata wapi? Tunaionaje? Tunajuaje kwamba ipo? Imetengenezwa kwa utaratibu gani? Basi naomba niwaelekeze Waheshimiwa Wabunge kwenye sharia hiyo hiyo. Tukienda kifungu cha 16 mpaka cha 19 kimeeleza.

Mheshimiwa Spika, kwa faida ya ufanuzi huu, naomba nivisome. Kifungu cha 16 (1) kinasema: "*the grazing lands shall be demarcated or delineated in accordance with the Provisions of the Village Land Act and the Land Use Planning Act.*" Kwa hiyo, kule kuanzishwa kwake na kutengenezwa kwake kutakuwa kwa mujibu wa zile sheria mbili; Sheria ya Ardhi Vijijini pamoja na ile Sheria ya Mipango ya Ardhi.

Mheshimiwa Spika, kifungu kidogo cha 2 (16) kinasema: "*without prejudice to generality of section 32(1) of The Village Land Act, the Village Council shall grant the right of way for stock driving for purposes of providing access to water etc., the dipping marketing facilities and non-services which are not within the grazing land.*" Kwa hiyo, hapo maelezo zaidi yametolewa.

Mheshimiwa Spika, tukienda Kifungu cha 17 kinasema: *The Village Council shall set aside part of the communal village land to be a strategic grazing land in accordance with The Provisions of the Land Use Planning Act.*" Kumbe, ni Baraza la Kijiji ndiyo lina mamlaka ya kutenga sehemu ya ardhi ya jamii ile kwa ajili ya kufugia. Kwa hiyo, pengine labda ilikuwa haifahamiki tu hii sheria maana wengine wameuliza nani ameitenga; ameitambua; na nani ameisajili; na kadhalika.

Mheshimiwa Spika, naomba pia nisome Kifungu cha 19 cha sheria hiyo, nacho ni muhimu. Kifungu (i): "*The Local*

Government Authorities shall prepare grazing land inventory, trend, condition and land use planning for sustainable grazing land productivity." Kwa kifupi, ni mamlaka za Serikali za Mitaazina wajibu wa kuandaa ile orodha. Katika kuandaa ile orodha ndiyo itazitambua hizi zote na kwa hiyo ni kama inazisajili na zinaingia kwenye daftari. Kwa hiyo, pengine kwa kuwa labda sheria ilikuwa haifahamiki vizuri, basi tutoe wito kwamba mamlaka zote husika, basi zitambue wajibu wake na zifanye kazi zake kulingana na sheria inavyotaka.

Mheshimiwa Spika, baada ya hapo niende kwenye hoja zilizoibuliwa na Waheshimiwa Wabunge wengine. Mheshimiwa Dkt. Sware alijielekeza kwenye hilo suala la *grazing land* na akazungumza juu ya *grazing land inspector* kwa nini ana haki ya kuingia huko? Sasa tunalijibu swali lake kwa muktadha wa nilichokizungumza; hizo *grazing land* ziko wapi? Zinaanzishwaje? Kwa hiyo, huyu *inspector* ndiyo anaweza kwenda kuzi-*inspect* hizo.

Mheshimiwa Spika, Mheshimiwa Dkt. Sware amegusia Ibara ya 59 ya Muswada kwamba alikuwa haelewi vizuri inazungumzia nini. Iko wazi, inazungumzia mifugo inayotoka nchi jirani. Katika eneo hili, kama nilivyosema mpaka kuja kufikia hatua ya kufanya mabadiliko katika sheria kumekuwa na tatizo, siyo kwamba hapakuwa na tatizo. Waheshimiwa Wabunge wengine pia walilizungumza hili na wakalileta hapa wakasema ni lazima tufanye kitu kwa sababu liko tatizo kubwa. Naomba tu nieleze hapo, inatosha.

Mheshimiwa Spika, Mheshimiwa Stephen Kiruswa naye alizungumzia suala la *grazing land* na haja ya kuzibainisha hizo na katika muktadha ule ule nilliotolea maelekezo, basi nafikiri mamlaka zinazohusika tunatoa wito wafanye kazi ya kuzitambua, kuzibainisha ili ziweze kufahamu. Pia alilibua suala la malisho ya mpakani na *arrangement* waliyonayo na nchi jirani. Sasa hapa tuna shida kidogo, kuna *arrangement* katika wafugaji wa upande mmoja wa nchi na upande mwingine, lakini kama nchi na kama Serikali tumeona kuna shida, liko tatizo. Kwa hiyo, hebu tulifanyie kazi kwanza hilo tatizo halafu haya mengine yanayojitekeza,

labda tunaweza tena kuja kuyaangalia na nafasi ziko baadaye za kufanya marekebisho kuweza kuona namna gani tunaweza kuya-*accommodate*.

Mheshimiwa Spika, pia Mheshimiwa Kiruswa alizungumzia juu ya mchakato wa kutengeneza Kanuni ushirikishe wadau; ndiyo matakwa ya sheria hayo kwamba Mheshimiwa Waziri anapotengeneza Kanuni ni lazima ashirikishe wadau na zinapoletwa kwa Mwanasheria Mkuu wa Serikali kwa ajili ya kufanyiwa uchunguzi au *vetting*, mojawapo ya mambo tunayoangalia ni kama wadau husika wameshirikishwa. Kwa hiyo, hilo asiwe na wasiwasi nalo.

