

BUNGE LA TANZANIA

MAJADILIANO YA BUNGE

MKUTANO WA NANE

Kikao cha Saba – Tarehe 13 Septemba, 2017

(Bunge Lilianza Saa Tatu Asubuhi)

D U A

Spika (Mhe. Job Y. Ndugai) Alisoma Dua

SPIKA: Waheshimiwa Wabunge, tukae!

Tunaendelea na Mkutano wetu wa Nane, Kikao cha Saba.

Katibu!

NDG. LAWRENCE MAKIGI – KATIBU MEZANI:

HATI ZA KUWASILISHA MEZANI

Hati zifuatazo ziliwasilishwa Mezani na:-

WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:

Maelezo ya Waziri wa Ujenzi, Uchukuzi na Mawasiliano Kuhusu Muswada wa Sheria ya Reli wa mwaka 2017 *(The Railways Bill, 2017)*.

MHE. RASHID M. CHUACHUA - K.n.y. MWENYEKITI WA KAMATI YA KUDUMU YA BUNGE YA MIUNDOMBINU:

Maoni ya Kamati ya Miundombinu Kuhusu Muswada wa Sheria ya Reli wa mwaka 2017 *(The Railways Bill, 2017)*.

MHE. QAMBALO W. QULWI - NAIBU MSEMAMI MKUU WA KAMBI YA UPINZANI BUNGE KWA WIZARA YA UJENZI, UCHUKUZI NA MAWASILIANO:

Maoni ya Msemaji wa Kambi ya Upinzani Juu ya Wizara ya Ujenzi, Uchukuzi na Mawasiliano Kuhusu Muswada wa Sheria ya Reli wa mwaka 2017 (*The Railways Bill, 2017*).

SPIKA: Katibu!

NDG. LAWRENCE MAKIGI – KATIBU MEZANI: Maswali.

MASWALI NA MAJIBU

SPIKA: Swali la kwanza litaelekezwa Tawala za Mikoa na Serikali za Mitaa. Nalo litaulizwa na Mheshimiwa George Malima Lubeleje, Mbunge wa Mpwapwa, kule Mpwapwa wanamuita Mwaha.

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Uanzishwaji wa Kata Mpya ya Mkanana

MHE. GEORGE M. LUBELEJE aliuliza:-

Serikali ilikuwa na mpango wa kuanzisha Kata mpya ya Mkanana ambayo ina vijiji vya Mkanana na Chibwegele na vipo mlimani ambapo hakuna huduma yoyote kama vile barabara ambayo ni mbaya sana na hupitika kwa shida wakati wote.

(a) Je, mpango huo wa kuanzisha Kata mpya umefikia wapi?

(b) Je, Serikali itakubaliana na mimi kwamba kuanzishwa kwa kata hiyo kutawezesha kuwasogezea karibu huduma mbalimbali wananchi wa kata hiyo kuliko ilivyo sasa ambapo Makao Makuu yapo Kijiji cha Chitemo, umbali wa kilometa 45?

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

Mheshimiwa Spika, kwa niaba ya Waziri wa Nchi, Ofisi ya Rais – TAMISEMI, naomba kujibu swali la Mheshimiwa George Malima Lubeleje, Mbunge wa Mpwapwa, lenye sehemu (a) na (b), kama ifuatavyo:-

(a) Mheshimiwa Spika, kwanza nipende kumpongeza Mheshimiwa Geogre Malima Lubeleje, Mbunge wa Mpwapwa, kwa jitihada anazozifanya kupeleka maendeleo katika Jimbo lake. Hata hivyo, kwa mujibu wa sheria maombi ya kugawa kata mpya yanaanzia katika Mikutano Mikuu ya Vijiji, Kamati ya Maendeleo ya Kata, Baraza la Madiwani, Kamati ya Ushauri ya Wilaya na Mkoa. Vikao hivyo vikikubali maombi hayo na endapo yataonekana yamekidhi vigezo, Serikali haitasita kuanzisha Kata hiyo ya Mkanana kwa kuzingatia sheria zilizopo.

(b) Mheshimiwa Spika, lengo la kuanzisha maeneo mapya ya utawala zikiwemo kata, ni kusogeza huduma karibu na wananchi. Hivyo, kama ilivyoelezwa katika sehemu (a) ya jibu langu hapo juu, endapo Kata ya Mkanana itakidhi vigezo vya kuanzishwa, ili kurahisiana upatikanaji wa huduma na kuchochea maendeleo katika kata hiyo, itafanyika.

