

THE NEWSPAPERS ACT 1976

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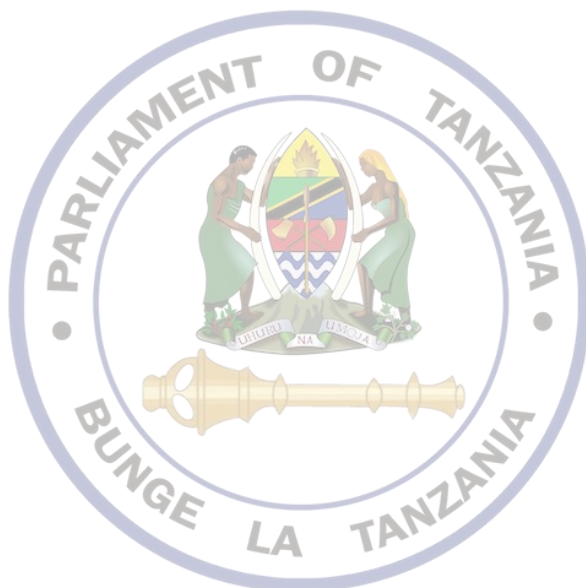
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THE UNITED REPUBLIC OF TANZANIA



No. 3 OF 1976

I ASSENT,

Julius K. Nyerere
President

3rd APRIL, 1976

An Act to repeal and replace the Newspaper Ordinance and to amend the Penal Code

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Newspapers Act, 1976 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title and commencement

2. In this Act, unless the context otherwise requires-

Interpretation

"Minister" means the Minister for the time being responsible for matters relating to newspapers;

"newspaper" means any paper containing news, or intelligence, or reports of occurrences of interest to the public or any section thereof, or any views, comments or observations thereon, printed for sale or distribution and published in Tanganyika periodically or in parts or numbers;

"print" means produce or reproduce words or pictures in visible form by printing, writing, typewriting, duplicating, cyclostyling, lithography, photography or any other mode of representing the same in visible form, but does not include the representation of words or pictures by means of cinematography or television;

"Registrar" means the person appointed to be the Registrar of Newspapers under section 3, and includes a person appointed under that section to be a Deputy or Assistant Registrar.

Appointment of Registrar, etc.

3. The Minister shall, by notice in the *Gazette*, appoint a public officer to be the Registrar of Newspapers to perform the duties and exercise the powers imposed and conferred on the Registrar by this Act and any regulations made hereunder, and may appoint from among public officers a Deputy Registrar and as many Assistant Registrars of Newspapers as the Minister shall consider necessary, who shall be subject to the directions of the Registrar.

Registers

4. The Registrar shall keep registers in the prescribed forms in which he shall register the affidavits delivered to him under section 6, the returns in respect of newspapers made to him under section 10, and the bonds delivered to him under sections 13 and 14, and shall enter therein such other particulars and matters as may be prescribed.

PART H

REGISTRATION OF NEWSPAPERS

Application of this Part and exclusions

5.-(1) This Part shall apply to every newspaper other than a newspaper to which any notice issued under subsection (2) of this section applies.

(2) The Minister may, by notice in the *Gazette*, exclude any newspaper or class of newspapers from the operation of all or any of the provisions of this Part either absolutely or subject to, such conditions as he may think fit.

Affidavit required from the proprietor printer and published of a newspaper

6. No person shall print or publish or cause to be printed and published in Tanganyika any newspaper, unless the proprietor, printer and publisher shall each have previously made, signed and sworn before a magistrate and registered in the office of the Registrar in the prescribed manner and delivered by him to the Registrar an affidavit containing the following information-

- (a) the correct title or name of the newspaper;
- (b) a true description of the house or building wherein such newspaper is intended to be printed; and
- (c) the real and true names and places of residence of the persons intended to be proprietor, printer and publisher of the newspaper.

New affidavit when required

7. Wherever any of the proprietors, printers or publishers named in an affidavit registered under section 6 are changed or change their printing house, place of residence or office and as often as the title or name of the newspaper is changed, then and in every such case the proprietors, printers and publishers shall make, sign, swear and register in the office of the Registrar in the prescribed manner a new affidavit which shall contain all the information required by section 6 to be contained in an affidavit.

Affidavit by company

8. When a company is the proprietor, printer or publisher of a newspaper the affidavit required by section 6 shall be made, signed and sworn by the secretary or one of the directors of the company.

9.- (1) The printer and publisher of every newspaper printed in Tanganyika shall, upon every day upon which the newspaper is published, at his own expence deliver, or send by registered post, to the Registrar a copy of every newspaper so published and a copy of every supplement thereto (if any).

Copies of newspapers to be delivered to Registrar

(2) The copies referred to in subsection (1) shall be of the paper on which the largest number of copies of the newspaper are printed and published, and shall be in the like condition as the copies prepared for sale or distribution.

(3) The copies delivered to the Registrar under this section shall be kept by the Registrar for the purpose of record in such place or manner, or otherwise dealt with or disposed of in such manner or for such purposes, as the Minister may approve or prescribe.

10.-(1) The publisher for the time being of every newspaper printed in Tanganyika shall, within fourteen days after the date on which it is first published, and in the month of January in every year thereafter, make, sign and deliver, or send by registered post, to the Registrar a return in the prescribed form in respect of such newspaper.

Return of newspapers to be made to Registrar

(2) if, after any return has been delivered or sent pursuant to the provisions of subsection (1) and before the next succeeding return in respect of the same newspaper is delivered or sent, any change occurs in any of the particulars returned, other than a change in circulation, the publisher for the time being of the newspaper shall, within thirty days of the change occurring, make, sign and deliver, or send by registered post, to the Registrar a return in the prescribed form.

11.-(1) The Registrar shall cause to be published in the Gazette, as soon as may be practicable after registration, all the information required by section 6 to be contained in an affidavit.

Publication of registration of to Registrar

(2) The Registrar shall cause to be published in the *Gazette*, as soon as conveniently may be after January in each year, a list containing particulars of all registered newspapers remaining on the register at the close of the previous year.

12. Any person who-

- (a) prints or publishes or causes to be printed and published any newspaper printed in Tanganyika in contravention of any of the provisions of section 6; or
- (b) publishes any newspaper printed in Tanganyika and fails to comply with any of the provisions of section 7, 9 or section 10; or
- (c) makes a return under section 10 which he knows to be false or does not believe to be true in any particular,

Penalties under Part 11

shall be guilty of an offence and shall be liable upon conviction to a fine exceeding twenty thousand shillings or to imprisonment for a term not exceeding four years or to both such fine and imprisonment.

PART III

BONDS

Minister
may require
publisher o
execute and
register
bond

13.-(1) The Minister may by notice in writing require any publisher of a newspaper to execute and register in the office of the Registrar a bond in the prescribed form in such sum as may be specified in the notice with one or more sureties as may be required and approved by the Minister.

(2) Every bond required under subsection (1) shall be conditioned —

- (a) for the payment of any monetary penalty that may at any time be imposed or adjudged against the publisher or any Person acting for him in his absence upon his conviction for any Offence under this Act or under any other written law, committed after the execution of the bond, and relating to the printing or publication of the newspaper or of any matter therein and all costs incidental thereto; and
- (b) for the payment of all such damages and costs as may be awarded to the plaintiff in any action or proceeding brought at any time after the execution of the bond in respect of any matter printed or published in the newspaper.

(3) Where the person required to execute a bond under this section is a company, the bond shall be executed under its title of incorporation and under the hand of the secretary and any two directors and under the common or corporate seal of such company, and by such sureties as the Minister may require and approve.

(4) Every bond required by this Act shall be executed in the presence of a magistrate, and of one witness not being a party thereto, each of whom shall subscribe his name, with the addition of his place of residence or business, and his office, profession or occupation.

(5) A bond entered into under this section may be enforced before any magistrate in the same manner as a bond under the Criminal Procedure Code.

Cap. 20

New bond in
certain cases

14. Whenever-

- (a) a surety-
 - (i) gives notice of his desire to withdraw from a bond under the provisions of section 15; or
 - (ii) dies; or
 - (iii) leaves the United Republic without leaving property therein sufficient and available to satisfy the full sum for which he is bound as a surety; or
 - (iv) has been declared bankrupt or has made a composition with his creditors; or
 - (v) pays the whole or any part of the sum for which he is bound as a surety; or

(b) a bond under this Part is enforced against a printer or publisher liable thereunder as a principal,

the printer or publisher, as the case may be, shall within thirty days thereafter, execute and register in the office of the Registrar in the manner provided by section 13 a new bond for the same purpose and in the same sum, and upon the completion of such execution and registration the old bond shall thereby be discharged:

Provided that all persons liable, whether as principals or sureties, under the old bond shall continue to be liable thereunder in respect of any penalties and costs imposed or adjudged and any damages and costs awarded or arising in respect of any proceedings commenced, before the discharge of the old bond.

15. If any surety desires to withdraw from a bond given under this Act, and gives to the Minister and to all other persons bound thereby not less than thirty days' notice in writing of such desire, he shall on the expiration of the period of such notice be discharged from his suretyship under the bond:

Withdrawal
of surety

Provided that the surety shall continue to be liable under the bond in respect of any penalties and costs imposed or adjudged, and any damages and costs awarded or arising in respect of any proceedings commenced before his discharge from his suretyship under the bond.

16.(1) The Minister may at any time during the continuance of a bond given under this Act by notice in writing served personally or sent by post to the last known address call upon the obligor, surety or any other person liable under the bond to satisfy the Minister as to his means and for that purpose the Minister may require a statutory declaration giving particulars as to means.

Minister may
call on obli-
gor or surety
to satisfy
him as to
means

(2) Upon the failure of such obligor, surety or other person to satisfy the Minister as to means, the bond shall become void and the Minister shall thereupon notify in writing all parties thereto to that effect.

17. Where any person is required to execute and register a bond under section 13 or section 14, any person who-

Penalty for
publishing,
etc., news
paper with-
out bond

- (a) prints or publishes or causes to be printed or published any newspaper without having complied with the provisions of section 13 or, as the case may be, section 14;
- (b) sells any newspaper which he knows or has reason to believe has been printed and published in contravention of the provisions of section 13 or, as the case may be, section 14,

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

PART IV

GENERAL PROVISIONS RELATING TO NEWSPAPERS

Evidentiary value of copies and extracts, and of certificates

18.-(1) Every copy of an, entry m, and every extract from, a register kept under this Act, certified under the hand of the Registrar to be a true copy or extract, shall in all legal proceedings be conclusive evidence of the contents of the register in so far as the same appear in such copy or extract, and *prima facie* evidence of the facts appearing therein.

(2) A certificate under the hand of the Registrar stating that he has or has not received any notice or return under this Act or any regulations made hereunder, or that he received such a notice or return on, or did not receive such a notice or return by or before, a specified date, shall in all legal proceedings be *prima facie* evidence of the facts stated therein.

(3) A certificate under subsection (1) or subsection (2), purporting to be signed by the Registrar shall be presumed, until the contrary is proved, to have been signed by him.

(4) No process for compelling the production of any newspaper, register or document kept by, or in the possession or custody of, the Registrar shall issue from any court except with the leave of that court, and any such process issued with such leave shall bear a statement that it is so issued.

When proof of purchases of newspaper unnecessary

19. After production in evidence of any affidavit, or a certified copy thereof, against the person who signed and made such affidavit or the person named in such affidavit, and after the newspaper has been produced in evidence having the same title or name as that contained in the affidavit, or copy thereof, and in which the name of the printer and publisher and the place of printing is the same as the name of the printer and publisher and the place of printing mentioned in the affidavit, or copy thereof, it shall not be necessary for the informant or prosecutor to prove that the newspaper to which the trial relates was purchased at any house, shop or office belonging to or occupied by the offender, or by his agent or servant, or where such printer or publisher usually carries on the business of printing and publishing such newspaper, or where the same is usually sold.

Names and address of printer, etc., to be printed on newspaper

20.-(1) Each copy of every newspaper and each copy of every supplement printed within Tanganyika shall have printed legibly on the first or last printed page the true and real name and address of its printer and of its publisher and the true and real description of the place of printing and of publication.

(2) Any person who prints, publishes, sells, distributes or assists in selling or distributing any newspaper which does not comply with the requirements of subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both

such fine and imprisonment, and in addition the court before whom such person is convicted may order all copies of the newspaper in respect of which the offence was committed in the custody of the court or in possession of the offender to be forfeited or destroyed.

21.-(1) Every person who prints a newspaper shall for a period six months after the date of the printing thereof keep one copy of the newspaper on which he shall write or print the name and the business, residential or postal address of the person by whom he was engaged to print it, and shall forthwith produce the same to the Registrar or to any court, judge or magistrate if he is required, by notice in writing, so to do.

Printed to
keep copy of
newspaper
and produce
some on
demand

(2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or both such fine and imprisonment.

22.-(1) Any police officer may seize any newspaper, wherever found, which has been printed or published, or which he reasonably suspects to have been printed or published, in contravention of this Act.

Power to
seize
certain
newspapers
and search
premises

(2) Any magistrate may by warrant authorize any police officer of or above the rank of Inspector, with -or without assistance, to enter and search any place where it is reasonably suspected that any newspaper printed or published in contravention of this Act is being kept or that any offence under this Act or any regulations made hereunder has been, is being or is about to be committed and to seize any newspaper found therein which he reasonably suspects to have been so printed or published, together with any other evidence of the commission of an offence under this Act or any regulations hereunder which may be there found.

(3) If any police officer of or above the rank of Inspector has reasonable cause to believe that the delay which would occur in obtaining a search warrant under subsection (2) would, or would tend to, defeat the purpose of this Act, he may, without warrant, exercise the powers described in that subsection as if he had obtained a search warrant under that subsection.

(4) Any newspaper or other thing seized under this section shall be brought as soon as practicable before a magistrate, who may, if he is satisfied that the newspaper was printed or published in contravention of this Act or any regulations hereunder, or that such other thing has been used in the commission of an offence under this Act or any regulations hereunder order the same to be forfeited or destroyed.

23.-(1) The Minister shall from time to time cause a review to be made of all affidavits registered for the purpose of section 6 and if on such review it shall appear to him that any affidavits so registered relate to a newspaper of which no issue has been published for a period of three years immediately preceding the date of such review the Minister may cause to be published in two consecutive issues of the *Gazette*

Cancellation
of affidavits
registered

notice of his intention to cancel the registration of such affidavits unless within a time to be stated in the notice the proprietor, printer and publisher of the newspaper notify him in writing of their intention to resume publication of such newspaper.

(2) If after the publication in the *Gazette* of a notice under subsection (1) —

- (a) notification of the nature mentioned in subsection (1) is not received by the Minister within the time stated in such notice; or
- (b) notification of the nature mentioned in subsection (1) is received by the Minister within the time stated in such notice, but no issue of the newspaper is in fact published within a period of three months after receipt of such notification,

the Minister may, by a further notice in the *Gazette*, declare that the affidavits registered in respect of such newspaper have been cancelled.

(3) As from the date of publication of any notice under subsection (2) cancelling any affidavits-

- (a) such affidavits shall be deemed not to have been registered for the purposes of section 6; and
- (b) any bond registered or any guarantee given under this Act by or on behalf of the publisher of any newspaper to which such affidavits relate shall be deemed to be void.

Inspection of registers, etc., and provision of copies of and extracts from register

24.-(1) Any person may, during the usual hours of business and on payment of the prescribed fee, inspect a register, or require to be supplied with a copy of or an extract from any subsisting entry in a register, certified by the Registrar to be a true copy or extract.

(2) Any person may, during the usual hours of business and on payment of the prescribed fee, and subject to such conditions as may be prescribed, inspect any newspaper kept by the Registrar under this Act for the purpose of record.

Minister may prohibit publication of newspaper

25.-(1) Where the Minister is of the opinion that it is in the public interest or in the interest of peace and good order so to do, he may, by order in the *Gazette*, direct that the newspaper named in the order shall cease publication as from the date (hereinafter referred to as "the effective date") specified in the order.