Mheshimiwa Spika, Mheshimiwa Kolimba alitoa pongezi nyingi ambazo tunazipokea sana kwa moyo wa unyenyekevu. Mheshimiwa Dkt. Mary Nagu naye aliuliza ni wapi mtu anakuwa na ardhi yake binafsi ya ufugaji (*Grazing land*)? Ukirudi kwenye sheria ile ile nilioitaja imeeleza kwamba unaweza ukawa na *grazing land* ya jamii (*community grazing land*) au *private grazing land*. Sheria hiyo imetoa yote hayo, lakini mwenye mamlaka yote unarudi kwenye Baraza la Kijiji ambalo ndiyo lina mamlaka hayo ya kusema linamruhusu mtu binafsi au jamii ile kuwa na *grazing land*.

Mheshimiwa Spika, kuna suala la wazalishaji wa sukari alilagusia pia Mheshimiwa Dkt. Mary Nagu na ninafikiri Mheshimiwa Hasunga, Waziri wa Kilimo amelijibu vizuri sana. Alikuwa na wasiwasi kama kuwapatia hawa wazalishaji wa sukari mamlaka au uwezo wa kuagiza kutaathiri uzalishaji. Amelieleza vizuri sana Mheshimiwa Waziri kwamba kuna *safe guards* ambazo zimebekwa hapo.

Mheshimiwa Spika, lipo ambalo wewe mwenyewe limekutatiza kidogo katika huu utaratibu wa kuanzisha Jeshi USU iwapo...

*(Hapa kengele ililia kuashiria kwisha kwa muda wa
Mzungumzaji)*

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Spika, kwa ridhaa yako, dakika moja tu.

SPIKA: Malizia tu Mheshimiwa usiwe na wasiwasi.

MWANASHERIA MKUU WA SERIKALI: ... iwapo *move hii* inaziunganisha sasa taasisi zote zile zilizo chini ya Wizara ya Maliasili na Utalii.

Mheshimiwa Spika, hapana, ukiangalia katika Ibara ya 101 ya Muswada, imeeleza vizuri. Hapa imemtaja *conservation Commissioner* katika zile *wing* kuu kila moja ina Kamishna wake na yule Kamishna ndiyo Msimamizi Mkuu wa shughuli za Jeshi USU katika ile taasisi au mamlaka yake.

Mheshimiwa Spika, sasa katika ngazi ya Wizara kutakuwa na nini hapo? Maana inavyoonekana itakuwa kila *wing* inakwenda kivyake. Hapana. Kutakuwa na utaratibu mwingine lakini utakuwa ni wa kitendaji zaidi; kutakuwa na *coordination mechanism* pale Wizarani kwa ajili ya masuala ya Jeshi USU peke yake. Kwa hiyo, kutakuwa na mratibu pale atakayekuwa anaratibu shughuli za Jeshi USU katika hizo taasisi pamoja na mamlaka zote zinahusika.

Mheshimiwa Spika, ninarudia tena kutoa shukrani zangu nydingi kwa michango yote iliyotolewa kwenye huu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali Mwaka 2020 (*The Written Laws Miscellaneous Amendments Bill, 2020*).

Mheshimiwa Spika, baada ya kusema hayo, naomba kutoa hoja. (*Makofii*)

WAZIRI WA KATIBA NA SHERIA: Mheshimiwa Spika, naafiki.

SPIKA: Hoja imetolewa na imeungwa mkono. Nakushukuru sana Mheshimiwa Mwanasheria Mkuu wa Serikali kwa kuhitimisha hoja yako vizuri kabisa ukisaidiwa na

Waheshimiwa Mawaziri ambao nao wamefafanua vizuri.
Tunawashukuruni sana.

Katibu.

NDG. RAMADHAN ISSA ABDALLAH – KATIBU MEZANI:

KAMATI YA BUNGE ZIMA

**Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali
wa Mwaka 2020 [The Written Laws (Miscellaneous
Amendments) Bill, 2020]**

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*(Vifungu viliviyotajwa hapo juu vilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

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*(Kifungu kilichotajwa hapo juu kilipitishwa na Kamati ya
Bunge Zima pamoja na marekebisho ya Serikali)*

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*(Vifungu vilivyotajwa hapo juu vilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

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*(Kifungu kilichotajwa hapo juu kilipitishwa na Kamati ya
Bunge Zima pamoja na marekebioso ya Serikali)*

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*(Vifungu viliviyotajwa hapo juu vilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

Kifungu cha 51

MHE. DKT. IMMACULATE S. SEMESI:Mheshimiwa Mwenyekiti, nashukuru kwa nafasi. Ni memsikiliza Mheshimiwa AG akitoa ufanuzi *wagrazing land*, sasa ningeomba ufanuzi wa Serikali inaonesha kwamba kwa mwenendo wa Sheria hii ambayo tunaenda kuipitisha kwamba ufugaji unakua kwenye eneo *either* ni la jumuiya au la mtu binafsi na ile hali ya kuhamahama kwa wafugaji wetu haitatakiwa kama vile ambavyo inaenda kuwabana pia wale kwenye kifungu namba 59.

Mheshimiwa Mwenyekiti, kwa hali iliyopo sasa hivi kama nilivyota kwenye mchango wangu tumesema kwamba zaidi ya asilimia 90 ya wafugaji wetu nchini ni wale wa kuhamahama. Kuna angalizo pia inaweza ukawa unasema kwamba kijiji kitenge maeneo nakiweka alama, lakini kuna baadhi ya vijiji vingi havina hayo maeneo ila wafugaji wake kutoka kwenda kwenye maeneo mbalimbali nje ya vijiji vyao na kuja kulaza mifugo yao ndani ya kijiji chao.