MHE. GEORGE M. LUBELEJE: Mheshimiwa Spika, pamoja na majibu mazuri ya Mheshimiwa Naibu Waziri, nina maswali mawili ya nyongeza.

Kwanza utaratibu wote umeshafuatwa, vijijji vimekaa, Kamati ya Maendeleo ya Kata imekaa, *Full Council* imekaa na mpaka kwenye Kamati ya Ushauri ya Mkoa na ni ombi la muda mrefu sana. Wananchi wa Mkanana wanapata shida, kwanza hakuna mawasiliano ya barabara kabisa na ninakuomba tukimaliza Bunge tuende kule upite ile njia uone kama inapitika.

Mheshimiwa Spika, swali la pili, je, kwa kuwa kwenye swali langu limetaja kuna umbali kutoka Mkanana,

Chibwegele mpaka Chitemo ni kilometa 45 ndipo wananchi wanafuata usafiri. Je, Mheshimiwa Naibu Waziri, utakuwa tayari kukubali ombi langu tufuatane na wewe sasa baada ya Bunge hili, ukawaone watu wa Mkanana, Chibwegele, wanavyopata shida?

SPIKA: Mheshimiwa Naibu Waziri, mimi ni jirani na huko nikwambie kabisa, hakufikiki rafiki yangu, labda kwa mguu, lakini majibu. *(Kicheko)*

NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA: Mheshimiwa Spika, kwanza nikiri nipokee kama taratibu zote mpaka katika ngazi ya mkoa zimekamilika tutafanya ufuatiliaji kuangalia utaratibu umefanyika lini. Kama sio yale maombi ya zamani ambayo mwanzo yalikuwa hayakukizi vigezo, kama haya mapya, ofisi yangu nadhani inafanya uchambuzi wa maeneo mbalimbali katika maeneo haya mapya.

Mheshimiwa Spika, lakini katika jambo lingine la pili, Mheshimiwa Mbunge ameomba ikiwezekana twende pamoja, naomba nikueleze wazi na mimi niko pamoja kwa sababu, najua Mheshimiwa Mzee Lubeleje watu, wanahistoria hawafahamu kwamba Mpwapwa yote ilikuwa Jimbo moja wakati huo, baadaye ikagawanyika na Jimbo lingine la Kongwa. Kwa hiyo, alifanya juhudi hizi miaka mingi sana katika michakato mbalimbali.

Mheshimiwa Spika, kwa hiyo, naomba niwahakikishie Wana-Mpwapwa, Wana-Kongwa na sehemu uliyosema, tutafika pale tutabaini miongoni mwa mambo hayo, lakini hasahasa tatizo la barabara katika Wilaya ya Kongwa na Wilaya ya Mpwapwa, nini tufanye kwa pamoja kuwasaidia wananchi hawa ambao kwa kiwango kikubwa wameisaidia sana Serikali hii katika mambo mbalimbali.

SPIKA: Nilikuona Mheshimiwa Mbunge wa Mwibara, swali fupi la nyongeza.

MHE. ALPHAXARD K. LUGOLA: Mheshimiwa Spika, nashukuru sana. Kwa kuwa Mheshimiwa Naibu Waziri alishuhudia mgawanyo wa majimbo mawili ya Bunda na Mwibara kutokutana ndani ya Halmashauri moja. Na kwa kuwa, Mheshimiwa Waziri wa wakati huo, Mheshimiwa Simbachawene alikuja kushuhudia na kuamua kwamba, wabadilishe mipaka Jimbo la Bunda lirudi Bunda Mjini wawe Halmashauri moja na Mwibara ibaki yenyewe iwe halmashauri wakatuahidi watatoa *Government Notice* muda si mrefu na ilikuwa mwezi wa saba. Je, Mheshimiwa Naibu Waziri, hiyo *GN* imefikia hatua gani, Wana-Mwibara wanataka kusikia?

SPIKA: Majibu ya swali hilo la nyongeza Mheshimiwa Naibu Waziri.

NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA: Mheshimiwa Spika, ni kweli analozungumza Mheshimiwa Mbunge hapa hazushi na bahati nzuri mimi nimepata fursa ya kutembelea majimbo haya yote matatu, Jimbo la Mwibara, Jimbo la Bunda Vijijini, hali kadhalika Jimbo la Bunda Mjini. Mgawanyiko wake kwa kweli, ulikuwa una changamoto kubwa sana na bahati nzuri harakati hizi zimeshaanza.

Naomba nichukue ombi lako hili Mheshimiwa Kangi, twende tukalifanyie kazi kwa undani kujua kwamba, hili jambo limefikia wapi na hasa taratibu zilizofuatwa pale, baadaye tutaweza kutoa maamuzi sahihi, lakini sitaki kutoa *commitment* ya moja kwa moja hapa, tunalifahamu hili jambo tutaenda kulifanyia kazi kwa maslahi mapana ya hizi halmashauri zetu ambazo ziko kule.

Na. 83

Rufiji, Kibiti na Kilwa Kuunganishwa Kwenye Umeme wa Gridi ya Taifa

MHE. VENANCE M. MWAMOTO (K.n.y. MHE. MOHAMED O. MCHENGERWA) aliuliza:-

Ni takribani miaka miwili sasa Serikali imeshindwa kuwahakikishia wananchi wa Jimbo la Rufiji kuwa na umeme wa uhakika kufuatia hitilafu ya mara kwa mara kwenye mitambo ya umeme unaozalishwa na gesi kutoka Kilwa.

Je, ni lini Serikali itawaunganisha wananchi wa Rufiji, Kibiti na Kilwa kwenye Gridi ya Taifa?

NAIBU WAZIRI WA NISHATI NA MADINI alijibu:-

Mheshimiwa Spika, napenda kujibu swali la Mheshimiwa Omary Mohamed Mchengerwa, Mbunge wa Rufiji, lililoulizwa kwa niaba yake na Mheshimiwa Mbunge maarufu sana wa Kihesa Mgagao, kama ifuatavyo:-

Mheshimiwa Spika, Wilaya ya Kilwa, Rifiji pamoja na Kibiti zimeunganishwa katika Gridi ya Taifa kupitia utekelezaji wa mradi wa ujenzi wa njia ya kusafirisha umeme kutoka Somangafungu, Lindi hadi Kinyerezi, Dar es Salaam. Ujenzi wa mradi huu utanza mwezi Julai, 2018 na utakamilika mwaka 2019/2020.

Mheshimiwa Spika, kazi za ujenzi wa mradi huu zinahusisha ujenzi wa njia ya kusafirisha umeme wa msongo wa kilovoti 400 yenye urefu wa kilometa 198 kutoka Somangafungu, Lindi hadi Kinyerezi, Dar es Salaam. Lakini pia, kujenga Kituo cha Kupoza Umeme, lakini pamoja na mambo mengine mradi huu utaunganisha wateja mbalimbali na kusafirisha umeme utakaozalishwa kutoka Kituo cha Somangafungu chenye uwezo wa kuzalisha megawati 240. Mradi utafadhiliwa na Kampuni ya Sumitomo ya Japan kwa gharama ya dola za Marekani milioni 340.

SPIKA: Mheshimiwa Mwamoto, Mbunge wa Kilolo nilikuona, swali la nyongeza.

MHE. VENANCE M. MWAMOTO: Mheshimiwa Spika, pamoja na majibu mazuri ya Mheshimiwa Waziri, naomba niulize maswali mawili ya nyongeza.

Mheshimiwa Spika, kwa kuwa watu wa Rufiji na sehemu nyingine ambapo gesi hiyo itapita ni watu ambao wanasubiria kwa hamu jambo hilo. Bado hawajapata elimu ya kutosha kujua umuhimu wa jambo hilo kwenye maeneo yao. Sasa Serikali itakuwa tayari kupita kutoa elimu ya kutosha, hasa mashuleni, ili wananchi kazi hiyo itakapoanza ya kupitisha gesi waone kwamba ile ni rasilimali yao?

Mheshimiwa Spika, swali la pili, kwa kuwa wananchi sasa walio wengi wanategemea gesi ikianza kutoka kwa wingi na tumepewa taarifa kwamba, kuna gesi ambayo inaweza ikatumika kwenye magari. Anatuambiaje Mheshimiwa tujue kwamba unafuu wa kutumia gesi ama petroli kutakuwa kuna tofauti kubwa?