(2) Every order made under subsection (1) shall specify-

- (a) the title or name of the newspaper in respect of which it is made;
- (b) the names of the proprietor, printer and publisher of such newspaper:

Provided that no such order under subsection (1) shall be invalid by reason of non-description or misdescription of the proprietor, printer or publisher or any of them.

(3) Where an order under subsection (1) is made in respect of any newspaper-

- (a) any person who, on or after the effective date, prints or publishes or causes to be printed or published the newspaper named in the order shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding twenty thousand shillings or to be imprisoned for a term not exceeding four years or to both such fine and imprisonment;
- (b) any person who, on or after the effective date, sells, offers for sale or exposes for sale, distributes or exhibits, or causes to be exhibited in any public place any copy or part of a copy of the newspaper named in the order, whether or not such copy or part was printed or published prior to the effective date, " be guilty of offence and shall be liable upon conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(4) For the purpose of this section "public Place" or "public premises" includes any public way and any building, place or conveyance to which, for the time being, the public are entitled or permitted to have access either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting, or assembly or as an open court.

PART V

OFFENCES AGAINST THE REPUBLIC

26. For the purposes of this Part-

" publication" includes all written and printed matter, and any gramophone or other record, perforated roll, recording tape or wire, cinematography film or other contrivance by means of which any words or ideas may be mechanically produced, represented or conveyed, and everything whether of a nature similar to the foregoing or not, containing any visible representation or by its form, shape or other characteristics, or in any manner capable of producing, representing or conveying words or ideas and every copy or reproduction of any publication,

"Periodical publication" includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;

"seditious publication" means a publication having a seditious intention.

Interpretations for the purposes of this Part

Power to prohibit importation of publication

27.-(1) If the President is of the opinion that the importation of any publication would be contrary to the public interest he may, in his absolute discretion, by order, prohibit the importation of such publication, and in the case of a periodical publication may, by the same or a subsequent order, prohibit the importation of any part or future issue thereof.

(2) If the President is of the opinion that the importation of the publications of any specified person would be contrary to the public interest, he may, in his absolute discretion, by order, prohibit, either absolutely, or subject to specified exceptions or conditions. the importation of the future publications of such person.

offences in relation to publications, the importation of which is prohibited

28.-(1) Any person who imports, publishes, sells, -offers for sale, distributes or produces any publication, the importation of which has been prohibited under section 27 or any extract therefrom, shall be guilty of an offence and shall be liable upon conviction for the first offence to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and for a subsequent offence to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years; and such publication or extract therefrom shall be forfeited to the Republic.

(2) Any person who, without lawful excuse, has in his possession any publication the importation of which has been prohibited under section 27 or any extract therefrom, shall be guilty of an offence and shall be liable upon conviction for the first offence to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment, and for a subsequent offence to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years; and such publication or extract therefrom shall be forfeited to the Republic.

Delivery of prohibited publication to administrative officer or to police station

29.-(1) Any person to whom any publication, the importation of which has been prohibited under section 27, or any extract therefrom, is sent without his knowledge or privity or in response to request made before the prohibition of the importation of such publication came into effect, or who has such a publication or extract therefrom in his possession at the time when the prohibition of its importation comes into effect, shall forthwith, if or as soon as the nature of its contents have become known to him, or in the case of a publication or extract therefrom coming into the possession of such person before an order prohibiting its importation has been made, forthwith upon the coming into effect of an order prohibiting the importation of such publication, deliver such publication or extract therefrom to the nearest administrative officer or to the officer in charge of the nearest police station, and in default thereof shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment; and such publication or extract therefrom shall be forfeited to the Republic.

(2) Any person who complies with the provisions of subsection (1) or who is convicted of an offence under that subsection, shall not be liable to be convicted for having imported or having in his possession the same publication or extract therefrom.

30.-(1) Any of the following officers, that is to say-

- (a) any officer of the East African Posts and Telecommunications Corporation not below the rank of Postmaster;
- (b) any officer of the Customs Department not below the rank of Supervisor;
- (c) any police officer not below the rank of Inspector;
- (d) any other officer authorized in that behalf by the Minister for the time being responsible for home affairs,

Power to
examine
packages

may detain, open and examine any package or article which he suspects to contain any publication or extract therefrom which it is an offence under the provisions of section 28 of this Act to import, publish, sell, offer for sale, distribute, reproduce or possess and, during such examination, may detain any person importing, distributing or posting such package or article in whose possession such package or article is found.

(2) If any such publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer and the person importing, distributing or posting it, or in whose possession it is found, may forthwith be arrested and proceeded against for the commission of an offence under section 28 or section 29, as the case may be.

31.-(1) A "seditious intention" is an intention-

- (a) to bring into hatred or contempt or to excite disaffection against the lawful authority of the United Republic or the Government thereof; or
 - (b) to excite any of the inhabitants of the United Republic to attempt to procure the alteration, otherwise than by lawful means, of any other matter in the United Republic as by law established; or
 - (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in the United Republic; or
 - (d) to raise discontent or disaffection amongst any of the inhabitants of the United Republic; or
 - (e) to promote feelings of ill-will and hostility between different categories of the population of the United Republic.
- (2) An act, speech or publication is not seditious by reason only that it intends-
- (a) to show that the government has been misled or mistaken in any of its measures; or
 - (b) to point out errors or defects in the government or constitution of the United Republic as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or

Seditious
intention

- (c) to persuade any inhabitants of the United Republic to attempt to procure by lawful means the alteration of any matter in the United Republic as by law established; or
- (d) to point out, with a view to their removal, any matters which are producing, or have a tendency to produce feelings of ill-will and enmity between different categories of the population of the United Republic.

(3) In determining whether the intention with which any act was done, any words were spoken or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and in the circumstances in which he so conducted himself-

Seditious offences

32.-(1) Any Person who-

- (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention;
- (b) utters any words with a seditious intention;
- (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;
- (d) imports any seditious publication, unless he has no reason to believe that it is seditious,

shall be guilty of an offence and shall be liable upon conviction for the first offence to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment, and for a subsequent offence to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment; and such publication shall be forfeited to the Republic-

(2) Any person who, without lawful excuse, has in his possession any seditious publication shall be guilty of an offence and shall be liable upon conviction for the first offence to a fine exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment, and for a subsequent offence to a fine not exceeding ten thousand shilling or to imprisonment for a term not exceeding two year or to both such fine and imprisonment.

(3) It shall be a defence to a charge under subsection (2), if the person charged did not know that the publication was seditious when it came into his possession, he did, as soon as the nature of the publication became known to him, deliver the publication to the nearest administrative officer or to the officer in charge of the nearest police station.

(4) A printing machine which has been, or is reasonably suspected of being, used for or in connection with the printing or reproduction of a seditious publication may be seized or otherwise secured by a police officer pending the trial and conviction or discharge or acquittal of any Person accused of printing or reproducing any seditious publication; and, when any person is convicted of printing or reproducing a seditious publication, the court may, in addition to any other penalty which it may impose, order that the printing machine on which the publication was printed or reproduced shall be either confiscated for a period not exceeding twelve months, or forfeited to the Republic, and may make such order whether or not the person convicted is, or was at the time when the publication was printed or reproduced, the owner of the printing machine.

(5) A printing machine forfeited under subsection (4) shall be sold, and the proceeds less expenses shall be paid into the Treasury.

(6) When the proprietor, publisher, printer or editor of a newspaper is convicted of printing or publishing a seditious publication in a newspaper, the court may, in addition to any other penalty it may impose, and whether or not it has made any order under subsection (4) make an order prohibiting any further publication of the newspaper for a period not exceeding twelve months.

(7) The court may, at any time, on the application of the Attorney General and on taking such security, if any, for good behaviour as the court may see fit to order, revoke any order made by it for forfeiting or confiscating a printing machine or prohibiting further publication of a newspaper.

(8) A court before ordering the forfeiture or confiscation of a printing machine under this section shall be satisfied that the printing machine was the printing machine upon which the seditious publication was printed or reproduced.

(9) In any case in which a printing machine has been secured or confiscated under this section, the Inspector-General of Police may, in his discretion, cause-

- (a) the printing machine or any part of it to be removed; or
- (b) any part of the machine to be sealed so as to prevent its use:

Provided that the owner of the printing machine or his agents shall be entitled to reasonable access to it to keep it in working order.

(10) The Inspector-General of Police or any police officer in pursuance of the powers conferred by this section shall not be liable for any damage caused to a printing machine, whether by neglect or otherwise, not being damage willfully caused to the machine

(11) Any person who uses or attempts to use a printing machine secured or confiscated under subsection (4) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment,

(12) Any Person who prints or publishes a newspaper in contravention of an order made under subsection (6) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(13) In this section the expression "Printing machine" includes a Printing Press, Copying press, type-setting machine, photographic, duplicating or engraving apparatus, or other machine or apparatus used for or in connection with printing or reproducing publications, and the type, appurtenances and equipment thereof.

Legal
Proceedings

33.-(1) No prosecution for an offence under section 32 shall be begun except within six months after the offence was committed:

Provided that where a person-

(a) commits such an offence from outside the United Republic; or

(b) leaves Tanganyika within a period of six months after committing such an offence,

the prosecution for such an offence shall be begun within six months from the date when such person first arrives in, or returns to, the United Republic after-

(i) committing such an offence; or

(ii) leaving Tanganyika,

as the case may be.

(2) A person shall not be prosecuted for an offence under section 32 without the written consent of the Director of Public Prosecutions.

Evidence

34. No person shall be convicted of an offence under section 32 on the uncorroborated testimony of one witness.

Definition
of overt act

35. In the case of any of the offences defined in this Part. when the manifestation by an overt act of the intention to effect any purpose is an element of the offence, every act of conspiring with any person to effect that purpose, and every act done in furtherance of the purpose by any of the persons conspiring, is deemed to be an overt act manifesting the intention.

Publication
of false
news likely
to cause
fear
and alarm to
the public

36.-(1) Any person who publishes any false statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding fifteen thousand shillings Or to imprisonment or a term not exceeding three years or to both such fine and imprisonment.

(2) It shall be a defence to a charge under subsection (1) if the accused proves that, prior to publication, he took such measures to verify the accuracy of such statement, rumour or report as to lead him reasonably to believe that it was true.

Incitement
to violence

37.-(1) Any person who, without lawful excuse, prints, publishes or to any assembly makes any statement indicating or implying that it would be incumbent or desirable to do without lawful authority any act calculated to-

- (a) bring death or physical injury to any person or to any category or community of persons; or
 - (b) lead to destruction or damage of any property,
- shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(2) For the purposes of this section "an assembly" means a gathering of three or more persons.

(3) A person shall not be prosecuted for an offence under this section without the written consent of the Director of Public Prosecutions.

PART VI

DEFAMATION

38. Any person who, by print, writing, painting, effigy or by any means otherwise than solely by gestures, spoken words or other sounds, unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, shall be guilty of the offence termed "libel".

Definition of libel

39. Defamatory matter is matter likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation, and it is immaterial whether at the time of the publication of the defamatory matter the person concerning whom such matter is published is living or dead:

Definition of defamatory matter

Provided that no prosecution for the publication of defamatory matter concerning a dead person shall be instituted without the written consent of the Director of Public Prosecutions.

40.-(1) A person publishes a libel if he causes the print, writing, painting, effigy or other means by which the defamatory matter is conveyed, to be dealt with, either by exhibition, reading, recitation, description, delivery or otherwise, so that the defamatory meaning thereof becomes known or is likely to become known to either the person defamed or any other person.

Definition of publication

(2) It is not necessary for libel that the defamatory meaning should be directly or completely expressed; and it suffices if such meaning and its application to the person alleged to be defamed can be collected either from the alleged libel itself or from any extrinsic circumstances or partly from the one and partly from the other means.

41. Any publication of defamatory matter concerning a person is unlawful within the meaning of this Part, unless-

Definitions of unlawful publication

- (a) the matter is true and it was for the public benefit that it should be published; or
- (b) it is privileged on one of the grounds hereafter mentioned in this Part

Cases in which publication of defamatory matter is absolutely privileged

42.-(1) The publication of defamatory matter is absolutely privileged, and no person shall under any circumstances be liable to punishment under this Act in respect thereof, in any of the following cases, namely-

- (a) if the matter is published by the President, the Government or the National Assembly, in any Official document Or proceeding" or
- (b) if the matter is published in the National Assembly, by the President, the Government or by any member of the National Assembly or the Speaker; or
- (c) if the matter is published by order of the President or the Government; or
- (d) if the matter is published concerning a person subject to military or naval discipline for the time being, and relates to his conduct as a person subject to such discipline. and is published by same person having authority over him in respect of such conduct; or
- (e) if the matter is published in the course of any judicial proceeding by a person taking part therein as a judge or magistrate or commissioner or advocate or assessor or witness or party thereto; or
- (f) if the matter published is in fact a fair report of anything said, done or published in the National Assembly; or
- (g) if the person publishing the matter is legally bound to publish it.

(2) Where a publication is absolutely privileged, it is immaterial for the purposes of this Part whether the matter be true or false, and whether it be known or be not known or believed to be false, and whether it be or not published in good faith:

Provided that nothing in this section shall exempt any person from any liability to punishment under any other Part of this Act or under any other written law in force within Tanganyika.

cases in which publication of defamatory matter is conditionally privileged

43. A publication of defamatory matter is privileged on condition that it was published in good faith, if the relation between the parties by or to whom the publication is made is such that the person publishing the matter is under some legal moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in publishing it, provided that the publication does not exceed either in extent or matter what is reasonably sufficient for the occasion, and in any of the following cases, namely

- (a) if the matter published is in fact a fair report of anything said, done or shown in a civil or criminal inquiry or proceeding before any court;

Provided that if the court prohibits the publication of anything said or shown before it, on the ground that it is seditious, Immoral or blasphemous, the publication thereof shall not be privileged; or

- (b) if the matter published, is a copy or, reproduction, or in fact a fair abstract, of any matter which has been previously published, and the previous publication of which was or would have been privileged under section 42 of this Act; or
- (c) if the matter is an expression of opinion in good faith as to the conduct of any person in a judicial, official or other public capacity, or as to his personal character so far as it appears in such conduct-, or
- (d) if the matter is an expression of opinion in good faith as to the the conduct of a person in relation to any public question or I matter, or as to his personal character so far as it appears in such conduct; or
- (e) if the matter is an expression of opinion in good faith as to the conduct of any person disclosed by evidence given in a public legal proceeding, whether civil or criminal, as to the conduct of any person as a party, witness or otherwise in any such proceeding, or as to the character of any person so far as -it appears in any such conduct as in this paragraph mentioned; or
- (f) if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech or other work, performance or act published or publicly done or made or submitted by a person to the judgment of the public, or as to the character of the person so far as it appears therein; or
- (g) if the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he has authority, by contract or otherwise, over the person, or on the character of the other person, so far as it appears in such conduct; or
- (h) if the matter is a complaint or accusation made by a person in good faith against another person in respect of his conduct in any matter, or in respect of his character so far as it appears in such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or
- (i) if the matter is published in good faith for the protection of the rights or interests of the person who publishes it, or of the person to whom it is published, or of some person m whom the person to whom it is published is interested.