Mheshimiwa Mwenyekiti,sasa kwa mwenendo wa sheria ilivyo hivi na tunajua hii tukishaipitisha hapa Mheshimiwa Raisanaenda kuisaini na inaenda kutekelezwa kwa muda mchache ujao.Je, kwa hali hii/*situation* tuliyonayo ya hali ya kupata mazingira ya hizi *grazing lands* inakuwajekuwaje kabla hatujapitisha hapa kwenye Bunge

Iako, kunaweza kukazuka tataruki au sintofahamu, basi naomba Serikali itueleze tunaendajeendaje na hali hii. Ahsante.

MWENYEKITI: Dkt. Sware hatua hii tulioifika ni hatua ambayo *very specific*. Hapa sasa tueleze moja kwa moja yaani tatizo lipo wapi na unapendekezaje kwa hatua hii; tupo kwenye hatua ya utungaji kabisa.

MHE. DKT. IMMACULATE S. SEMESI: Mheshimiwa Mwenyekiti, nashukuru...

MWENYEKITI: Ni kipengele kipi *exactly*.

MHE. DKT. IMMACULATE S. SEMESI: Ni ukurasa wa 22 hiyo *clause 51(2)* inasema: "*the grazing-land delineated by the village through land use planning shall protected...*" yaani kuweka hiyo *clear marks*. Sasa ndiyo nikasema kuwa sheria ni nzuri, kama ilivyoandikika hapa ni nzuri, lakini *in reality* yaani uhalisia uliopo sasa hivi haiendi kutekelezeka, ndiyo nikatoa hilo angalizo kwamba tukiweka hiki kipengele hapa sasa hivi tumewahisha shughuli wakati tulivyonyavyo sasa hivi vijiji vingi havina eneo kwa ajili...

MWENYEKITI: Kwa hiyo ungependa iandikwaje?

MHE. DKT. IMMACULATE S. SEMESI: Mheshimiwa Mwenyekiti, nilikuwa nataka *clause* hiyo kama ikiwezekana kwa sababu nilichelewa kuleta *amendment, clause* hiyo tuitoe kwa sasa.

MWENYEKITI: Unapendekeza ifutwe.

MHE. DKT. IMMACULATE S. SEMESI: Ndiyo.

MWENYEKITI: *Okay.* Mheshimiwa Mwanasheria Mkuu wa Serikali au Waziri.

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Mwenyekiti, inawezekana Dkt. Sware hajailewa hiyo

amendment kwa ujumla lakini kwanza niseme kiutaratibu kwa kuwa alikuwa hajaleta *schedule of amendments* basi suala la kuiondoa pengine hilo halipo, lakini natoa tu ufanuzi.

Mheshimiwa Mwenyekiti, hii inazungumzia tu suala la *demarcation*, kuweka tu mipaka au alama ya mipaka ya hiyo ardhi ambayo imetajwa kuwa *nigrazing-land*. Utaratibu wa kuitengeneza, kuianzisha, kuipitisha nilikwishaeleza uko kwenye sheria hii ni Baraza la Kijiji ndiyo litatamka kwamba tunakubali eneo hili liwe *grazing-land*. Sasa likishatamka basi ndiyo inachoongeza sheria hapa ni kwamba uwepo pia utaratibu wa kuiwekea mipaka ili iweze kufahamika na kila mmoja. Pia siyo kweli kama alivyokuwa amesema mwanzoni kwamba sasa hivi ulishaji wa mifugo utafanyika tu kwenye hizi *grazing-land* na haitaruhusiwa sehemu nyingine yoyote siyo tafsiri sahihi pia ya kifungu hiki. Ahsante. (*Makofii*)

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Bunge Zima bila mabadiliko yoyote)*

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Kifungu cha 60

*(Vifungu vilichotajwa hapo juu vilipitishwa na Kamati ya
Bunge Zima pamoja na marekebisho yake)*

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*(Vifungu viliviyotajwa hapo juu vilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

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*(Kifungu kilichotajwa hapo juu kilipitishwa na Kamati ya
Bunge Zima pamoja na marekebishi yake)*

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Bunge Zima bila mabadiliko yoyote)*

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*(Kifungu kilichotajwa hapo juu kilipitishwa na Kamati ya
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*(Vifungu viliviyotajwa hapo juu vilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

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*(Kifungu kilichotajwa hapo juu kilipitishwa na Kamati ya
Bunge Zima pamoja na marekebishi yake)*

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*(Vifungu vilivyotajwa hapo juu vilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

(Bunge Lilitrudia)

SPIKA:Waheshimiwa Wabunge tukae. Sasa Bunge limerejea naomba nimwite mtoa hoja iliatoe taarifa ya kazi iliyofanyika. Mheshimiwa mtoa hoja.

T A A R I F A

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Spika, kwa mujibu wa Kanuni ya 89(1) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016, napenda kutoa taarifa kwamba Kamati ya Bunge Zima imeupitia Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa Mwaka 2020 (*The Written Laws (Miscellaneous) Amendments Bill, 2020*)kifungu kwa kifungu na kuukubali pamoja na marekebisho yaliyofanyika.

Mheshimiwa Spika, naomba kutoa hoja kwamba Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa Mwaka 2020 *The Written Laws (Miscellaneous) Amendments Bill, 2020*)kama ulivyorekebishwa katika Kamati ya Bunge Zima sasa ukubaliwe.

Mheshimiwa Spika, naomba kutoa hoja.(*Makofi*)

WAZIRI WA HABARI, UTAMADUNI, SANAA NA MICHEZO:
Mheshimiwa Spika, naafiki.