44. A publication of defamatory matter shall not be deemed to have been made m good faith by a person, within the meaning of section 43, if it is made to appear either-

- (a) that the matter was untrue, and that he did not believe it to be true; or
- (b) that the matter was untrue, and that he published it without having taken reasonable care to ascertain whether it was true or false; or

Explanation
as to good
faith

(c) that, in publishing the matter, he acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was reasonably necessary for the interest of the public 'or for the protection of the private right or interest in respect of which he claims to be privileged-

Presumption as to good faith

45. If it is proved, on behalf of the accused person, that the defamatory matter was published under such circumstances that the publication would have been justified if made in good faith, the publication shall be presumed to have been made in good faith until the contrary is made to appear, either from the libel itself, or from the evidence given on the Part of the Prosecution

Defamation of foreign dignitary

46. Any person who, without such justification or excuse as would be sufficient in the case of the defamation of a private Person- Publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any foreign sovereign ruler, ambassador or other foreign dignitary with intent to disturb peace and friendship between the United Republic and the country to which such ruler, ambassador or dignitary belongs, shall be guilty of the offence of libel.

penalty for libel

47. Any person convicted of the offence of libel under this Act shall be liable to a fine not exceeding ten thousand Shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

PART VII

MISCELLANEOUS PROVISIONS, REPEL AND AMENDMENTS

Offences by corporations, societies etc.

48. Where any offence under this Act or any subsidiary legislation made hereunder is committed by a company or other body corporate, or by a society, association or body of persons, then, as well as the company or other body corporate, or the society, association or body of persons, every person who, at the time of the commission of the offence, was concerned, as a director or an officer, with the management of the affairs or activities of such company or other body corporate, or society, association or body of persons, shall be guilty of the offence and be liable to be proceeded against and Punished accordingly, unless he proves to the satisfaction of the court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge of the commission of the offence.

Liability of employer or principal

49. Where an offence under this Act or any subsidiary legislation made hereunder is committed by a person as an agent or employee, then, as well as the agent or employee, the principal or employer shall be guilty of the offence and be proceeded against and punished accordingly, unless he proves to the satisfaction of the court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge of the Commission of the offence.

- 50.** Service of process or notice under this Act or any subsidiary legislation made hereunder shall be good, valid and effectual if it is served either personally on the person to whom it is addressed or by registered post; and, where the person to be served is a company or other body corporate, or a society, association or other body of persons, service of any such process or notice may be effected by serving the same personally on any secretary, director or other officer thereof or on any person concerned or acting -in the management thereof, or by leaving it or sending it by registered post addressed to the company, body corporate, society, association or body of persons at its registered office. or, where there is no registered office, at any place where it carries on business.
- Service of process and notices
- 51.** Notwithstanding the provisions of section 7 of the Criminal Procedure Code, a subordinate court presided over by a district magistrate or a resident magistrate shall have jurisdiction to try any person charges with an offence under this Act and impose upon him the maximum penalty prescribed for the offence.
- Jurisdiction of courts
cap.20
- 52.** No suit shall lie against any public officer in respect of anything done or omitted to be done by him in good faith in the exercise or purported exercise of any function conferred upon him by this Act.
- Public officers indemnified
- 53.** The Minister may make regulations for the better carrying into effect the purposes and provisions of this Act, and without prejudice to the generality of the foregoing, may make regulations-
- Regulation
- (a) prescribing the forms of registers, returns, applications notices and bonds, and other forms to be used under this Act;
 - (b) prescribing the particulars and other matters to be entered in the registers;
 - (c) prescribing the place and manner of keeping copies of newspapers delivered to the Registrar under this Act, or the manner in which and the purposes for which any such copies shall, consistently with the purposes and provisions of this Act, be dealt with or disposed of;
 - (d) prescribing the information to be furnished to the Registrar by way of periodical return or otherwise;
 - (e) prescribing the particulars and matters to be published by the Registrar and the manner of such publication;
 - (f) prescribing the fees which may be levied under this Act,
 - (9) Prescribing anything which under this Act is to be or may be prescribed.
- 54.** The Newspaper Ordinance is repealed.
- Repeal
Cap. 229
- 55.** The Penal Code is amended-
- Amendments to the Penal Code
Cap. 16
- (a) in Chapter VII (which relates to treason and other offences against the Republic)-

- (i) by deleting in the first two lines of section 50 the passage "For the purposes of sections 51, 52, 53, 54, 55, 56, 57 and 58 of this Code-" and substituting therefor the passage "For the purposes of this Chapter-"; and by deleting the definitions "import" and "inland waters"; and
- (ii) by repealing sections 51, 52, 53, 54, 56, 57, 58, 63 and 63A;
- (b) m Chapter VIII (which relates to offences affecting relations with foreign states and external tranquility), by repealing section 64; and
- (c) m Chapter XVIII (which relates to defamation) by repeating sections 187, 188, 189, 190, 191, 192, 193 and 194.

PART VIII

SPECIAL PROCEDURE FOR TRIAL OF CASES OF DEFAMATION IN SUITS OF A CIVIL NATURE

Interpre-
tation for
purposes
Of
this Part
and limita-
tion of
application
of this
Part

56.-(1) For the purposes of this, Part "court" means the High Court of the United Republic, a court of a resident magistrate or district court presided over by a civil magistrate and references to a district court are references to a district court presided over by a civil magistrate.

(2) The provisions of this Part shall apply to every proceeding relating to a suit of a civil nature m respect of any action for libel arising out of anything or matter published m a newspaper and to no other proceeding.

court to
sit with
assessorS

57.-(1) Notwithstanding any provision contained m any other law for the time being m force regulating the procedure and practice of courts, m all proceedings to *which* the provisions of this Part apply the court shall sit with not less than three competent assessors and the case shall be tried m the manner prescribed m this section.

(2) In all proceedings to *which* the provisions of this Part apply, when the case on both sides is closed the court shall sum up the evidence for the plaintiff and the defendant, and shall then require each of the assessors to state his opinion orally as to the case against the defendant and as to any specific question of fact addressed to. him by the court, and shall record such opinion.

(3) In deciding any proceedings to which the provisions of this Part apply the court shall not be bound to conform to the opinions of the assessors.

(4) Nothing in this section shall be construed as prohibiting, the assessors, or any of them, from retiring to consider their opinions if they so wish or, during any such retirement or at any time during the trial, from consultation with one another.

(5) The Chief Justice may, with the approval of the Minister for the time being responsible for legal affairs, make regulations for the better carrying out of the provisions of this section and without prejudice to the generality of the foregoing, may by such regulations-

- (a) prescribe the qualifications for assessors;
- (b) prescribe fees or allowances for assessors;
- (c) make provision designed to secure the attendance before the court of all the assessors and in accordance with which the proceedings shall be conducted in the event of the inability of the assessors, or any of them, to attend before the court;
- (d) prescribe any other thing or make any other provision which, in the opinion of the Chief Justice, is necessary to give effect to the provisions of this Part.

(6) Regulations made pursuant to subsection (5) shall be published in the Gazette and shall be deemed to have the like force and effect as are provisions enacted in this Act.

58. Save in so far as is otherwise expressly provided in this Part or in any regulations made under section 57, nothing contained in this Part shall be deemed-

- (a) to affect the operation of any provision contained in any other written law regulating the jurisdiction of courts; or
- (b) to limit or otherwise affect any special form of procedure or other matter prescribed by or under the Civil Procedure Code, 1966 or any other written law in respect of proceedings to which the provisions of this Part apply.

Saving provisions of civil Procedure code and of other laws

Acts 1966
No 49

Passed in the National Assembly on the sixteenth day of March, 1976.


Clerk of the National Assembly

SHERIA YA MAGAZETI, YA MWAKA 1976

YALIYOMO

SEHEMU YA I

UTANGULTZI

Fungu

Kichwa cha Habari

- I - Jina la Sheria na tarehe ya kuanza kutumika.
- Ufafanuzi.
- Uteuzi wa Msajili, n.k.
- Madaftari.

SEHEMU YA II

UANDIKISHAJI WA MAGAZETI

- Matumizi ya Sehemu na msamaha.
- Hati ya kiapo itatakiwa kutoka kwa mwenye gazeti, mchapi-shaji na mtoaji gazeti.
- Hati ya kiapo mpya itapohitajiwa.
- Hati ya kiapo ya kampuni.

SEHEMU YA III

DHAMANA

- Waziri aweza kumtaka mtoaji magazeti kutoa dhamana.
- Dhamana mpya yaweza kutakiwa yakitokea mambo fulani.
- Kujitoka kwa mdhamini.
- Waziri aweza kumtaka mtu aliyetoka dhamana au mdhamini atoe maelezo kuhusu pato lake.
- Adhabu kwa kuchapisha gazeti, n.k., bila dhamana.

SEHEMU YA IV

MASHARTI MBALI MBALI KUHUSU MAGAZETI

*Fungu**Kichwa cha Habari*

18. Nguvu ya. ushahidi wa nakala na hati za, uthibitisho.
19. Uthibitisho wa, ununuzi wa gazeti hautakuwa lazima. ikiwa masharti fulam yametimizwa.
20. Jina na anwani ya mchapishaji, n.k iandikwe gazetini.
21. Mchapishaji aweke nakala ya gazeti na, aionyeshe nakala hiyo itakapotakiwa.
22. Uwezo wa. kukamata, magazeti na kupekua nyumba.
23. Kufuta, uandikishaji wa. hati za viapo.
24. Kukagua madaftari, n.k. na kutoa nakala, kutoka, kwenye madaftari.
25. Waziri aweza kupiga marufuku uchapishaji wa gazeti

SEHEMU YA V

MAKOSA DHIDI YA JAMHURI

26. Ufafanuzi kwa madhumuni ya Sehemu hii.
27. Uwezo wa kupiga marufuku uingizaji wa magazeti nchini.
28. Makosa yanayohusika na. magazed yaliyopigwa marufuku kuingizwa. nchini.
29. Kupeleka magazeti yaliyopigwa marufuku kwa ofisi utawala au kwenye kituo cha Polisi.
30. Uwezo wa kukagua mizigo.
31. Nia ya kuchochea uasi.
32. Makosa ya kuchochea uasi
33. Mashauri ya jinai
34. Ushahidi.
35. Ufafanuzi wa tendo la dhahiri.
36. Utangazaji wa habari za uwongo zinazoweza kuwashtusha watu na kuwatia woga na wasi wasi
37. Kuchochea uhalifu wa kutumia nguvu.

SEHEMU YA VI

KASHFA

38. Ufafanuzi wa kashfa
39. Ufafanuzi wa mambo yenye kashfa.
40. Ufafanuzi wa utangazaji.
41. Ufafanuzi wa utangazaji usio halali
42. Utangazaji wa mambo yenye kashfa ni halali ikiwa masharti fulani yametimizwa.

*Fungu**Kichwa cha Habari*

43. Utangazai wa mambo yenye kashfa si halali ila kwa masharti maalum.
44. Ufafanuzi wa nia safi.
45. Mambo yatakayobainisha nia safi.
46. Marufuku kukashifu watu mashuhuri wa nchi nyingine.
47. Adhabu kwa kosa la kashfa.

SEHEMU YA VII**MASHARTI MENGINEYO, KUFUTA SHERIA YA ZAMANI NA MABADILIKO YA SHERIA ZA ZAMANI**

48. Makosa yanayotendwa na mashirika, vyama, n.k.
49. Dhima ya mwajiri au mtu anayewakilisha madaraka yake.
50. Utaratibu wa kupeleka taarifa au hati za kuitwa shaurini.
51. Mamlaka, ya mahakama.
52. Ukomo wa dhina, ya walumishi wa Serikah.
53. Kanuni.
54. Kufuta Sheria ya zamani.
55. Mabadiliko kwenye Sheria, ya Kanuni za Jinai.

SEBEMU YA VIII**UTARATIBU MAALUM KUHUSU USIKILIZAJI WA MASHAURI YA KASHFA KATIKA MASHAURI YA MADAI**

56. Matumizi ya Sehemu hii na kuondolewa kwa mamlaka ya Mahakama za Mwanzo, za Wilaya na Mahakama za Mahakimu Wakazi.
57. Utaratibu wa Mahakama Kuu na Wazee wa Baraza, kusikiliza mashauri.
58. Kuhifadhiwa kwa utaratibu wa kusikiliza, mashauri ya madai uliowekwa na Sheria ya Utaratibu wa Mashauri ya Madai na Sheria nyinginezo.

JAMHURI YA MUUNGANO WA TANZANIA



NA. 3 YA 1976

NAKUBALI

J. J. K. Nyerere
Rais

3 APRILI, 1976

Sheria ya Magazeti mpya ambayo itafuta Sheria ya Magazeti ya zamani, Sura ya 229, na kufanya mabadiliko kwenye Sheria ya Kanuni za Jinai, Sura ya 16

[.....]

IMETUNGWA na, Bunge la Jamhuri ya, Muungano wa, Tanzania.

SEHEMU YA I

UTANGULIZI

1. Sheria, hii iitwe Sheria ya Magazeti, ya, mwaka, 1976, na, itanza kutumika mnamo siku ambayo Waziri ataiteua na kuitangaza, katika *Gazeti la Serikali*.

2. Katika Sheria hii, ila, iwapo maelezo yake yahitaji vinginevyo- "Waziri" maana yake ni Waziri mwenye dhamana juu ya mambo yanayohusika na, magazeti;

"gazeti" maana yake ni hati yo yote inayotolewa mahsusi kama, gazeti au inayojulikana kama gazeti yenye habari au taarifa ya matukio yenye manufaa, kwa, umma. kwa jumla au jumuiya yo yote. au yenye maoni yo yote juu ya. habari au taarifa kama hizo, iliyochapishwa kwa. ajili ya kuuza au kugawa kwa watu katika Tanganyika kwa. vipindi au kwa mfululizo wa makala yanayotolewa moja moja au mara moja moja

"chapa", "piga chapa", maana yake ni kutoa, au kutoa nakala za maneno au picha, vinavyoweza kuonekana kwa kupiga chapa, kwa maandishi ya, mkono, kwa, maandishi ya taipu au kwa maandishi ya mitambo ya kutolea, nakala; au picha au kwa, njia yo yote nyingineyo ya. kufanya maneno au picha. vionekane, lakini maana hii haitatumika kwa maneno au picha vinavyoonyeshwa kwa njia ya sinema au televisheni;

Jina la
Sheria na
tarehe ya
kuanza
kutumika

Ufafanuzi

"Msajili", maana yake mtumishi wa Serikali aliyeteuliwa kuwa Msajili wa Magazeti kwa mujibu wa fungu la 3, na maana hii itatumika pia kwa mtumishi wa Serikali aliyeteuliwa kwa mujibu wa fungu hilo kuwa Naibu wa Msajili au Msajili Msaidizi-

Uteuzi wa
Msajili, n.k

3. Waziri, kwa kutoa tangazo kwenye *Gazeti la Serikali*, atamteua mtumishi wa Serikali kuwa Msajili wa Magazeti ambayo atatekeleza kazi za Msajili na kutumia madaraka ya Msajili kama ilivyoelezwa katika Sheria hii au kama itakavyoelezwa kwenye Kanuni zo zote zitakazowekwa kwa mujibu wa Sheria hii, na aweza. kutoka miongoni mwa watumishi wa Ser.ik.aai, kumteua Naibu wa msajili wa Magazed na kuwateua Wasajili Wasaidizi wa Magazeti wa idadi yo yote anayoona yahitajika, ambao watakuwa chini ya uongozi wa Msajili.

Madaftari

4. Msajili ataweka madaftari ya aina itakavyoelezwa katika Kanuni zitakazowekwa kwa mujibu wa Sheria hii ambamo ataandika kumbukumbu za hati za viapo zilizopelekwa kwako ziandikishwe kwa mujibu wa fungu la 6, kumbukumbu za kumbukumbu zinazohusika na magazeti zilizopelekwa kwake kwa mujibu wa fungu la 10. na kumbukumbu za dhamana zilizopelekwa kwake ziandikishwe kwa mujibu wa mafmu ya 13 na 14, na ataandika katika madaftari hayo mambo mengineyo kama itakavyoelezwa katika Kanuni zitakazowekwa kwa mujibu wa Sheria hii.

SEHEMU YA II

UANDIKISHAJI WA MAGAZETI

Matumizi
ya Sehemu
hii na
msamaha

5.-(1) Masharti ya Sehemu hii ya Sheria hii yatatulika kwa kila gazeti isipokuwa gazeti ambalo linahusika na tangazo la msamaha lililotolewa kwa mujibu wa kifungu cha (2) cha fungu hii

(2) Waziri aweza, kwa tangazo litakalotolewa kwenye "Gazeti la Serikali" kutaja gazeti lo lote, au aina ya gazeti, ambalo, halitahusika na masharti yote au sharti lo lote kati ya masharti ya Sehemu hii ya Sheria hii, na msamaha kama huo, waweza kutolewa bila masharti au kwa masharti maalum ambayo Waziri ataona yanafaa.

Hati ya
kiapo
itatakiwa
kutoka kwa
mwenye
gazeti
mchapishaji
na mtoaji
gazeti

Ni marufuku kwa mtu yeyote kupigisha chapa au kutoa au kuagiza uchapishaji au utoaji wa gazeti lolote katika Tanganyika ila iwapo mwenye gazeti hilo, mchapishaji au mtoaji wa gazeti hilo, kila mmoja wao awe amekwisha apa na kutia sahihi hati ya kiapo mbele ya hakimu na awe amekwisha peleka na kuandikisha kwa Msajili, kwa kufuata utaratibu uliowekwa mahususi kwa ajili hiyo, hati ya kiapo ambayo itakuwa na habari zifuatazo -

- (a) jina halisi la gazed hilo
- (b) maelezo ya kweli kuhusu nyumba au jengo ambamo inakusudiwa gazeti hilo litapigwa chapa;
- (C) majina halisi na ya kweli na anwani ya mahali wanapoishi watu ambao wanakusudiwa kuwa mwenye, gazeti, mpiga chapa na mtoaji wa gazeti hilo

7. Endapo mmojawapo wa wenye gazeti, wachapishaji au watoaji wa gazeti waliotajwa. kwenye hati ya. kiapo iliyoandikishwa kwa mujibu wa fungu la 6 watabadilishwa au watabadilisha nyumba, yao ya kupigia chapa, mahali pa makazi au ofisi yao na .kila mara linapobadilishwa jina la gazeti lao, basi katika kila hali ya. namna. hiyo hao wenye gazeti, wachapishaji na. watoaji wa. gazeti hilo itawabidi waapishwe, na watatilia, sahihi hati ya. kiapo mpya. ambayo wataiandikisha. kwa Msajili kwa kufuata utaratibu mahsusi uliowekwa kwa. ajili hiyo na hiyo hati ya kiapo mpya itatakiwa. kuwa na. habari zote zinazohitajiwa na. fungu la. 6 kuwemo kwenye hati ya kiapo.

Hati ya
kiapo
mpya
itapohi-
tajiwa

8. Endapo mwenye gazeti, mchapishaji au mtoaji wa gazeti ni kampuni, basi hiyo hati ya kiapo inayohitajiwa na fungu la 16 itatolewa na kutiliwa sahihi na. Katibu au mmojawapo wa wakurugenzi wa kampuni na. ye yote kati ya hao atakayehusika ndiye atakayeapishwa kwa ajili ya. hiyo hati ya. kiapo.

Hati ya
kiapo ya
kampuni

9.-(1) Mchapishaji na mtoaji wa kila gazed lifilopigwa, chapa Tanganyika, itamlazimu, kila siku ambayo gazeti hilo hutolewa na kwa gharama yake mwenyewe, apeleke kwa Msajili kwa mkono au kwa barua ya rejesta, nakala, ya kila gazeti lililotolewa na nakala. ya kila, nyongeza. ya gazeti hilo (kama ipo).

Nakala za
magazeti
zipelekwe
kwa
Msajili

(2) Nakala zilizotaiwa katika kifungu cha (1) itabidi ziwe za gazeti ambalo ndilo lenye idadi kubwa zaidi ya nakala zilizochapishwa na. kutolewa, na itabidi ziwe sawa kabisa, kwa kila hali, na nakala zilizochapishwa kwa ajili ya kuuza au kugawa.

(3) Nakala atakazopelekwa, Msajili kwa mujibu wa. fungu hili zita-tunzwa. na. Msajili kwa ajili ya kumbukumbu, na mambo kuhusu mahali zitakapohifadhiwa an namna. zitakavyohifadhiwa au kuhusu matumizi yake yatakuwa kama. Waziri atakavyoidhinisha au kuelekeza kwa mujibu wa Sheria hii.

10.-(1) Mtoaji wa. kila. gazeti lililopigwa chapa Tanganyika itamla-zimu, ndani ya siku kumi na nne tangu siku ambayo gazeti hilo lilipo tolewa kwa mara ya kwanza, na. katika. mwezi wa Januari kila mwaka baada ya hapo, kutoa na kutilia sahihi kumbukumbu ya aina iliyo-wekwa mahsusi kwa ajili hiyo kwa mujibu wa Sheria hii, ambayo itaipeleka kwa Msajili, ama kwa mkono au kwa barua ya rejesta.

Kumbu-
kumbu za
magazeti
zipelekwe
kwa
Msajili

(2) Ikiwa, baada ya kumbukumbu kupelekwa Msajili kwa kufuata masharti ya kifungu cha (1) na kabla ya kupeleka kumbu-kumbu nyingine kuhusu gazeti hilo hilo inayotakiwa kupelekwa baada ya hiyo iliyotajwa awali, yatatokea mabadiliko yo yote ya habari zilizomo kwenye kumbukumbu hiyo ya awali, mabadiliko ambayo haya-husiki na ugawaji wa gazeti hilo, basi huyo mtoaji wa gazeti itamla-zimu ndani ya siku thelathini tangu mabadiliko hayo yafanyike, kutoa na kutilia sahihi kumbukumbu ya aina iliyowekwa mahsusi kwa ajili hiyo kwa mujibu wa Sheria hii, ambayo ataipeleka kwa Msajili ama kwa mkono au kwa barua ya rejesta.

11.-(1) Msajili atatoa tangazo kwenye *Gazeti la Serikali*, mapema iwezekanavyo baada ya kuandikisha gazeti, ambalo litakumia na habari zote zinazohitajiwa na fungu la 6 kuwemo katika hati ya kiapo.

Kutangaza
kuandi-
kiswa kwa
magazeti

(2) Msajili atatoa, tangazo kwenye *Gazeti la Serikali*, mapema iweze-kanavyo baada ya mwezi Januari kila mwaka, ambalo litakuwa. na orodha na maelezo ya magazeti yote yaliyoandikishwa. na ambayo yalikuwemo daftarini mwishoni mwa, mwaka, uliopita.

Adhabu
chini ya
sehemu ya 11

12. Mtu ye yote-

- (a) atakayechapisha au atakayetoa gazeti au atakayeagiza uchapi-shaji na utoaji wa gazeti Tanganyika kinyume cha masharti ya fungu la 6; au
- (b) atakayetoa gazeti lo lote lililopigwa chapa Tanganyika na, ambayo atakosa kutimiza masharti ya fungu la. 7, 9 au fungu la 10; au
- (c) atakayetoa kumbukumbu kwa kufuata fungu la 10 ambayo anajua, kuwa ni ya uwongo au haamini kuwa ni ya kweli kuhusu jambo lo lote la maana. katika kumbukumbu hiyo..

atakuwa axnevenda, kosa na. akipatikana na hatia. mbele ya mahakama, atapaswa kuadhibiwa kwa kutozwa faini isiyoziidi shilingi elfu ishirini au kwa kifungo gerezani kwa muda usioziidi miaka minne au adhabu zote mbili pamoja.

SEHEMU YA 11I

DHAMANA

Waziri aweza
kumtaka
mtoaji
magazeti
kutoa
dhamana

13.- (1) Waziri aweza, kwa kutoa taarifa ya. maandishi, kumtaka mtoaji gazeti ye yote atoe dhamana na. kuiandikisha kwa. Msajili kwa, kutumia fomu iliyowekwa kwa madhumuni hayo. dhamana, ambayo itakuwa ya kiasi cha fedha kitakachotajwa kwenye hiyo taarifa. na mtoaji gazeti aweza pia kutakiwa aweke mdhamini mmoja au wawili ambao itabidi wawe, watu watakokubaliwa na Waziri kwamba wanafaa kuwa wadhamini.

(2) Kila dhamana itakayotakiwa kutolewa kwa mujibu wa kifungu cha (1) itawekwa-

- (a) kwa ajili ya malipo ya adhabu au yenyo asili ya adhabu ya aina yoyote ambayo mtoaji gazeti au mtu ye yote anayemshikia kazi yake wakati hayupo aweza kutozwa baada ya kuonekana ana hatia kwa kosa lo lote, chini ya sheria hii au sheria nyingi-neyo yo yote lililotendwa baada ya kutoa iliyo dhamana na linalohusika na kuchapisha au kutoa gazeti hilo au unalotokana na jambo lo lote lijilomo kwenye gazeti hilo pamoja na malipo ya gharama zote zitakazoamriwa kulipwa zinazotokana na kosa hilo; na
- (b) kwa ajili ya malipo ya fidia na gharama zote ambazo mdaiwa ataamriwa alipe katika shauri lo lote litakalofunguliwa mahakamani baada ya kutoa hiyo dhamana na ambalo limetokana na jambo lo lote lililochapishwa au kutangazwa kwenye gazeti hilo.

(3) Iwapo anayetakiwa. kutoa dhamana kwa mujibu wa fungu hili ni kampuni, basi dhamana hiyo itatolewa kwa jina la hiyo kampuni na itatakiwa kutiliwa sahihi na Katibu wa kampuni hiyo na wakurugenzi wake wawili wote na pia kupigwa muhuri rasmi wa kampuni hiyo, na pia itatakiwa kutiliwa sahihi na wadhamini ambao idadi yao itatajwa na Waziri na ambao itabidi wawe watu watakaokubaliwa na Waziri kwamba wanafaa kuwa wadhamini.

(4) Kila dhamana itakayotakiwa kutolewa kwa mujibu wa Sheria hii itatakiwa kutiliwa. sahihi nimbele ya hakimumu na shahidi mmoja ambaye hahusiki na. shauri la hiyo dhamana na huyo hakimumu na shahidi kila mmoja wao atatakiwa kuandika kwenye fomuu ya hiyo dhamani jina lake, kazi yake pamoja na anwani yake ya mahali anapoishi au mahali anapofanya kazi.

(5) Dhamana iliyotolewa. kwa. mujibu wa. fungu hili yaweza kutiliwa nguvu ya kisheria na kutekelezwa mbele ya hakimumu ye yote kwa namna ile ile inayotumika kwa ajili ya mambo kama hayo kwa dhamana iliyotolewa. kwa mujibu wa Sheria ya Kanuni za Utaratibu wa Mashauri ya jinai.

Sura ya 20

14. Endapo-

(a) mdhamini-

- (i) atatoa taarifa. ya kutaka kujitua kwenye dhamana kwa mujibu wa fungu la 15; au
- (ii) atafariki; au
- (iii) ataondoka katika Jamhuri ya Muungano bila kuacha mali ya kutosha inayoweza kutumika kwa ajili ya kulipa kiasi chote cha fedha alichohadi kulipa kama mdhamini; au
- (iv) ataonekana mbele ya mahakama kuwa amefilisika au anashindwa kulipa madeni yake yote; au
- (v) atalipa fedha yote au kiasi cha fedha alichohadi kulipa kama mdhamini: au

(b) dhamana iliyotolewa kwa mujibu wa Sehemu hii ya Sheria hii itatiliwa nguvu kisheria na kutekelezwa dhidi ya mchapishaji au mtoaji gazeti kama ndiye aliyetoa dhamana hiyo,

basi huyo mchapishaji au mtoaji gazeti, ye yote kati yao atakayehusika, atatakiwa, ndani ya siku thelathini baada ya tukio lo lote kati ya hayo yaliyotajwa hapo juu, kutoa dhamana mpya na kuandikisha kwa Msajili kwa namna ilivyoeelezwa katika, fungu la 13, na baada ya kutoa na kuandikisha hiyo dhamana mpya ile dhamana ya zamani itafutwa:

Dhamana
mpya
yaweza
kutakiwa
yakitokea
mambo
fulani

Isipokuwa kwamba kila mtu ambaye katika ile dhamana ya kwanza iliahidi kulipa fedha, iwe kama mtoaji dhamana au kama mdhamini, ataendelea kuwa na jukumu la kulipa fedha hiyo kwa ajili ya malipo ya adhabu au yenye asili ya adhabu ya aina yo yote pamoja na fidia yoyote na gharama zozote zinazoandamana na adhabu au fidia hiyo ambayo itatozwa au kuamriwa kulipwa kwa ajili ya shauri lolote lilitofunguliwa mahakamani kabla ya kufutwa kwa ile dhamana ya zamani.

Kujittoa kwa mdhamini

15. Ikiwa mdhamini ye yote anataka kujittoa kwenye dhamana iliyotolewa kwa mujibu wa Sheria hii, na anatoa taarifa ya maandishi ya kutaka kujittoa, ya muda usiopungua siku thelathini, kwa Waziri na kwa watu wengine wote wenye jukumu la kulipa fedha chini ya dhamana hiyo basi baada ya kumalizika muda huo wa siku thelathini mdhamini huyo hatakuwa na jukumu tena la kulipa fedha yoyote chini ya dhamana hiyo

Isipokuwa kwamba mdhamini huyo ataendelea kuwa na jukumu la kulipa fedha chini ya dhamana hiyo kwa ajili ya malipo ya adhabu au yenye asili ya adhabu ya aina yoyote pamoja na fidia na gharama zozote zinazoandamana na adhabu au fidia hiyo ambayo itatozwa au kuamriwa kulipwa kwa ajili ya shauri lolote lilitofunguliwa mahakamani kabla ya mdhamini hajajittoa kwenye dhamana.

Waziri aweza kumtaka mtu aliyetoa dhamana au mdhamini atoe maelezo ya pato lake

16.-(1) Wakati wowote ambapo dhamana iliyotolewa kwa mujibu wa Sheria hii huwa haijafutwa, Waziri aweza kutoa taarifa ya maandishi ambayo itapelekwa kwa mkono au kwa barua ya rejesta ya kumtaka mtu ye yote aliyetoa dhamana au mdhamini au mtu mwingine ye yote mwenye jukumu la kulipa fedha chini ya dhamana hiyo, atoe maelezo yatakayomridhisha Waziri kuhusu pato lake, na kwa madhumuni hayo Waziri aweza kuamuru kwamba maelezo hayo yatolewe kwa hati ya kiapo mbele ya hakim-

(2) Ikiwa mtu aliyetoa dhamana au mdhamini au mtu mwingine ye yote mwenye jukumu la kulipa fedha chini ya dhamana hiyo atashindwa kumridhisha Waziri kwa maelezo kuhusu pato lake, basi hiyo dhamana haitakuwa na nguvu tena wala haitatambuliwa kisheria na Waziri atawaarifu wote wanaohusika na dhamana hiyo kwamba dhamana hiyo imetanguka.

Adhabu kwa kuchapisha gazeti, n.k., bila dhamana

17.-(1) Iwapo mtu ye yote ametakiwa kutoa na kuandikisha dhama-na kwa mujibu wa fungu la 13 au la 14, basi mtu ye yote-

- (a) atakayechapisha au kutoa au kuagiza lichapishwe au litolewe gazeti lo lote bila) kutekeleza masharti ya fungu la 13 au, kadri itakavyokuwa, fungu la 14; au
- (b) atakayeza gazeti lo lote ambalo anajua au atayo sababu ya kuamini kwamba limechapishwa na kutolewa kinyume cha masharti ya fungu la 13 au, kadri itakavyokuwa, fungu la 14,

atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa kwa kutozwa faini isiyozidi shilingi elfu kumi au kufungwa gereza kwa muda usiozidi miaka miwili au kupewa adhabu zote mbili pamoja

SEHEMU YA IV

MASHARTI MBALI MBALI KUHUSU MAGAZETI

18.-(1) Kila nakala ya maandishi yo yote yaliyomo kwenye daftari lililolekwa na kutumiwa kwa mujibu wa Sheria hii, ikithibitishwa kwa hati iliyoandikwa au kutiliwa sahihi na Msajili kuwa nakala halisi ya maandishi hayo, itahesabika katika mashauri yo yote ya kisheria kuwa ni nakala halisi ya mambo yalioandikwa kwenye daftari hilo kadri nakala hiyo itakavyoonyesha, na pia itahesabika, kuwa mambo yote yaliyomo katika nakala hiyo ni kweli, isipokuwa kama, utatolewa ushahidi madhubuti utakaokanusha, ukweli huo.