*(Hoja illitolewa iamuliwe)
(Hoja ilihamuliwa na Kuafikiwa)*

SPIKA: Hoja imetolewa na imeungwa mkono, asante sana Mheshimiwa Mwanasheria Mkuu wa Serikali na sasa wajibu wangu ni kuwahoji kwamba Muswada huu wa Sheria ya Marekebisho ya Sheria Mbalimbali wa mwaka 2020 *The Written Laws (Miscellaneous) Amendments Bill, 2020* kwa kura zilizopigwa zinaonesha kwamba muswada huu umeafikiwa na Bunge hili kwamba upite. (*Makofi*)

Muswada wa Sheria kwa ajili ya kufanya marekebisho katika Sheria Mbalimbali zipatazo 14 kwa lengo la kuondoa mapungufu ambayo yamejitokeza katika sheria hizo wakati wa utekelezaji wa baadhi ya masharti katika sheria hizo (A Bill for an Act to amend certain Written Laws)

(Kusomwa Mara ya Tatu)

(Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa Mwaka 2020 (The Written Laws (Miscellaneous) Amendments Bill, 2020) Ulipitishwa na Bunge)

SPIKA: Kwa utaratibu huo kwa kuwa sasa umeshasomwa mara ya tatu, mchakato mzima wa utungaji wa sheria hii kwa upande wetu Bunge umekamilika kabisa. Kwa hiyo umepitishwa rasmi na Bunge hili na kwa hiyo sasa tutaupeleka mbele ya Mheshimiwa Rais ili ikimpendeza aweze kutoa kibali chake ili uweze kuwa ni Sheria ya Nchi na atafanya hayo kulingana na Katiba yetu Ibara ya 97(1) na tunatumaini basi na huko mbele unapoenda Mheshimiwa Rais ataukubali na kuuridhia.

Waheshimiwa Wabunge, basi baada ya maneno hayo, sasa hapo mwishonimwishoni, Mheshimiwa Nkamia hebu rudia lile jambo lakoili tulielewe vizuri, pale mwanzo sikulipata vizuri.

MHE. JUMA S. NKAMIA: Mheshimiwa Spika, nakushukuru kwa kunipa nafasi hii kwa mara nyingine tena. Kumekuwa na changamoto kubwa kwenye suala la uuzaaji wa ufuta katika maeneo mengi ya Tanzania, lakini nilitolea mfano wa Chemba kama sehemu ambayo naifahamu zaidi. Kumekuwa na maelekezo ya Serikali kwamba ufuta pamoja na alizeti sasa wakulima wauze kwenye *AMCOS*.

Mheshimiwa Spika, *AMCOS* zilizopewa maelekezo ya kununua ufuta hazina pesa na kinachofanyika ni kwamba, maelekezo yaliyotolewa na Serikali katika ngazi za wilaya na baadhi ya Mikoa Dodoma ukiwemo, kwamba, wananchi watapeleka ufuta watapimiwa na Maafisa wa Halmashauri

waliopo kwenye maeneo hayo, wataweka ule ufuta wao pale bure mpaka itakapofika tani 100 ndyo utakwenda kwenye mnada. Baada ya mnada ndyo wananchi wale watapewa malipo yao; wanachofanya sasa ni kupeleka tu na kupewa karatasi wanaita stakabadhi ghalani.

Mheshimiwa Spika, *at the same time*, anayesafirisha pia ufuta huo kwa mfano kutoka Bandibaji kuja Kongwa au kutoka Mpendo au Hamia kwenda Chemba ni gharama za Halmashauri za Wilaya. Mfano, Chemba tuna malori, kwa hiyo malori yale ya Halmashauri yatasafirisha ufuta ule kupeleka Chemba kwenda kwenye mnada.

Mheshimiwa Spika, sasa hoja yangu nataka Serikali itueleze, hivi mtu mwenye debe tatu ameenda kuuza pale anataka asaidie familia yake pale nyumbani, unamwambia ufuta wako huu tutakulipa zitakapofika tani 100 za wakulima wengine. Wasipozikusanya ndani ya miezi mitatu hivi huyu ana debe tatu, mbili au kumi, lini atakuja kupata hii pesa? Katika *study* ya kawaida katika baadhi ya mikoa ambayo wanaauza mazao kwa kutumia stakabadhi ghalani, kwanza wanakuwa na malipo ya awali halafu baadaye malipo ya pili yanakuja ndyo wanalipwa.

Mheshimiwa Spika, sasa naomba Serikali itueleze utaratibu huu mimi binafsi na Mheshimiwa Kakoso nilikuwa nazungumza naye hapa, tunapokea simu nydingi sana za wakulima. Toka nilipozungumza hapa ndani nina meseji kama kumi, wananchi wanataka kufahamu tatizo hili limeanzia wapi. Kwa mfano leo pale Goima, Soya na Hamia ambapo wamepeleka mizani, wale wananchi wanaolima ule ufuta kwanza sasa hivi wameanza kuwa na wasiwasi.

Mheshimiwa Spika, swali *a very simple question*, hivi huyu mkulima wakati analima ufuta hukumpa mbegu wewe, hukumpa mbolea wala mtaji na namnukuu Mheshimiwa Rais wa Jamhuri ya Muungano wa Tanzania Dkt. John Pombe Magufuli katika hotuba zake kadhaa alisema hivi, nanukuu: "*Mkulima hukumpa mbegu, mbolea, hivi*

unamzuijaje asiuze mazao yake bila kufuata utaratibu, ni kumuonea?"

Mheshimiwa Spika, tena kwa kipindi chenyewe hiki sisi wote hapa ni mashahidi. Nashauri utaratibu huu wakati Serikali hajatoa maelezo yao, wafanye *study upya*; kukosea siyo dhambi.

Mheshimiwa Spika, nakushukuru kwa kunipa nafasi hii tena.

SPIKA: Ahsante sana Mheshimiwa Waziri wa Nchi.