Nguvu ya ushahidi wa nakala na uthibitisho

(2) Hati yo yote ya uthibitisho iliyoandikwa au kutiliwa sahihi na Msajili akieleza kwamba, alipokea taarifa au kumbukumbu yo yote inayotakiwa, kutolewa kwa mujibu wa Sheria hii au Kanuni zilizowekwa kwa mujibu wa Sheria hii, au kwamba alipokea taarifa au kumbukumbu hiyo siku fulani, au kwamba hakupokea taarifa au kumbukumbu hiyo siku fulani, itahesabika, katika mashauri yo yote ya kisheria, kuwa maeleza mambo yaliyo kweli isipokuwa kama utatolewa ushahidi madhubuti utakaokanusha ukweli huo.

(3) Hati yo yote ya uthibitisho iliyotolewa kwa mujibu wa kifungu cha (1) au kifungu cha (2), ambayo itaonyesha kwamba imetiliwa sahihi na Msajili, itahesabika kuwa kweli imetiliwa sahihi na Msajili isipokuwa kama utatolewa ushahidi madhubuti utakaokanusha ukweli huo.

(4) Hakuna amri yo yote ya kulazimisha kuwasilisha mbele ya mahakama gazeti lo lote, daftari lo lote au hati yo yote iliyowekwa au kuhifadhiwa na Msajili itakayotolewa kutoka kwenye mahakama, yo yote ila, kwa, ruhusa ya mahakama hiyo, na amri yo yote itakayotolewa kwa ruhusa kama hiyo itatakiwa kuwa na maelezo kuonyesha kwamba, imetolewa kwa ruhusa, ya mahakama.

19. Ikiwa katika shauri lo lote linalosikilizwa na mahakama shahidi ye yote atatoa kama kielelezo hati ya kiapo yo yote au nakala ya hati hiyo iliyothibitishwa kisheria, ambayo inatilia nguvu ushahidi dhidi ya mtu ambaye alitilia. Sahilu hiyo hati ya kiapo au mtu ambaye ametajwa kwenye hiyo hati ya kiapo, na ikiwa gazeti linalohusika na hati hiyo limetolewa kama kielelezo cha ushahidi katika shauri hilo na ikiwa jina la gazeti hilo linalingana na jina la gazeti lililoandikwa kwenye hiyo hati ya kiapo au nakala yake na ikiwa katika gazeti hilo mna jina la mchapishaji na mtoaji gazeti na mahali pa kupigia chapa gazeti hilo ambalo linalingana na jina tililoandikwa kwenye hati ya kiapo, au nakala yake, basi haitakuwa lazima kwa shahidi huyo au mwendesha mashtaka kutoa ushahidi wa kuthibitisha kuwa gazeti linalohusika na shauri hilo linalosikilizwa na mahakama lalinunuliwa katika nyumba, duka au ofisi yo yote ambayo ni mali ya huyo mkosaji au inayotumiwa na mkosaji au mwakilishi au mtumishi wake, au kuwa gazeti hilo lalinunuliwa mahali ambapo huyo mchapishaji au mtoaji gazeti hufanyia shughuli zake za kuchapisha au kutoa gazeti hilo. au mahali ambapo kwa kawaida huuzwa gazeti hilo.

Uthibitisho wa ununuzi wa gazeti hautakuwa lazima ikiwa masharti fulani yametimizwa

Jina na
anwani ya
mchapish
aki,
n.k,
iandikwe
gazetini

20.-(1) Katika kila nakala ya gazeti na katika kila nakala ya nyo-ngeza ya gazeti lililochapishwa Tanganyika kutatakiwa kuandikwe. kwenye ukurasa wa kwanza au wa mwisho na kwa chapa inayose-meka, pa halisi na anwani kamili, ya mchapishaji ua mtoaaji wa gazeti hilo na pia maelezo kamili na ya kweli ya mahali ambapo gazeti hilo hupigwa chapa na kutolwa.

(2) Mtu ye yote atakayechapisha, atakayetoa, atakayeza, atakaye-gawa au atakayesaidia kuuza au kagawa gazeti lo lo te ambao hali-timiza masharti ya kifungu cha (1) ataku.wa ametenda kosa na akipa-tikana na hatia mbele ya mahakama atapaswa kuadhibiwa kwa ku-tozwa faini isiyozidi shilingi elfu tano au kutungwa gerezani kwa muda usiozidi miezi kumi au kupewa adhabu zote mbili pamoja, na zaidi ya hayo mahakama itakayomhukumu mtu huyo yaweza kuamuru kuwa nakala zote za gazeti lililohusika na kosa lililotendeka ambazo ziko mahakamani au mikononi mwa huyo mshtakiwa zichu, kuliwe na Serikali au ziharibiwe.

Mchapishaji
aweke
nakala ya
gazeti na
aionyeshe
nakala
hiyo
itakapo-
takiwa

21.-(1) Kila mchapishaji gazeti itamlazimu kutunza nakala moja ya gazeti hilo kwa muda wa miezi sita baada ya siku ile lilipopigwa chapa, na kwenye nakala hiyo ataandika au kupiga chapa jina la mtu aliyemwagiza kuchapisha gazeti hilo pamoja na kazi ya mtu huyo na anwani yake ya mahali anapoishi au anapoishi au anapofanya kazi; na akipata taarifa ya kumtaka afanye hivyo atalitoa au kulionyesha mara moja gazeti hilo kwa Msajili, Mahakama yo yote, Jaji au Hakim, kwa mujibu wa taarifa hiyo.

(2) Mtu ye yote atakayekosa kutimiza masharti ya kifungu cha (1) atakuwa ametenda kosa na akipatikana na hatia mbele ya maha. kama atapaswa kuadhibiwa kwa kutozwa faini isiyozidi shilingi elfu tano au kufungwa gerezani kwa muda usiozidi miezi kumi na mbili au kupewa adhabu zote mbili pamoja.

Uwezo wa
kukamata
magazeti na
kupekua
nyumba

22.-(1) Ofisa wa Polisi ye yote aweza kukamata gazeti lolote. po pote atakapolikuta, ambalo limechapishwa au kutolewa, au anatumu kuwa limechapishwa au kutolewaas kinyume cha Sheria hii.

(2) Hakim ye yote aweza kutoa hati ya upekuzi na kurnpa Ofisa wa Polisi ye yote mwenye cheo cha Mkaguzi au cheo cha juu zaidi, ya hicho, ambayo itampa uwezo Ofisa huyo wa kuingia na kupekua mahali po pote panapotuhumiwa kwamba gazeti lo lote lililochapishwa au kutolewa kinyume cha Sheria hii limewekwa au kwamba kosa lo lote, chini ya Sheria hii au Kanuni zo zote zilizowekwa kwa mujibu wa Sheria hii limetendeka, linatendwa au linakaribia kutendwa na kukamata gazeti lo lote atakalolikuta mahali hapo ambalo ana shaka nalo kwamba limechapishwa au kutolewa kinyume cha Sheria hii. na aweza pia kuchukua kitu kingine cho chote kitakachopatikana mahali hapo ambacho ataona kitakuwa kielelezo cha ushahidi wa kutendeka kwa kosa lo lote chini ya sheria hii au Kanuni zo zote zilizowekwa kwa mujibu wa Sheria hii.

(3) Iwapo Ofisa wa Polisi ye yote mwenye cheo cha Mkaguzi au cheo cha juu zaidi ya hicho atakuwa na sababu ya maana kuamini kwamba hati ya upekuzi itachelewa kupatikana kwa mujibu wa kifungu cha (2) na kwamba kuchelewa huko kutahasiri utekelezaji wa madhumuni ya. Sheria hii, basi aweza, bila hiyo hati ya upekuzi, kutumia uwezo ulioelcwa katika kifungu hicho kama kwamba amewishapata hiyo hati ya upekuzi kwa mujibu wa, kifungu hicho.

(4) Gazeti lo lote au kitu kingine cho chote kilichokamatwa au kuchukuliwa kwa mujibu wa fungu hili, kitatakiwa, mapema iwezekanavyo, kifikishwe mbele ya hakimumu ambaye aweza kuamuru kwamba gazeti hilo au kitu hicho kichukuliwe na Serikali au kiharibiwe ikiwa ataridhika kwamba gazeti ililo lilichapishwa au kutolewa kinyume cha. Sheria hii au Kanuni zo zote zilizowekwa kwa mujibu wa sheria hii au kwamba hicho kitu kingine kimetumika katika kutenda kosa chini ya Sheria hii au Kanuni zo zote zilizowekwa kwa mujibu wa Sheria hii.

23.-(1) Waziri aweza mara kwa mara kua, iz, t kwamba ufanywe uchunguzi wa hati za viapo zote zHizoandikishiwa kwa madhumuni ya fungu la 6, na ikiwa baada ya uchunguzi huo itamdhahirikia kuwa hati za viapo zo zote zilizoandikishwa zinahusika na gazeti ambalo halikutolewa kwa muda wa miaka mitatu iliyopita kabla ya siku ambayo uchunguzi hilo ulifanywa, Waziri aweza kuchapisha katika matoleo mawili yanayofuatana ya Gazeti la Serikali tangazo la kutaka kufuta uandikishaji wa hizo hati za viapo, isipokuwa ndani ya muda. utakaotajwa katika hilo tangazo kwenye gazeti, mchapishaji na mtoaji wa gazeti litalohusika wataamwarifu Waziri kwa maandishi kwamba wanakusudia kuanza tena uchapishaji wa gazeti hilo.

Kufuta
uandikishaji
wa hati
za
viapo

(2) Ikiwa, baada ya kutolewa tangazo katika *Gazeti la Serikali* kwa mujibu wa kifungu cha (1)-

- (a) taarifa ya aina iliyotajwa katika kifungu cha (1) haitamfikia Waziri ndani ya muda uliotajwa kaLika hilo tangazo; au
- (b) taarifa ya aina iliyotajwa katika kifungu cha (1) itamfikia Waziri ndani ya muda uliotajwa katika hilo tangazo, lakiiii kama hakutakuwa na toleo lo lote la gazeti hilo k,wa mucla wa miezi mitatu baada ya siku ile ambayo ta.arifa hiyo itamfikia Waziri,

basi Waziri aweza kutoa tangazo jingitic kwenye *Gazed la Serikali* ambalo litaeleza kwamba hati za viapo zilizoandikishwa kwa ajili ya gazeti hilo zimefutwa.

(3) Tangu siku hiyo litakapotolewa tangazo lo lote kwa mujibu wa kifungu cha (2) la kufuta uandikishaji wa hati za viapo zo zote-

- (a) hizo hati za viapo zitahesabika hazilatandikishwa. kwa madhumuni ya fungu la 6; na
- (b) dhamana yo yote iliyoandikishwa au kutolewa kwa mujibu wa Sheria hii na mtoaji, au kwa niaba ya mtoaji, wa gazeti lo lote linalohusika na hizo hati za viapo itahesabika kuwa imetanguka.

Kukagua madaftari, n.k., na kutoa nakala kutoka kwenye madaftari

24.-(1) Wakati wo wote wa saa za kazi na baada ya kulipa ada iliyowekwa kwa madhumuni hayo, mtu ye yote aweza kupekua daftari, au kuomba apatiwe nakala ya maandishi yo yote yaliyomo kwenye daftari. illyothibitishwa na Msajili kuwa ni nakala halisi ya maandishi hayo.

(2) Wakati wo wote wa saa za kazi na baada ya kulipa ada uliyowekwa kwa madhumuni hayo na kwa kufuata masharti yo yote yaliyowekwa kwa minajili hiyo mtu ye yote aweza kupekua gazeti lo lote lililowekwa na kuhifadhiwa na Msajili kwa ajili ya kumbukumbu kwa mujibu wa Sheria hii.

Waziri aweza kupiga marufuku uchapishaji wa gazeti

25.-(1) Waziri akiona kwamba kwa ajili ya manufaa ya umma au kwa ajili ya kudumisha amani na usalama inafaa afanye hivyo aweza kutoa amri na kuitangaza kwenye Gazeti la Serikali ambayo itaeleza kwamba gazeti lililotajwa katika amri hiyo litakoma kutolewa tangu siku (ambayo katika fungu hili itaitwa "tarehe ya kuanza kutumika") itakayotajwa katika amri hiyo.

(2) Kila amri iliyotolewa kwa mujibu wa kifungu cha (1) itataia-

(a) jina la gazeti linalohusika na amri hiyo;

(b) majina ya mwenye gazeti, mchapishaji na mtoaji wa gazeti hilo:

Isipokuwa kwamba hakuna amri kama hiyo iliyolewa kwa mujibu wa kifungu cha (1) itakayokuwa batu kwa sababu ya kukosa kutoa maelezo au kutoa maelezo yasiyo sahihi kuhusu mwenye gazeti, mchapishaji au mtoaji wa gazeti au ye yote kati yao.

(3) Iwapo amri imetolewa kwa mujibu wa kifungu cha (1) kuhusu gazeti lo lote-

(a) mtu ye yote ambaye, tangu tarehe ya kuanza kutumika. atachapisha au kutoa au kuagiza lichapishwe au litolewe gazeti lo lote lililotajwa katika amri hiyo, atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapaswa - kuadhibiwa kwa kutozwa faini isiyo, zidi shilingi elfu ishirini au kufungwa gerezani kwa muda usiozidi miaka minne au kupewa adhabu zote mbili pamoja;

(b) mtu ye yote ambaye, tangu tarehe ya kuanza kutumika, atauza, atachuuza, atagawa, kuweka au kuagiza iwekwe hadhara ya watu nakala yo yote au sebemu ya nakala ya gazeti lililotajwa katika amri hiyo, iwe nakala hiyo au sehemu yake ilichapishwa au kutolewa kabla ya tarehe ya kuanza kutumika au sivyo, atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa kwa kutozwa faini isiyozidi shilingi elfu kumi au kutungwa gerezani kwa muda usiozidi miaka miwili au kupewa adhabu zote mbili pamoja.

(4) Kwa madhumuni ya fungu hili "hadhara ya watu" ina maana ya kawaida ya maneno hayo na pia ifahamike kuwa ni pamoja na njia yo yote ambayo watu wana haki ya kupita, jengo, mahali au chombo ambacho watu wana haki ya kukitumia ama bila masharti au kwa malipo, na jengo lo lote au mahali po pote panapotumiwa na watu kwa ajili ya ibada au mikutano au mahakama ambayo watu wote wanakuwa huru kuhudhuria.

SEHEMU YA V

MAKOSA DHIDI YA JAMHURI

26. Kwa madhumuni ya Sehemu hii ya Sheria hii-

"gazeti" ina maana ya kawaida ya neno hilo na pia ifahamike kuwa ni pamoja na mambo yote yaliyoandikwa au kupigwa chapa, na sahani ya santuri yo yote au sahani ya aina nyingine yo yote, hati ya kumbukumbu, ukanda au waya, wa kunasia sauti, Mamu ya picha. za sinema au zana za namna nyingine yo yote zinazoweza kutumika kwa ajili ya kudhihirishia, kutolea au kutangazia fikra au maneno, na kila kitu, iwe chenye asili ya vitu hivyo vili-vyotajwa hapo juu au sivvo, chenye mambo yanayoonekana au ambacho, kutokana na umbile lake au hali yake nyingineyo. au kwa namna nyingine yo yote, chaweza kutumika kwa ajili ya kudhihirisha, kutoa au kutangaza fikra au maneno, na kila nakala au igizo la gazeti lo lote;

"gazeti la majira" maana yake ifahamike kuwa ni pamoja na kila gazeti linalotolewa kwa vipindi maalum au linalotolewa mara kwa mara au kwa mfululizo wa makala yanayotolewa moja moja au mara moja moja;

"gazeti linalochochea uasi" maana yake ni gazeti ambalo ndani yake mna mambo yenye nia ya kuchochea uasi.