WAZIRI WA NCHI, OFISI YA WAZIRI MKUU, SERA, BUNGE, KAZI, AJIRA, VIJANA NA WENYE ULEMAVU: Mheshimiwa Spika, tumemsikia sana Mheshimiwa Mbunge kwa maelezo aliyoyatoa tumekubaliana ndani ya Serikali Waziri mwenye dhamana ya kilimo atakutana na Wabunge wote na wadau wote kwenye eneo hilo ili aweze kuzungumza nao na kuona tatizo liko wapi nakupeleka ujumbe amba Serikali ilikuwa imefikiria jambo hilo lifanyike ili kuwa na muelewano na kuwaongoza wakulima wetu vizuri. Kwahiyo tumelipokea tutalifanyia kazi.

SPIKA: Ahsante sana tatizo langu ni moja tu kwamba yaani hili tatizo ni ufuta unalimwa sehemu kubwa sana ya nchi sasa mkienda kunong'onezana huko bado kama unahitaji muda Mheshimiwa Waziri wa Kilimo tunaweza tukakupa hata kesho saa kama hizi lakini ukazungumza hapa ili watanzania wasikie jamani tunaenda kwenye uchaguzi. Sasa yako mambo ambayo mwaka wa uchaguzi una mambo yake kama mambo hamjajiandaa vizuri bora ikawa ... kuliko *create* mtu ana videbe viwili vitatu hajui afanyeje sijui nafikiri hebu jiandaeni najua mpaka kesho asubuhi mnawenza mkawapigia pigia simu baadhi ya Wabunge kama *sample* tu 10, 15 mnakaa nao ili kupata undani wa hilo jambo kama mnahitaji.

Lakini kesho jioni *around* saa hizi mwishoni mwishoni tunapomaliza shughuli zetu hapa Mheshimiwa Naibu Spika

atakuwa hapa mnaweza mkaomba nafasi mkalitolea ufanuzi jambo hili ni muhimu sana hasa kwa wakulima wale wadogo wadogo maskini, wenyetani nyngi haina neno lakini kwa wale wadogo wadogo hiyo subira hiyo ya mpaka zifike 100 ndiyo aje... kidogo tatizo liko hapo kwenye subira hapo, ahsante sana Mheshimiwa Mtulia. (*Makof*)

MHE. MAULID S. A. MTULIA: Mheshimiwa Spika, awali ya yote nianze kwa kumshukuru Mwenyezi Mungu mwingu wa rehma kwa kunijaalia tena uzima na kuungana nawe katika Bunge lako Tukufu. (*Makof*)

Mheshimiwa Spika, nikushukuru wewe Spika wangu kwanza kwa kunipa fursa kuzungumza kwenye Bunge lako Tukufu, lakini pili kwa uongozi bora na namna ulivyoshughulikia tatizo langu tangu siku nilipokufahamisha kwamba naumwa na naamilni ulikuwa mtu wa kwanza na allyefuata allikuwa aliyekuwa Naibu Waziri wa Afya Mheshimiwa Ndungulile nilikufahamisha Mheshimiwa Spika kwamba nimekwenda hospitali tarehe 17 Aprili na tarehe 19 nikagundulika kwamba nimeambukizwa virusi vya corona, na nilikufahamisha na nashukuru uliwafahamisha Bunge lako tukufu kwamba kuna mwenzetu mmoja ameambukizwa corona. (*Makof*)

Mheshimiwa Spika, sasa leo nimerudi kwenye Bunge lako tukufu kukuambia kwamba nimepona nakushukuru sana na niwaambie Wabunge wenzangu Spika wetu huyu kwa kweli utaona umuhimu wake na wema wake endapo utapatwa na tatizo. (*Makof*)

Mheshimiwa Spika, naamini Wabunge wenzangu wote waliowahi kupata matatizo kwenye Bunge hili watakubaliana nami kwamba ni mlezi wetu sambamba na hilo nilikuwa nawasiliana na Naibu Spika na viongozi wengine na Wabunge wote wakiongozwa Wabunge wa CCM na hata Wabunge wa Upinzani walikuwa wananiombea dua nzuri nashukuru sana. (*Makof*)

Mheshimiwa Spika, nimekaa kituo cha Mkonze Dodoma kuanzia tarehe 19 mwezi Aprili mpaka tarehe 13

mwezi Mei na kwa kweli ushuhuda ninaotaka niwape hapa ndugu zangu kwa muda wote huo nilikuwa mtu wa pili kufika pale kituoni lakini hakijawahi kutokea kifo hata kimoja. Naungana na Mheshimiwa Rais wetu kwamba ugonjwa upo, tahadhari tuchukue lakini tusijenge hofu kubwa. (*Makofi*)

Mheshimiwa Spika, nitumie fursa hii kuwapa pole sana wakazi wangu wa Jimbo langu la Kinondoni kipindi hiki katikati kulipita mafuriko makubwa lakini walikosa huduma ya Mbunge wao. Lakini nimerudi kuja kuungana na Bunge lako tukufu kuhakikisha tunahakikisha tunafanya kazi kama Mheshimiwa Rais alivyotuambia, lakini nimerudi kuja kuungana na viongozi wangu wa Serikali Mheshimiwa Waziri Mkuu na timu yake mbalimbali nikiwa kama mtu ambaye nimewahi ninauzoefu wa jambo hili limenikuta moja kwa moja basi niko wazi naomba popote watapotaka ushiriki wangu nikko tayari kujitolea kwa ajili ya mapambano hayo ya corona ya moja kwa moja ya safu ya mbele. (*Makofi*)

Mheshimiwa Spika, nimalize kwamba ugonjwa huu una unyanyapaa kwasababu nimeshaugua niwaombe Wabunge wenzangu wasiwe na hofu kitendo cha leo kuwepo kwenye Bunge hili tu kutoka kule nilikokuwa naona kama Wabunge wenzangu wamenikaribia na kunikumbatia. Kwa hiyo, haina haja mpaka uje kunipa mkono haina haja usogee karibu yangu huko uliko naona kama umenikumbatia kijana wako, wasiwe na wasiwasi wowote. (*Makofi*)

Mheshimiwa Spika, lakini kubwa kabisa nimpongeze Mheshimiwa Rais na wapiga kura wangu wamefurahi sana kwa kitendo cha kuwaacha huru waendelee kutafuta maisha yao cha kitendo kuwaambia mgonjwa akifa azikwe tusicheleweshe waliokufa mpaka kupimwa na yote ninayotaka kuyasema Mheshimiwa Rais kanitangulia ameshayasema yote kabla sijaja kutoa ushuhuda wangu. (*Makofi*)

Mheshimiwa Spika, nakushukuru sana nawashukuru Wabunge wenzangu wote kwa ushirikiano na dua zetu ahsante. (*Makofi*)

SPIKA: Ahsante sana Mheshimiwa Mtulia karibu sana mjengoni hakika tuliku-*miss* sana sisi wenzako lakini tulikuombea sana ulikuwa katika sala zetu na dua zetu tunafurahi na kufarijika sana kwamba tuko pamoja tena kwa mara nyine. Tunawaomba watanzania kama ambavyo Mheshimiwa Rais wetu anasisitiza mara kwa mara tupunguze hofu ugonjwa huu ni kweli upo, *this is a real problem* lakini hofu nalo ni tatizo zaidi tutulie wale ambao tutapatwa na majaribu haya tupambane nayo kadiri tunavyoshauriwa na wenzetu watakaotangulia mbele ya haki iwe wewe iwe mimi iwe mtu mwengine basi ndiyo majaaliwa ya Mwenyezi Mungu ni mtihani wa dunia hauna sababu ya kulaumiana kupeleka madongo huku na huku sasa unamlamu nani? Hili ni letu wote limetukumba katika kizazi hiki katika muda huu na maisha yetu kubwa kuchukua tahadhari kumuomba Mwenyezi Mungu kwamba jambo hili lipishie mbali liishe hapa kwetu Tanzania na lkiwezekana kwenye uso wa dunia.

Kwa hiyo, tunakushukuru sana, nakumbuka siku moja nimempigia simu Mheshimiwa Mtulia namuuliza bwana vipi huko Corona, sisi tuna lugha zetu za Kibunge hapa tunaelewana wenyewe, akaniambia Corona aaah! Si shida kubwa, shida kubwa nini? Akaniambia shida kubwa bwana kuhusu utaratibu! (*Kicheko/Makofi*)

Hiyo ni lugha ya Kibunge hiyo wananchi hawawezi wakaelewa hiyo. (*Kicheko*)

Ahsante sana, karibu sana. Mheshimiwa Lijualikali, karibu.

MHE. PETER A. LIJUALIKALI: Mheshimiwa Spika, nashukuru kwa nafasi hii, awali ya yote nichukue fursa hii kukishukuru chama changu cha Demokrasia na Maendeleo (*CHADEMA*) kwa tangu mwaka 2013 nilikuwa Diwani wa Kata ya Ifakara. Mwaka 2015 nikagombea Udiwani wa Kata ya Ifakara na Ubunge wa Kilombero, nikashinda Udiwani na Ubunge pia mpaka leo. Kwa hiyo, kwa heshima kabisa nakiheshimu na ninawashukuru kwa kunipa fursa zote hizi.

Mheshimiwa Spika, lakini pia nimshukuru aliyejikuwa Meya wa Dar es Salaam ndugu Mwita, lakini pia nimshukuru rafiki yangu ndugu Daniel Mbogo, niwashukuru pia na watu wengine ambaao baada ya hii saga kutokea na wenzetu wakaambiba wasiingie bungeni na kweli wakatii. Hawa watu wawili wamenipigia simu nimezungumza nao sana kwa hiyo, nichukue fursa hii kuwashukuru sana.

Mheshimiwa Spika, nilitamani niseme kiuhalisia uamuzi wa kuambiwa tusije huku Bungeni haukuwa wa *democratic* wala hapakuwa na makubaliano yoyote, huu ni ukweli. Kama itapatikana nafasi nyingine nitasema kwa kirefu lakini watu wanaambiba tumeingia huku kufuata posho wakati nimekuja hapa kufanya kazi yangu ya kibunge. (*Makofii*)

Mheshimiwa Spika, nimejisikia vibaya na hiyo ni *against* kabisa na utu wangu kwamba kuonekana nimekuja hapa tu kwa ajili ya posho, taswira huenda ikaonekana kwamba Wabunge wa CHADEMA tunakuja Bungeni kwasababu tu ya posho kitu ambacho binafsi sikuja kwa ajili ya posho. Kama kuna watu huwa wanawaza wakija hapa ni kwa ajili ya posho, mimi sikuja hapa kwa ajili ya posho, nilikuja kwa ajili ya watu wa Kilombero walionituma nifanye kazi kama Mbunge. (*Makofii*)

Mheshimiwa Spika, kwa hiyo, nataka watu wajue kwamba hapakuwa na makubaliano, kulikuwa na amri. Na tulipo hoji msingi wa amri hii, msingi wa hoja hii ni nini hakukuwa na majibu, unaambiba hili ni agizo tekelezeni. (*Makofii*)

Mheshimiwa Spika, tulihoji, tunatoka tunakwenda *quarantine* siku 14 hebu mtuambie viongozi, baada ya siku 14 tunarudi wapi! Viti hivi hivi na watu wale wale ambaao hawajapima wala hawajakaa *quarantine?* (*Makofii*)