27.-(1) Rais akiona kwamba uingizaji nchini wa gazeti lo lote ni kinyume cha manufaa ya umma, aweza, kwa nadhari" yake, kutoa amri ya kupiga marufuku uingizaji nchini wa gazeti hilo, na iwapo gazeti linalohusika ni gazeti la majira, basi aweza, ama kwa amri hiyo au kwa amri nyingine ya baadaye, kupiga marufuku uingizaji nchini wa sehemu yo yote au toleo lo lote lijalo la gazeti hilo.

(2) Rais akiona kwamba uingizaji nchini wa gazeti la mtu ye yote aliyetajwa mahsusi ni kinyume cha manufaa ya umma, aweza, kwa nadhari yake, kutoa amri ama ya kupiga marufuku kabisa au kupiga marufuku yenye masharti yanayoweza kulegezwa ikihitajika, uingizaji nchini wa matoleo yajayo ya gazeti la mtu huyo anayehusika.

28.-(1) Mtu ve yote atakayeingiza nchini, atakayetoa, atakayeza, atakayecheuza, atakayegawa au atakayetengeneza nakala ya gazeti lo lote ambalo uingizaji wake nchini umepigwa Marufuku kwa mujibu wa fungu la 27 au atakayetumia nakala yo yote ya gazeti hilo kwa ajili ya jambo lo lote kati ya mambo hayo yaliyotajwa hapo juu, atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa, kwa kosa la kwanza, kututonzwa faini isiyozidi shilingi elfu kumi au kufungwa gerezani kwa muda usiozidi miaka miwili au kupe- wa adhabu zote mbili pamoja, na kwa kosa jingine lo lote, kutozwa faini isiyozidi shilingi elfu kumi na tano au kufungwa gerezani kwa muda usiozidi miaka mitatu, na hilo gazeti, au nakala. yake, litachu- **kuliwa na Serikali.**

Ufafanuzi
kwa
madhumuni
ya sehemu
hii

Uwezo wa
kupiga
marufuku
uingizaji wa
magazeti
nchini

Makosa
yanayohu-
sika na
magazeti
yaliyopigwa
marufuku
kuingizwa
nchini

(2) Mtu yote ambaye. bila kuwa na sababu inayokubalika kish-
ria. atakuwa na gazeti lo lote, ambalo uingizaji wake nchini umepigwa
marufuku kwa mujibu wa fungu la 27 au atakayekuwa na nakala ya
gazeti hilo, atakuwa ametenda kosa na akipatikana na hatia mbele,
ya mahakama atapaswa kuadhibiwa, kwa kosa la kwanza, kwa kutozwa
faini isiyoziidi shilingi elfu tano au kufungwa gerezan, kwa muda
usioziidi miezi kumi na mbili au kupewa adhabu zote mbili pamoja, na
kwa kosa jingine lo lote, kutozwa faini isiyoziidi shilingi elfu kumi au
kufungwa gerezani kwa muda usioziidi miaka miwili; na hilo gazeti, au
nakala yake, litachukuliwa na Serikali.

Kupeleka
magazeti
yaliyopig
wa
marufuku
kwa ofisi
utawala au
kwenye
kituo cha
Polisi

29.-(1) Mtu ye yote ambaye atapelekwa pzcti lo lote au nakala
ya gazeti lo lote ambalo uingizaji wake nchini umepigwa marufuku
kwa muiibu wa fungu la 27, bila yeye mwenyewe kujua au kufuatana
na maombi aliyoyatoa kabla ya Uingizaji nchini wa gazeti hilo hauja-
pigwa marufuku, au ambaye atakuwa na gazeti hilo au nakala yake
wakati uingizaji nchini wa gazeti hilo utakapopigwa marufuku, itamla-
zimu, mara tu baada ya kugundua yaliyomo kwenye gazeti hilo, au
ikiwa gazeti hilo, au nakala yake, amelipata kabla ya kutolewa amri
ya kupiga marufuku uingizaji nchini wa gazeti hilo, basi mara tu
baada ya kutolewa amri huyo ya kupiga marufuku, kupeleka. gazeti
hilo au nakala yake kwa Ofisa utawala aliye karibu naye au kwa mkuu
wa kituo cha Polisi kilicho karibu naye na akikosa kufanya hivyo
atakuwa ametenda kosa na akipatikana na hatia Mbele ya mahakama
atapaswa kuadhibiwa . kwa kutozwa faini isiyoziidi shilingi elfu tano
au kufungwa gerezani, kwa muda usioziidi miezi kumi na mbili au
kupewa adhabu zote Mbili pamoja, na hilo gazeti, au nakala yake, lita-
chukuliwa na Serikali.

(2) Mtu ye yote ambaye ametimiza masharti ya kifungu cha (1)
ambaye amepatikana na hatia, mbele ya mahakama kwa kosa chini ya
kifungu hicho, hawezi kutiwa hatiani kwa kosa la kuingiza nchini au
kuwa na gazeti hilo, hilo au nakala yake,

Uwezo wa
kukagua
mizigo

30.-(1) Ye yote kati ya maofisa wafuatao, yaani-
(a) ofisa ye yote wa Shirika la posta na simu la Afrika ya Masha-
riki Mwenye cheo kisichopungua daraja la Mkuu wa Posta;
(b) ofisa ye yote wa Idara ya Forodha mwenye ,heo kisichopungua
daraja la Mratibu;
(c) ofisa wa polisi ye yote mwenye cheo kisichopungua daraja la¹
Mkaguzi;
(d) ofisa mwingine ye yote aliyeidhiniwa kwa madhumuni hayo na
Waziri mwenye dhamana ya mambo ya ndani ya nchi,
aweza kuzuia,kufungua na kukagua mzigo au kitu chochote ambacho
anakitilia shaka kwamba ndani yake mna gazeti lo lote au nakala yake
ambayo kwayo ni kosa, kwa mujibu wa fungu la 28 la Sheria hii , kuingi-
za nchini, kutoa. kuuza, kuchuuza, kugawa, kutengenezwa nakala yake
au kuwa nayo, na wakati wa ukaguzi huo, aweza kumweka chini ya
ulinzi mtu ye yote aliye na mzigo huo au kitu hicho ambaye anaingiza
nchini, anagawa au anapeleka kwa posta mzigo huo au kitu hicho,

(2) Iwapo gazeti kama, hilo, au nakala yake, litakuwemo ndani ya mzigo huo au kitu hicho, basi mzigo huo wote au kitu hicho chote chaweza kuchukuliwa na kuhifadhiwa na ofisa huyo na huyo mtu aliyepatikana na mzigo huo au kitu hicho ambaye alikuwa anaingiza nchini au anagawa au anapeleka kwa posta mzigo huo au kitu hicho aweza kukamatwa mara moja na kuchukuliwa hatua za kisheria kwa ajili ya kosa chini ya fungu la 28 au fungu la 29, kadri itakavyokuwa.

31.-(1) "Nia ya kuchochea uasi" ni nia ya-

- (a) kuchochea. chuki au ufidhuli au uasi dhidi ya Jamhuri ya Muungano au Serikali yake; au
- (b) kuchochea wakazi wo wote wa Jamhuri ya Muungano kujaribu kuleta mapinduzi ya kijambazi ya jambo lo lote katika Jamhuri ya Muungano, lililowekwa kwa mujibu wa Sheria;
- (c) kuchochea chuki au ufidhuli au uasi dhidi ya utekelezaji wa haki katika Jamhuri ya Muungano;
- (d) kuchochea manung'uniko na chuki au uasi miongoni mwa wakazi wa Jamhuri ya Muungano;
- (e) kuchochea chuki na uhasama baina ya vikundi mbali mbali vya wakazi wa Jamhuri ya Muungano.

Nia ya
kuchochea
uasi

(2) Kitendo, maneno au gazeti halitahesabika kuwa ni la kuchochea uasi ikiwa lengo lake ni-

- (a) kuonyesha kwamba Serikali imepotoshwa au imekosea, katika shu-Auli yake yo yote-, au
- (b) kuonyesha makosa au hitilafu katika Serikali au Katiba ya Jamhuri ya Muungano, kadri mambo hayo yalivyo kwa mujibu wa Sheria, au katika Sheria za nchi au katika utekelezaji wa haki, kwa madhumuni ya kusahihisha au kurekebisha makosa hayo au hitilafu hizo; au
- (c) kuwashawishi wakazi wo wote wa Jamhuri ya Muungano kujaribu, kwa njia zilizo halali kwa mujibu wa Sheria, kuleta mabadiliko ya jambo lo lote lililowekwa kwa mujibu wa Sheria;
- (d) kuonyesha, kwa madhumuni ya kutaka yaondolewe, mambo yo yote yanayochochea au yanayoweza kuchochea chuki na uhasama baina ya vikundi mbali mbali vya wakazi wa Jamhuri ya Muungano.

(3) Katika kufikiria kama jambo lo lote lilitendwa, maneno yo yote yalitamkwa au hati yo yote ilichapishwa na kutangazwa, kwa nia ya kuchochea uasi, kila mtu atahesabika kuwa. ana jukumu kamili juu ya matokeo yote ya vitendo vyake vyote vya makusudL

32.-(1) Mtu ye yote ambaye-

- (a) atatenda au kujaribu kutenda. au atatarisha kutenda. au atakula njama na mtu ye yote ya kutenda, jambo lo lote kwa nia va kuchochea uasi
- (b) atatamka maneno yo yote kwa nia ya kuchochea uasi;
- (c) atachapisha, kutoa, kuuza, kuchuuza, kugawa au kutengeneza nakala ya gazeti linalochochea uasi:

Makosa ya
kuchochea
uasi

(d) ataingiza nchini gazeti linalochochea uasi, isipokuwa kama bana sababu ya kuamini kwamba gazeti hilo linachochea uasi,

atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa, kwa kosa la kwanza, kwa kutozwa faini isiyozidi shilingi elfu kumi au kufungwa gerezani kwa muda usiozidi miaka miwili au kupewa adhabu zote mbili pamoja, na kwa kosa jingine lo lote, kutozwa faini isiyozidi shilingi elfu kumi na tano au kufungwa gerezani kwa muda usiozidi miaka mitatu au kupewa adhabu zote mbili pamoja; na hilo gazeti litachukuliwa na Serikali.

(2) Mtu ye yote ambaye, bila kuwa na sababu inayokubalika kishe-ria, atakuwa na gazeti linalochochea uasi, atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa, kwa kosa la kwanza, kwa kutozwa faini isiyozidi shilingi, elfu tano au kufungwa gerezani kwa muda usiozidi miezi kumi na mbili au kupewa adhabu zote mbili pamoja, na kwa kosa jingine lo lote, kwa kutozwa faini isiyozidi shilingi elfu kumi au kufungwa gerezani kwa muda usiozidi miaka miwili au kupewa adhabu zote mbili pamoja.

(3) Endapo mtu atashtakiwa kwa mujibu wa kifungu cha (2), basi mahakama itabidi ikubali kuwa kuna utetezi wa kutosha ikiwa wakati alipopata hilo gazeti huyo mshtakiwa hakujua kwamba gazeti hilo lilichochea uasi na kwamba mara tu alipogundua yaliyokuwamo katika gazeti hilo alilipeleka kwa ofisa utawala aliyekuwa karibu naye au kwa mkuu wa kituo cha Polisi kilichokuwa karibu naye.

(4) Mashine ya kupigia chapa yo yote iliyotumika au inayotuhumiwa imetumika kwa ajili ya kupigia chapa au kutengenezea nakala ya gazeti linalochochea uasi yaweza kuchukuliwa au kuzuiliwa na ofisa wa Polisi wakati wa kungojea kusikilizwa shauri na kutolewa hukumu juu ya mtu ye yote aliyeshitakiwa kwa kosa la kuchapisha au kutengeneza nakala ya gazeti linalochochea ulasi; na iwapo mtu ye yote atapatikana na hatia ya kuchapisha au kutengeneza nakala ya gazeti linalochochea uasi, hiyo mahakama yaweza, pamoja na adhabu nyingine yo yote inayoweza kumpa mshtakiwa, kuamuru kwamba hiyo mashine iliyotumika kwa ajili ya kupigia chapa au kutengenezea nakala ya hilo gazeti linalochochea uasi ama ichukuliwe na Serikali kwa muda usiozidi miezi kumi na mbili au ichukuliwe kabisa na Serikali, na mahakama hiyo yaweza kutoa amri kama hiyo hata kama hiyo mashine iliyotumika haikuwa mali ya huyo mshtakiwa.

(5) Mashine ya kupigia chapa iliyochukuliwa na Serikali kwa mujibu wa kifungu cha (4) itauzwa na fedha itakayopatikana, baada ya kuondoa gharama za lazima, itaingia katika Hazma ya Serikali.

(6) Endapo mwenye gazeU, pter4ji au mchapishaji gazed au Mhariri wa gazed atapatikana na hatia kwa kosa la kuchapisha au kutoa gazeti linalochochea uasi, hiyo mahakama yaweza, pamoja na adhabu nyingine yo yote inayoweza kumpa mshtakiwa, na iwe imetoa amri yo yote kwa mujibu wa kifungu cha (4) au sivyoy, kutoa amri ya kupiga marufuku uchapishaji, wa gazeti hilo kwa muda usiozidi miezi kumi na mbili.

(7) Mahakama yaweza, wakati wote, kutokana na maombi ya Mwanasheria Mkuu wa Serikali na baada ya mtu anayehusika kutoa dhamana, kama itahitajika, kwa ajili ya tabia njema, kadri mahakama itakavyoamua, kutangua amri yote iliyotolewa na mahakama hiyo kuhusu kuchukuliwa kwa mashine ya kupigia chapa na Serikali au amri ya kupiga marufuku uchapishaji wa gazeti.

(8) Kabla mahakama haijatoa amri ya kuchukuliwa kwa mashine ya kupigia chapa na Serikali kwa mujibu wa fungu hili itabidi iridhike kwamba mashine hiyo ndiyo iliyotumika kwa ajili ya kupigia chapa au kutengenezea nakala ya hilo gazeti linalochochea uasi.

(9) Iwapo mashine ya kupigia chapa imechukuliwa na Serikali au na Ofisa wa Polisi kwa mmjibu wa fungu hili, basi Mkuu wa jeshi la Polisi, kwa nadhari yake aweza-

- (a) kuagiza kwamba hiyo mashine yote au Sehemu yote ya mashine hiyo iondolewe hapo ilipo na kuwekwa mahali pengine; au
- (b) kuagiza kwamba sehemu fulani ya mashine hiyo izibwe au ifungwe ili kuzuia isitumike:

Isipokuwa kwamba mwenye mashine hiyo au wawakilishi wake watakuwa na haki ya kufika hapo ilipo mashine na kuchukua hatua Yo yote inayohitaiika kwa ajili ya kuzuia mashine hiyo isiharibiwe.

(10) Mkuu wa Jeshi la Polisi au ofisa wa Polisi Mwingine ye yote atakayetokeleza madaraka yake kwa mujibu wa fungu hili hatakuwa na lawama kwa ajili ya hasara yote itakayotokea inayohusika na mashine hiyo, iwe hasara hiyo imesababishwa na uzembe au kwa namna nyingine yote, isipokuwa kama hasara hiyo imetokana na uharibu wa makusudi wa hiyo mashine.