Mheshimiwa Spika, tukahoji, chama kimeshasema tusifanye siasa hata za nje kwenye Majimbo yetu kusiwe na vikao vyta ndani wala mikutano ya nje kwasababu ya Corona. Unapotuambia tukae 14 *days* hapa tusiingie bungeni na

tusiende sehemu yoyote, bungeni tunarudi kwa hoja gani Corona imeisha au haijaisha? Hebu mtuambie kama ndiyo shughuli ya kwetu imeisha tujipange na Uchaguzi Mkuu mtuambie viongozi. (*Makofi*)

Mheshimiwa Spika, nililingia bungeni sikulala siku mbili maumivu ndani ya moyo wangu kwasababu ya chama changu. Nimekaa jela miezi sita, nilifungwa miezi sita jela, miezi sita nimekaa jela mimi nilifungwa kwa sababu ya CHADEMA kwa sababu imani yangu iko kwenye chama hiki. Leo nakuja kutimiza wajibu wangu naambiwa kwasababu ya posho? (*Makofi*)

(Hapa Mheshimiwa Peter A. Lijualikali allilia)

MHE. PETER A. LIJUALIKALI: Mheshimiwa Spika, nimeumia, ninapewa mashtaka kwenye radio, kwenye *you tube*, nasema katiba inasema natakiwa niandikiwe barua ya mashtaka yangu nijibu ndani ya siku 14, leo inakwenda wiki inakatika hakuna barua ya mashtaka *against* katiba. Tunalilia katiba mpya sisi Upinzani, kama katiba yetu tunaipinga wenyewe tumeandika watu wanafukuzwa wanaacha *justice* hawasikilizwi kwenye katiba ya CHADEMA imeandika mtu lazima asikilizwe. Tunalilia katiba mpya ya nchi wakati ya kwetu tunaivunja. (*Makofi*)

Mheshimiwa Spika, leo naonekana mtu sifai kabisa, naonekana mtu wa hovyo kwasababu nimekataa kufanya kitu ambacho naamini ndani ya nafsi yangu ni uwongo. Hesabu iliyopigwa walitegemea ndani ya *this two weeks*kuna Waheshimiwa Wabunge watakufa humu ndani ili ionekane kwamba wanaweza kuongoza, wanaweza kuona kwamba waliona tatizo Mungu ni mwema. Hatuwezi kuwa Chama cha Demokrasia kama tunashindwa ku-*demonstrate* demokrasia katika vitu vidogo.

Nimekaa hapa nilikuwa namuona Mheshimiwa Bashe anavyoimbilia Serikali, anavyokosoa hivi kama hatuna dola tunaweza kushughulikiana kwa mimi tu kuja bungeni leo hatuna dola tunafanya hivi. Mheshimiwa Bashe alikuwa

anaongea bungeni hapa anasema, alizungumza mpaka kuhusu Usalama wa Taifa, aliongea vitu vigumu humu ndani lakini leo amekuwa Naibu Waziri. (*Makof*)

Mheshimiwa Spika, tukipima demokrasia ndogo tu, hivi kesho tukipewa dola katika nchi tutafanya mangapi? Waheshimiwa Wabunge wanakuja *inbox* mtutee, wanashindwa kusema ukweli, wanashindwa kumwambia kiongozi unakosea wanakuja kulia eti sisi tuje kwako tuombe msamaha. Tuwaombee msamaha kwako, wanashindwa kumwambia mtu ambaye hana dola kwamba unakosea mzee, unakosea wanashindwa kumwambia hana jeshi, hana polisi, hana nguvu yoyote wanashindwa kusimama katika ukweli. (*Makof*)

Mheshimiwa Spika, kesho akipewa dola itakuwaje! Wakati naingia Bungeni Waheshimiwa Wabunge wote unaowaona hapa Viti Maalum 1.5 millioni ilikuwa inakatwa Wabunge sisi 500,000 kila mwezi. Tuliambiwa vizuri kutakuwa na Mfuko Maalum kwa ajili ya Uchaguzi Mkuu kwamba inafika wakati Wabunge mmeishiwa fedha kwenye kampeni chama kiwe na fungu maalum la kuwezi kupigia kampeni. Sisi *opposition* asilimia kubwa ni vijana ambao tumejitoa kutumikia nchi yetu katika siasa hatuna uwezo mkubwa wa kifedha wanagombea vijana hawana fedha.

Mheshimiwa Spika, nilifanya kampeni nikiwa na *only* milioni sita, nimeingia bungeni kwa milioni sita wananchi wamenichangia. Tukaambiwa kwamba tuweke mfumo huu wa fedha ili baadaye ikiwa na watu wengi ambao hawana uwezo tuchangiane tukasema jambo jema. Tunakuja kuuliza fedha ziko wapi tunaambiwa fedha hakuna, *almost* bilioni sijua nane sijua ngapi huko zimeondoka. (*Makof*)

Mheshimiwa Spika, unauliza mlisema tuweke fedha kwa ajili ya uchaguzi mkuu, Akaunti Maalum ya Uchaguzi Mkuu (*fixed account*) unajibiwa uchaguzi siyo *event* ni mchakato tumenunua magari ya chama, tunafanya opereshini ya CHADEMA ni msingi. Unauliza, ruzuku imefanya kazi gani, mikutano siku hizi hakuna ya chama ile kama ya

zamani sijui kukodi chopaa, kukodi nini hakuna. Kama ruzuku tunapata kwenye chama, zuruku imefanya kazi gani mpaka hizi fedha zetu *fixed* hii itumike vibaya ni kwanini, unaambiwa hii ni amri ya chama unatakiwa utekeleze hakuna kuhoji. (*Makofi*)

Mheshimiwa Spika, niko tayari nitarudi Ifakara, nitalima mpunga, nitafuga ng'ombe, nitafuga mbuzi, nitalima mchicha, nitafanya kazi hata ya boda boda. Bado ni kijana nina miaka 35 nitalima hata mpunga, nitafanya hata boda boda lakini siwezi kuendelea kutumika vibaya, siwezi. (*Makofi*)

Mheshimiwa Spika, niombe kama itakuwa radhi kwa Chama chako Cha Mapinduzi kunipokea hata kufanya kazi yoyote nitafanya tu. (*Makofi/Vigelegele/Kicheko*)

Mheshimiwa Spika, nitaomba baada ya Bunge kuisha kumaliza wakati wangu niwashukuru watu wa Kilombero tangu mwaka 2013 wamekuwa na mimi.

(Hapa Mheshimiwa Peter A. Lijualikali allilia)

MHE. PETER A. LIJUALIKALI Mheshimiwa Spika, ahsanteni Mungu awabariki. (*Makofi*)

SPIKA: Ahsante sana, Mheshimiwa Lijualikali ahsante sana Mbunge mwenzetu nakushukuru sana kwa hotuba yako, hotuba nzito, hotuba yenye ujumbe mzito. Hakika Wabunge wengi tunaona madhila ambayo Wabunge wenzetu wanapitia hasa wa chama cha CHADEMA, mnapitia magumu makubwa. (*Makofi*)

MBUNGE FULANI: Sanaa!

SPIKA: Leo asubuhi imetoka kidogo kwenye vyombo sikujua kama hili litajitokeza lakini walikuwa wanazungumzia *exactly* hili hili.

Mfumo wa vyama vingi haukuanzishwa kwa makusudio haya ambayo watu fulani fulani ndani ya baadhi

vyama sasa wao wamejigeuza kuwa vyama vile ni kampuni zao binafsi wanafanya wanavyotaka wanawaburuza Wabunge wao wanawateka nyara, Wabunge wamechaguliwa na wananchi waje kwenye bunge hapa wawakilishe wananchi walete shida za wananchi kwa Serikali na Serikali iko hapa kwa ajili ya kupokea, kusikiliza na kufanya kazi hoja mbalimbali za Wabunge.

Lakini Wabunge ni kuburuzwa leo ingieni kesho msiingie kataeni fanyeni hivi ili mradi Mbunge tena hana nafasi walio na nafasi ni kinachoitwa chama ambacho ni mtu mbaya sana ngumu sana nani asiyejua baadhi ya Wabunge wanawake wa chama hiki walivyopita katika mazingira magumu nani hajui mkishaishi si mnajifunza mengi, si mnajua mengi kwanini mtu huyu awe hivi. (*Makofi*)

Tunaenda katika uchaguzi mkuu chama hiki sijui naomba nitabiri kikirudi na Wabunge watatu sijui dhambi ni mbaya kabisa unawezaje kuwa kiongozi wa aina hii. Halafu akikaa Rais anaongea asubuhi yeye anaongea masaa mawili baadaye anajifanya yeye ni zaidi hata ya Rais wa nchi hovyo kabisa nidhamu hakuna vurugu mechii matumizi mabaya ya fedha chama cha siasa hakiwi hivyo hata siku moja. Kwa hiyo, nakupa pole sana Mheshimiwa Lijualikali, tuendelee kuwa pamoja bado tumeongeza siku hapa mpaka siku ya mwisho hakugusi mtu hafanyi nini na mimi kama mjambe wa Kamati Kuu ya Chama Cha Mapinduzi, kwa niaba ya chama niseme tunakukaribisha sana kabisa lakini siyo wewe peke yako na wengine wote. (*Makofi*)

Mfumo huu ulikaribishwa katika nchi yetu kwa nia njema kwasababu ni vizuri kuwa na vyama vyatia upinzani vizuri vyenye kuleta sera mbadala mitazamo mbadala ili Serikali iliyoko madarakani iangalie ikajiboresha na hata ikibidi wananchi wakiona Serikali iliyoko madarakani haisikii basi waweze kuchagua huu mbadala mwingine ili iliyoko madarakani nayo ikae pembeni kidogo kwa muda nayo ijirekebishe iweze kuingia siku nyingine kama Simba na Yanga tu ambavyo leo Simba inashinda siku nyingine Yanga inashinda kwa kubahatisha. (*Makofi/Kicheko*)

Kwahiyo Waheshimiwa Wabunge niseme tu kwa wengine wote tunaelekea kwenye uchaguzi mkuu ambao wanania ya kubadilisha vyama kujunga na vyama vingine nakadhalika ndiyo wakati wake msisite hasa Waheshimiwa Wabunge mlioko humu ndani msisite kabisa lazima kwa pamoja tuhakikishe kwamba tunakomesha tabia hii na tunakuwa na vyama ambavyo vinaheshima vyama shirikishi, vyama vyenye demokrasia ndani ya vyama vyenyewe kabla ya kudai mambo mengine nje ya chama. Vyama ambavyo vinazingatia katiba zao katiba yako huiheshimu ukikaa tunataka katiba mpya katiba mpya ahsante sana Mheshimiwa Lijualikali jipe moyo usilie ndiyo maisha. (*Makof*)

Basi Waheshimiwa Wabunge kwa vile tumekamilisha shughuli za leo, naomba sasa niahirishe shughuli za Bunge hadi kesho saa nane kamili mchana.

*(Saa 11.46 Jioni Bunge liliahirishwa hadi siku ya Jumanne,
Tarehe 19 Mei, 2020 Saa Nane Mchana)*