(11) Mtu ye yote, atakayetumia au kujaribu kutumia mashine ya kupigia chapa iliyochukuliwa na Serikali au na ofisa wa polisi kwa mujibu wa kifungu cha (4) atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa kwa kutozwa faini isiyovidi shilingi elfu kumi na tano au kufungwa gereza kwa muda usiozidi miaka mitatu au kupewa adhabu zote mbili pamoja.

(12) Mtu ye yote atakayechapishwa au kutoa gazeti kinyume cha amri iliyotolewa kwa mujibu wa kifungu cha (6) atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa kwa kutozwa faini isiyozidi shilingi elfu kumi na tano au kufungwa gereza kwa muda usiozidi miaka mitatu au kupewa adhabu zote mbili pamoja.

(13) Katika fungu hii "mashine ya kupigia chapa" maana yake ni pamoja na mitambo ya kupigia chapa, mitambo ya kutengenezea nakala au picha au mashine au zana ya namna nyingine yote zinazotumika kwa ajili ya kupigia chapa au kutengenezea nakala za magazeti na vifaa vinavyoandamana na mashine au mitambo kama hivo.

Mashauri ya jinai	<p>33.-(1) Mashtaka kwa ajili ya kosa lo lote chini ya, fungu la 32 ni lazima yafunguliwe ndani ya miezi sita tangu kosa lilipotendeka:</p> <p>isipokuwa kwamba ikiwa mtu yeyote-</p> <p>(a) ametenda kosa hilo akiwa nje ya, Jamhuri ya Muungano; au</p> <p>(b) ameondoka Tanganyika ndani ya miezi sita baada ya kutenda kosa hilo,</p> <p>mashtaka, kwa ajili ya kosa hilo itabidi yafunguliwe ndani ya miezi sita tangu siku ambayo mtu huyo ataingia kwa Mara ya kwanza au atarejea katika Jamhuri ya Muungano baada ya-</p> <p>(i) kutenda kosa hilo; au</p> <p>(ii) kuondoka Tanganyika.</p> <p>kadri itakavyokuwa.</p> <p>(2) Mtu hawezi kushtakiwa kwa ajili ya kosa lo lote chini ya fungu la 32 ila iwe kimepatikana kibali cha maandishi cha Mkurugenzi wa Mashtaka.</p>
ushahidi	<p>34. Hapana mtu ye yote atakayetangazwa hatiani kwa kosa lo lote chini ya fungu la 32 kutokana, na ushahidi wa mtu mmoja tu ambao haukuungwa mkono na ushahidi wa mtu au watu wengine.</p>
Ufafanuzi wa tendo la dhahiri	<p>35. Ikiwa, kuhusu kosa lo lote miongoni mwa makosa ya yotajwa na kufafanuliwa katika Sehemu hii ya Sheria hii, ni lazima kwamba nia ya kutenda kosa, hilo ibadilishe kwa tendo la dhahiri, basi kila tendo la kula njama, na mtu ye yote kwa makusudi ya, kutimiza nia hiyo, na tendo jingine Jo lote la Intu ye yote aliyekula njama hiyo lenye shabaha ya kutimiza na hiyo, litahesabika kuwa ni tendo la dhahiri linalobainisha nia hiyo.</p>
Utangazaji wa habari za uwongo zinazoweza zinazoweza kuwashutusha watu na kuwatia woga na wasi wasi	<p>36.(1) Mtu ye yote atakayetangaza au kueneza habari yo yote ya uwongo, Uzushi au taarifa ambayo yaweza kuwatia watu woga na wasi wasi au kuchafua amani katika nchi atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa kwa kutozwa faini isiyozidi shilingi elfu kumi na tano au kufungwa gere-zani kwa muda usiozidi miaka mitatu au kupewa adhabu zote mbili pamoja</p> <p>(2) Iwapo mtu ye yote atashtakiwa kwa kosa chini ya kifungu cha (1) mahakama itabidi ikubali kuwa kuna utetezi wa kutosha ikiwa mshtakiwa atathibitisha kwamba kabla ya kutangaza au kueneza habari au taarifa ya aina iliyoelezwa katika kifungu cha (1) alichukua hatua madhubuti za kuhakikisha ukweli wa mambo na kwamba matokeo yake yalimfanya asadiki kwamba habari au taarifa hiyo ilikuwa ya kweli.</p>

37.-(1) Mtu ye yote ambaye, bila sababu ya maana. inayokubalika. Kuchochea kisheria, atachapisha, kutangaza, kueneza. au kutamka, maneno yo yote kwenye mkutano kwa makusudi ya, kushawishi watu kwamba inafaa au kuna. haja ya, kutenda, jambo lo lote kinyume cha, Sheria kwa ajili ya-

(a) kuleta, mauti au madhara. ya, mwili kwa, mtu ye yote au aina yo yote ya watu au jamii ya, watu; au

(b) kuharibu au kuteketeza, mali yo yote, atakuwa, ametenda kosa na akipatikana na hatia. mbele ya mahakama atapaswa. kuadhibiwa kwa. kutozwa. faini isiyozidi shilingi elfu kumi na tano au kufungwa gerezani kwa. muda, usiozidi miaka, mitatu au kupewa, adhabu zote mbili pamoja.

(2) Kwa madhumuni ya fungu hili "mkutano" maana yake ni mku-sanyiko wa watu watatu au zaidi.

(3) Mtu hawezi kushtakiwa, kwa ajili ya kosa. chini ya. fungu hili i la, iwe kimepatikana kibali cha maandishi cha. Mkurugenzi wa. Mashtaka.

SEHEMU YA VI

KASHFA

38. Mtu ye yote ambaye, bila kuwa, na. haki yo yote kwa. mujibu wa Sheria, atatangaza, mambo yenye kashfa kuhusu mtu mwingine, kwa kuchapisha, kuandika, kuchora, kutumia, kinyago au kwa njia, nyingine yo yote isipokuwa. kwa. ishara peke yake, manono ya. mdomo au sauti nyingineyo, kwa makusudi ya, kumkashifu mtu huyo, atakuwa, amenda, kosa liitwalo "kashfa"

Ufafanuzi
wa kashfa

39. Mambo yenye kashfa, ni mambo ambayo yaweza. kuharibu sifa ya mtu ye yote kwa kumfanya. achukiwe, adharauliwe au afanyiwe kejeli au yanayoweza kumharibia mtu kazi yake kwa, kuchafua jina. lake au kumvunjia, heshima yake, na ni mambo kama wakati yanapotangazwa hayo nianibo yenyo kashfa huyo intu aiiayekasWfiwa yu hai au amefariki dunia:

Ufafanuzi
wa mambo
yenye kashfa

Isipokuwa kwamba mtu hawezi kushtakiwa. kwa, kosa. la, kutangaza mambo yenye kashfa. yanayomhusu mtu aliyefariki i la iwe kimepatikana kibali cha, maandishi cha Mkurugenzi wa Mashtaka.

40.-(1) Mtu husemekana. ametangaza. kashfa ikiwa amef,anya au amecha kufanya jambo, lo lote linalowezesha hiyo kashfa ifahamike au iwcze kufahamika kwa huyo mtu allyekashifiwa au mtu mwingine ye yote kwa njia ya kuona, kusoma, kusikia maelezo, kuvokea au kwa namna nyingine yo yote kupata habari za hiyo kashfa iliyomo, kwenye gazeti au hati nyingineyo ifivopigiva chapa, maaidish,, picha au mchoro, kinyago au kitu kingine cho chote chenye hayo mambo yenye kashfa.

ufafanuzi
wa utanga-
zaji

(2) Kwa makusudi ya kufikiria kama, kashfa imetangazwa au la, si lazima, kwamba maelezo yake yawe yametolewa kwa wazi wazi kabisa au kikamilifu; na inato,sha kama hiyo kashfa inaeleweka kuwa inamhusu huyo mtu aliyekashifiwa kutokana na maelezo ya kashfa yenyewe au kutokana na mambo mengine yasiyofungamana na hayo, maelezo ya kashfa au kutokana na baadhi ya maelezo hayo na baadhi ya mambo hayo mengine.

Ufafanuzi wa utangazaji usio halali

41. Kwa madhumuni ya sehemu hii ya Sheria hii, utangazaji wa mambo yenye kashfa utahesabika kuwa si halali isipokuwa kama-

- (a) mambo yenyewe ni ya kweli na yalitangazwa kwa manufaa ya umma; au
- (b) utangazaji wa mambo hayo umehalalishwa na mojawapo ya masharti yaliyoelezwa katika mafungu yanayofuata ya Sehemu hii ya Sheria hii.

Utangazaji wa mambo yeriye kashfa ni halali ikiwa masharti fulani yametimi-

42.-(1) Utangazaji wa mambo yenye kashfa utahesabika kuwa ni halali kabisa, na hapana mtu ye yote anayeweza kuadhibiwa chini ya Sheria hii kwa ajili ya utangazaji wa mambo hayo, kwa Mujibu wa masharti yafuatayo, yaani-

- (a) ikiwa mambo hayo yanatangazwa na Rais. Serikali au Bunge katika hati au shughuli yote ya Serikali; au
- (b) ikiwa mambo hayo yanatangazwa katika Bunge na Rais, Serikali, mjumbe ye yote wa Bunge au Spika; au
- (c) ikiwa mambo hayo yanatangazwa kwa amri ya Rais au Serikali; au
- (d) ikiwa mambo hayo yanatangazwa kuhusu Mtu ye yote ambaye anatakiwa kufuata Sheria na kanuni za kikosi cha Wanamaji au kikosi kingine cho chote cha jeshi la ulinzi la nchi, na mambo hayo yametangazwa kuhusu tabia ya mtu kama huyo. na yanatangazwa na mtu ye yote aliye na mamlaka juu ya huyo mwana-jeshi kuhusu tabia hiyo; au
- (e) ikiwa, mambo hayo yanatangazwa wakati wa kusikilizwa. kwa shauri lo lote mahakamani na yanatangazwa na mtu anayeshiriki katika, shauri hilo kama. jaji an hakimu au kamishna au wakili au mzee wa, baraza, au shahidi au mshtaki au mshtakiwa au. mdai au mdaiwa; au
- (f) ikiwa mambo hayo yanayotangazwa ni taarifa. ya kweli na, sahihi ya jambo lo lote lililosemwa, lilitendwa au lililotangazwa katika, Bunge; au
- (g) ikiwa, huyo mtu anayetangaza mambo hayo ana, jukumu. kwa mujibu wa Sheria. la. kutangaza, mambo hayo.

(2) Ikiwa utangazaji wa, mambo yenye kashfa. unahesabika kuwa ni halali kabisa, bas, kwa madhumuni ya Sehemu hii ya Sheria. hii, itakuwa ni mambo kama, mambo hayo ni ya kweli au ya uwongo, na kama inajulikana au haijulikani au haisadikiwi kuwa mambo hayo ni ya kweli au ya uwongo, na kama, yametangazwa kwa nia safi au Sivyo:

Isipokuwa kwamba hakuna jambo lo lote katika, fungu hili litakalomsalimisha mtu ye yote na jukumu la kuadhibiwa kwa mujibu wa Sehemu nyingine yo yote ya Sheria hii an kwa mujibu wa Sheria nyingine yo, yote inayotumika katika Tanganyika.

43. Utangazaji wa mambo yenye kashfa utahesabika kuwa ni haw kwa masharti raaalum ikiwa mambo hayo yanatangazwa kwa nia safi na ildwa uhusiano baina ya, mtu anayetangaza na mtu anayetangaziwa mambo hayo, unamfanya, huyo mtangazaji kuwa na jukumu la kumtangazia huyo, mtu mwingine ama kwa mujibu wa Sheria an kufuatana na mila au kanuni za mwenendo bora katika jarnii kwa jumla an ikiwa huyo, mtangazaji anatekeleza masilahi yake yaliyo halali kwa kutangaza mambo hayo, ila kwa shard kwamba katika hali kama hiyo huo utangazaji hauzidi mpaka kwa namna yo yote, na. pia utangazaji utahesabika, kuwa ni halali kwa masharti maalum kwa mujibu wa masharti yafuatayo, yaani-

Utangazaji wa mambo yenye kashfa si halali ila kwa masharti maalum

- (a) ikiwa mambo yanayotangazwa ni taarifa ya kweli na sahihi ya jambo lo lote lililosemwa, lililotendwa au lililoonekana katika shauri lo lote la madai au la jinai linalosikilizwa mahakamani:

Isipokuwa kwamba iwapo mahakama. itapiga marufuku utangazaji wa jambo lo lote lililosemwa au lililoonekana katika mahakama, hiyo kwa sababu kwamba jambo hilo linachochea uasi, ni ovu, au ni la kukufuru basi utangazaji wa jambo kama hilo hautahesabika kuwa ni halali; au

- (b) ikiwa mambo yanayotangazwa yametokana na nakala au muhtasari halisi wa mambo yaliyopata kutangazwa wakati uliopita, .:na ikiwa utangazaji wa mambo hayo wakati uliopita mlikuwa halali kwa mujibu wa fungu la 42 la Sheria hii; au
- (c) ikiwa mambo hayo, ni maoni yaliyotolewa kwa, nia safi kuhusu vitendo vya kikazi vya mtu ye yote mwenye madaraka katika shughuli za mahakama, Serikali au za chombo kingine cho chote cha umma au kuhusu tabia yake binafsi kwa kadri tabia, hiyo inavyoonekana katika vitendo vyake vya, kikazi; au
- (d) ikiwa mambo hayo ni maoni yaliyotolewa kwa nia safi kuhusu vitendo vya mtu ye yote vinavyohusika na swala au jambo lo lote linalohusu umma, au kuhusu tabia yake binafsi kwa kadri tabia hiyo, inavyoonekana katika vitendo kama hivyo; au
- (e) ikiwa mambo hayo ni maoni yaliyotolewa kwa nia safi juu ya tabia ya mtu ye yote kama ilivyoonekana kwenye ushahidi uliotolewa katika shauri lo lote la kisheria lililosikilizwa hadharani, kama ni shauri la madai au la jinai, kuhusu tabia ya mtu ye yote ambaye katika shauri hilo anashiriki kama mshtaki au mshtakiwa, mdai au mdaiwa, shahidi au anashiriki kwa namna nyingine yo yote, au kuhusu labia binafsi kwa, kadri tabia hiyo inavyoonekana kwa jinsi ilivyoonekana katika fasili hii- au

- (f) ikiwa mambo hayo ni maoni yaliyotolewa kwa nia safi kuhusu ubora wa kitabu cho chote, maandishi, picha au mchoro, hotuba au shughuli nyingineyo yo yote, maonyesho au tendo lililotangazwa au kutendwa kwa hadhara au lililotendwa au kutolewa hadharani kwa ajili ya kutaka kupata maoni ya watu, au kuhusu tabia binafsi ya mtu ye yote anayehusika na lo lote katu ya mambo hayo yaliyotaiwa kwa kadri tabia hiyo inavyoonekana katika mambo hayo; au
- (g) ikiwa mambo hayo ni lawama iliyotolewa na mtu kwa nia, safi kuhusu vitendo vya mtu mwingine katika jambo lo lote anibalo huyo aliyetoa lawama ana mamlaka nalo, ama kwa mujibu wa mkataba au vinginevyo, na kwa kadri anavyohusika huyo aliyelaumiwa, au kuhusu tabia binafsi ya mtu huyo aliyelaumiwa kwa kadri tabia hiyo inavyoonekana katika vitendo hivyo; au
- (h) ikiwa mambo hayo ni malalamiko au mashtaka yaliyotolewa na mtu kwa nia safi dhidi ya mtu mwingine kuhusu vitendo vya mtu huyo mwingine katika jambo, lo lote, au kuhusu tabia yake binafsi kwa kadri tabia hiyo inavyoonekana katika vitendo hivyo na ikiwa malalamiko au mashtaka hayo yametolewa mbele ya mtu ambaye ana mamlaka, ama kwa mujibu wa mkataba au vinginevyo, juu ya mtu huyo aliyelaumiwa au kushtakiwa kuhusu vitendo vyake au tabia yake, au malalamiko au mashtaka hayo yametolewa mbele ya mtu ambaye kwa mujibu wa Sheria ana mamlaka yo kuchunguza au kupokea malalamiko yanayohusiika na vitendo au tabia kama hiyo; au
- (i) ikiwa mambo hayo yanatangazwa kwa nia safi kwa ajili ya kulinda haki au masilabi ya mtu huyo, anayetangaza, mambo, hayo, au, haki au masilahi ya mtu anayetangaziwa mambo hayo au haki au masilahi ya mtu mwingine ye yote ambaye anahusiana na huyo mtu anayetangaza mambo hayo.

44. Utangazaji wa mambo yenye kashfa hautahesabika kuwa ume-fanywa na mtu ye yote kwa nia ". kwa madhumum ya fungu la 43. kama itaonekana ama-

Ufafanuzi
wa nia safi

- (a) kwamba mambo hayo hayakuwa ya kweli, na kwamba huyo mtangazaji hakusadiki kwamba yalikuwa ya kweli; au
- (b) kwamba mambo hayo hayakuwa ya kweli na kwamba huyo Mtangazaji aliyatangaza bila kuchukua hatua yo yote madhubuti ya kuhakikisha kama mambo hayo yalikuwa ya kweli au ya uwongo; au
- (c) kwamba, alipoyatangaza mambo hayo huyo mtangazaji alikusudia kumvunjia heshima huyo mtu aliyekashifiwa kwa kiasi au kwa namna ambayo haikuwa lazima wala kuhitajika kwa manufaa ya umma au kwa ajili ya kulinda haki zake au maslahi yake ambayo anadai kuwa ndio msingi wa kutaka utangazaji wake uhesabike kama ni utangazaji ulio halali kwa Mujibu wa Sheria

45. Iwapo itathibitishwa na upande wa mshtaka kwamba. hayo mambo yeyiye kashfa. yalitangazwa kwa namna. na. katika. hah ambayo utangazi huo ulistahm kuhesabika, kuwa. umefanywa. kwa nia. safi, basi utangazaji huo utahesabika kuwa ubfanywa kwa ma. safi mpaka. itaka. podhihirika kuwa huo sio ndio ukweli wa mambo, ama kutokana na. maelezo ya kashfa yenyewe au kutokana na. ushahidi wa. upande wa mashtaka.

Mambo yanayobainisha nia safi

46. Mtu ye yote ambaye, bila kuwa na. sababu iliyo halali kwa mujibu wa Sbefla. atatangan au kueneza jambo lo lote linalokusudiwa lisomwe, au kitu kingine cho chote kinachoweza kuonekana, kinachoweza. kuvunja heshima kukebehi au kuchochea. chuki au dharau dhidi ya mtawala au kiongozi ye yote wa nchi nyingine, balozi au mtu mashahuri mwingine ye yote wa nchi nyingine kwa. makusudi ya. kuvuruga amani na. uhusiano mwema. baina ya. Jamhuri ya Muungano na. hiyo nchi nyingine, atakuwa ametenda kosa. la. kashfa.

Marufuku kukashifu watu mashuhuri wa nchi nyingine

47. Mtu ye yote atakayepatikana na. hatia kwa. kosa la kashfa chini ya Sheria hii atapaswa. kuadhibiwa. kwa. kutozwa faini isiyoziidi shilingi elfu kumi, au kufungwa, gerezani kwa muda. usioziidi miaka. miwili au kupewa adhabu zote mbili pamoja.

Adhabu kwa kosa la kashfa

SEHEMU YA VII

MASHARTI MENGINEYO, KUFUTA SHERIA YA ZAMANI NA MABADILIKO YA SHERIA ZA ZAMANI

48. Iwapo, kosa lo lote chini ya Sheria. hii au Kanuni zilizowekwa kwa. mujibu wa Sheria. hii litatendwa, na. kampuni au shirika jingine lo lote, au na chama, umoja au kikundi cha watu, basi pamoja na kampuni hiyo au shirika hilo jingine, au chama. umoja au kikundi cha watu, kila. mtu ambaye wakati kosa hilo lilipotendeka. alishiriki au kuhusika. kama. mkurugenn au ofisa katika uongozi au uendeshaji shughuli za hiyo kampuni au shirika jingine, au chama, umoja au kikundi cha watu, atakuwa vile vile ametenda kosa hilo na atapaswa kuchukuliwa hatua za kisheria na kuadhibiwa vilivyo, isipo, kuwa kama atathibitisha na kuiridhisha mahakama kwamba hakujua wala asingaliweza kutumia hekima yo yote ya kumwezesha kujua utendaji wa kosa hilo.

Makosa yanayotendwa na mashirika, vyama, n.k,

49. Iwapo kosa lo lote chini ya Sheria hii au Kanuni zilizowekwa kwa mujibu wa Sheria hii litatendwa na mtu ye yote ambaye ni mwakilishi au mtumishi wa mtu mwingine, basi pamoja na huyo mwakilishi au mtumishi, huyo mtu aliyewakilisha madaraka yake au huyo mwajiri atakuwa vile vile ametenda kosa hilo na atapaswa kuchukuliwa hatua za kisheria na kuadhibiwa vilivyo, isipokuwa kama atathibitisha na kuidhinisha mahakama kwamba hakujua wala asingaliweza kutumia hekima yo yote ya kumwezesha kujua utendaji wa kosa hilo.

Dhima ya mwajiri au mtu anayewakilisha madaraka yake

Utaratibu wa kupeleka taarifa au hati za kuitwa shaurini

50. Hati ya kuitwa shaurini au taarifa yo yote iliyotolewa kwa mujibu wa Sheria hii au Kanuni zilizowekwa kwa mujibu wa Sheria hii itahesabika kuwa imetolewa na kumfikia mtu anayehusika ikiwa itapelekwa kwake, kwa mkono au kwa barua ya rejesta; na iwapo aliyepolekwa hati au taarifa hiyo ni kampuni au shirika jingine, au chama, umoja au kikundi cha watu, basi hati au taarifa hiyo itahesabika kuwa imetolewa na kumfikia anayehusika ikiwa itapelekwa kwa mkono kwa katibu, mkurugenzi au ofisa mwingine ye yote au kwa mtu mwingine ye yote anayeqfiiriki au kuhusika katika uongozi au uendeshaji wa kazi na shughuli za. hiyo, kampuni au shirika jingine, au chama, umoja au kikundi cha watu, au ikiwa hati au taarifa hiyo itapelekwa kwa barua ya rejesta kwa kutumia anwani ya ofisi iliyoandikishwa au ya mahali pa kazi pa hiyo kampuni, shirika, chama, umoja au kikundi cha watu.

Mamlaka ya mahakama Sura ya 20

51. Bila kujali masharti ya fungu la 7 la Sheria ya Utaratibu wa Mashauri ya Jinai, mahakama ya wilaya inaposikiliza mashauri chini ya uongozi wa hakimumu wa wilaya au chini ya uongozi wa hakimumu mkazi itakuwa na manaka ya kusikiliza shauri lo lote la mtu aliyeshitakiwa kwa kosa lo lote chini ya Sheria hii na itakuwa na uwezo wa kutoa kima cha juu kabisa cha adhabu iliyowekwa, kwa ajili ya kosa linalohusika.

Ukomo wa dhima ya watumishi wa Serikali

52. Hapana mtu ye yote anayeweza kufungua mahakamani shauri lo lote la madai dhidi ya mtumishi wa Serikali ye yote kwa ajili ya jambo lo lote ambalo mtumishi huyo ametenda au ameacha kutenda katika kutekeleza madaraka yake chini ya Sheria hii.

Kanuni

53. Waziri aweza kuweka Kanuni kwa ajili ya utekelezaji bora wa madhumuni na masharti ya Sheria hii, na bila kuathiri uwezo huo wa jumla ulioelezwa hapo juu Waziri aweza kuweka. Kanuni-

- (a) zitakazoeleza aina za fomu. madaftari, kumbukumbu, inaombi, taarifa na dhamana, na fomu za aina nyingine zo zote zitakazotumika kwa mujibu wa Sheria hii;
- (b) zitakazotaja aina ya maelezo na marnbo mengine yo yote yatakayoandikwa kwenye madaftari;
- (c) zitakazotaja mahali zitakapohifadhiwa nakala za magazeti na kueleza namna ya kuhifadhi nakala za magazeti zilizopelekwa kwa Msajili kwa mujibu wa Sheria hii, au kueleza namna nakala hizo za magazeti zitakavyotumika kwa mujibu wa Sheria hii;
- (d) zitakazotaja aina ya habari, zitakazotolewa au kupelckwa kwm, Msajili kama kumbukumbu au vinginevyo
- (e) zitakazotaja aina za taarifa na mambo mengine. yatakayotangazwa na Msajili na kueleza namna ya kutoa matangazo kama hayo-

- (f) zitakazotaja viwango vya ada zitakazotozwa kwa mujibu wa Sheria hii;
- (g) zitakazoeleza mambo mengine yo yote ambayo yanatakiwa au yanaruhusiwa kuelezwa katika Kanuni kwa mujibu wa Sheria hii.

54. Sheria ya Magazeti ya zamani sasa imefutwa.

Kufuata
Sheria
ya zamani
Sura ya 229

55. Sheria ya Kanuni za Jinai inabadilishwa ifuatavyo-

Mabadiliko
kwenye
Sheria
ya Kanuni
za jinai
Sura ya 16

- (a) katika Sura ya VII (ambayo inahusika na makosa ya uhaini na makosa mengine dhidi ya Jamhuri)-
- (i) kwa kufuta katika mstari wa pili wa fungu la 50 maneno "Kwa madhumuni ya mafungu ya 51, 52, 53, 54, 55, 56, 57 na 58 ya Sheria hii-" na kuandika badala yake maneno "Kwa madhumuni ya Sura hii-"; na kufuta ufafanuzi wa maneno "kuingiza nchini" na "maeneo ya maji yaliyomo ndani ya mipaka"; na
- (ii) kwa kufuta mafungu ya 51, 52, 53, 54, 56, 57, 58, 63 na 63A;
- (b) katika Sura ya VIII (ambayo inahusika na makosa yanayohasid uhusiano na nchi nyingine), kwa kufuta fungu la 64', na
- (p) katika Sura ya XVIII (ambayo inahusika na kashfa), kwa kufuta mafungu ya 187, 188, 189, 190, 191, 192, 193 na 194.

SEHEMU YA VIII

UTARATIBU MAALUM KUHSU USIKILIZAJI WA MASHAURI YA KASHFA

KATIKA MASHAURI YA MADAI

56.-(1) Kwa madhumuni ya Sehemu hii "mahakama" maana yake ni Mahakama. Kuu, mahakama, ya hakimu mkazi au mahakama ya wilaya inayoongozwa na hakimu wa wilaya mwenye uwezo wa kusikiliza mashauri ya madai na kila inapotajwa mahakama ya wilaya ifahamike kuwa ni mahakama ya wilaya inayoongozwa na hakimu wa wilaya mwenye uwezo wa kusikiliza mashauri ya madai.

Ufafanuzi
kwa madhu-
muni ya
Sehemu
hii na
ukomo wa
matumizi
ya sehemu
hii

(2) Masharti yaliyomo katika Sehemu hii ya Sheria hii yatatumika kwa ajili ya masharti yote ya madai yanayohusu kashfa kutokana na jambo lolote lililochapishwa kwenye gazeti na hayatumika kwa ajili ya mashauri ya aina nyingine yo yote.

Utaratibu
wa Maha-
kama
na wazee
wa
baraza
kusikiliza
mashauri

57.-(1) Bila kujali masharti yaliyomo katika Sheria nyingine yo yote inayotumika ambayo yanaeleza utaratibu wa kusikiliza mashauri katika mahakama, mashauri yote yanayohusika na matumizi ya masharti yaliyomo katika Sehemu hii ya Sheria hii yatasikilizwa na mahakama ikisaidiwa na wazee wa baraza wasiopungua watatu wenye uwezo na sifa bora, na kwa kufuata utaratibu ulioelezwa katika fungu hili.

(2) Katika mashauri yote yanayohusika na matumizi ya masharti yaliyomo katika Sehemu hii ya Sheria hii, baada ya ushahidi wa pande zote mbili kutolewa, mahakama itatoa maelezo, kwa muhtasari, ya ushahidi wote uliotolewa na itamwomba kila mzee wa baraza atoe maoni yake juu ya shauri lote kwa jumla na juu ya jambo maalum lo lote linalohusika na ushahidi ambalo litatajwa na mahakama, na mahakama itaandika kumbukumbu ya maoni hayo.

(3) Wakati wa kutoa hukumu yake katika mashauri yo yote yanayohusika na matumizi ya masharti yaliyomo katika Sehemu hii ya Sheria hii mahakama haitalazimika kufuata maoni ya wazee wa baraza.

(4) Hakuna jambo lo lote katika fungu hili ambalo litafahamika kuwa litawazuia wazee wa baraza, au ye yote kati yao, kwenda faragha kwa ajili ya kufikiria maoni yao ikiwa watapenda kufanya hivyo au kwamba litawazuia wazee wa baraza, au yeyote kati yao, kushauriana juu ya maoni yao ama wakati wakiwa faraghani au wakati shauri linaposikilizwa.

(5) Jaji Mkuu aweza, baada ya kupata kibali cha Waziri mwenye dharnana ya mambo ya Sheria, kuweka Kanuni kwa ajili ya utekelezaji bora wa masharti ya fungu hili na bila kuathiri uwezo huo wa jumla ulioelezwa hapo juu, jaji Mkuu aweza kuweka Kanuni-

- (a) zitakazotaja sifa za wazee wa baraza;
- (b) zitakazotaia viwango vya posho watakatayolipwa wazee wa baraza;
- (c) zitakazoweka masharti kwa makusudi ya kuhakikisha kwamba wazee wa baraza watahudhuria mahakamani na ambayo yata. tumika kwa ajili ya uendeshaji wa shauri linalosikilizwa endapo wazee wa baraza wote, au ye yote kati yao, hawataweza kuhu. dhuria mahakamani;
- (d) zitakazoeleza au kutaia jambo jingine lo lote ambalo Jaji Mkuu ataona lahitajika au lafaa kuelezwa au kutajwa kwa makusudi ya utekelezaji bora wa masharti ya Sehemu hii ya Sheria hii.

(6) Kanuni zote zitakazowekwa kwa mujibu wa kifungu cha (5) zitatangazwa kwenye Gazeti la Serikali na zitahesabika kuwa zina nguvu ya kisheria sawa na masharti yaliyomo katika Sheria hii

58. Isipokuwa kama imeelema vinginevyo katika Schemu hii ya Sheria hii au katika Kanuni zilizowekwa kwa mujibu wa fungu la 57, hakuna jambo lo lote filioellema katika Seheinu hii ya Sheria hii ambalo litahesabika kuwa-

- (a) linaathiri matumizi ya masharti ya Sheria nyingineyo yo yote yanayohusika na mamlaka ya mahakatna; au
- (b) linabadilisha au kurekebisha kwa namna nyingine yo yote utaratibu maalum au jambo jingine lo lote kuhusu usikilizaji wa mashauri yanayohusika na matumizi ya masharti yaliyomo katika Sehemu hii ya Sheria hii ikiwa maelezo ya huo utaratibu Maalum au hilo jambo jingine yamo katika Sheria ya Utaratibu wa Mashauri ya Madai au katika Sheria nyingine yo yote.

Imepitishwa katika Bunge la Taifa tarehe kumi na sita Machi, 1976.

Kuhifadhi wa kwa utaratibu wa kusikiliza mashauri ya madai uliowekwa na Sheria ya Utaratibu wa mashauri ya madai na sheria nyinginezo

Sheria za 1966, Na. 49