SPIKA: Mheshimiwa Naibu Waziri, majibu ya maswali hayo.

NAIBU WAZIRI WA NISHATI NA MADINI: Mheshimiwa Spika, kwanza nimshukuru Mheshimiwa Mwamoto kwa kuuliza swali kwa niaba ya Mheshimiwa Mbunge wa Rufiji na Waheshimiwa Wabunge hawa wanafanya kazi nzuri sana kwenye majimbo yao. Ni matarajio yao kwamba wananchi wanawasikia vema.

Mheshimiwa Spika, elimu ambayo tumetoa mpaka sasa, nitoe tu taarifa kwa Mheshimiwa Mbunge wa Rufiji na Mheshimiwa Mwamoto, tumeshatoa elimu katika vijiji vya Mwaseni, vijiji vya Ngarambe, kijiji cha Korongo pamoja na Kotongo, lakini tunakwenda sasa kutoa mwezi wa 10 na wa 11 elimu katika maeneo ya Jaribu Magharibi na maeneo mbalimbali. Kwa hiyo, tutaendelea kutoa elimu kwa ajili ya manufaa ya miradi hii ili wananchi wa Rufiji nzima waweze kuipata kwa hiyo, tunaendelea na utaratibu wa elimu kama kawaida.

Mheshimiwa Spika, suala la pili kuhusiana na gesi kwenye magari, ni kweli kabisa ule mradi wa kutengeneza gesi kwa ajili ya matumizi ya kwenye magari na majumbani ulishaanza tangu mwaka 2016 na hivi sasa mwakani mradi

huo utaendelea. Tulishaanza katika Vituo viwili vya *DIT* pamoja na Chuo Kikuu cha Dar es Salaam na mpaka sasa magari 16 yameshaunganishwa kwa kutumia gesi badala ya petroli. Na unafuu wake ni kwamba, unapunguza asilimia 40 ya matumizi ya kawaida ya petroli unapotumia gesi.

Mheshimiwa Spika, mradi huu kwa niaba ya Watanzania wote, utaanza mwaka 2018 hadi 2020 kwa kwenda katika Mkoa wa Dar es Salaam, Mtwara pamoja na Lindi.

SPIKA: Waheshimiwa naangalia ambaye kwake kuna shida kubwa zaidi ya umeme, Liwale! Kweli bwana Makujiganga kule, Mheshimiwa Mbunge wa Liwale tafadhali.

MHE. ZUBERI M. KUCHAUKA: Mheshimiwa Spika,ahsante sana kwa kunipa nafasi ya kuuliza swali la nyongeza.

Mheshimiwa Spika, kutokana na kuharibikaharibika kwa mara kwa mara kwa kinu cha gesi pale Kilwa na kutokana na uchakavu wa mitambo ile, hitajio la Wilaya za Kilwa, Lindi pamoja na Liwale, *I mean Kilwa* pamoja na Rufiji pamoja na Liwale kuingizwa kwenye Gridi ya Taifa ni muhimu sana.

Mheshimiwa Spika, sasa naomba Waziri atueleze hapa ni nini kinachelewesha wilaya hizi kuongizwa kwenye Gridi ya Taifa kwa sababu ya uchakavu wa mitambo ya Kilwa kunafanya umeme usiwe wa uhakika katika Wilaya hizi tatu? Ahsante sana.

SPIKA: Majibu ya swali hilo Mheshimiwa Naibu Waziri wa Nishati na Madini.

NAIBU WAZIRI WA NISHATI NA MADINI: Mheshimiwa Spika, kwanza kabisa maeneo ya Kilwa, Rufiji na maeneo ya Mkuranga hivi sasa hayapati umeme wa gridi na maeneo mengine ya karibu na pale, lakini hatua zinazofanyika sasa hivi tunajenga mradi wakusafirisha umeme kutoka

Somangafungu ambao nimeutaja, lakini kutakuwa na Mradi wa *Rufiji Stiegler's Gorge* ambao unaanza Disemba mwaka huu. Kwa hiyo, kinachocheleweshwa ni maandalizi ya ujenzi kabambe wa miradi mahususi ambayo itaunganisha wananchi wa maeneo yale na Gridi ya Taifa.

Mheshimiwa Spika, Mradi wa *Stiegler's Gorge* na huu niliosema ambao ni wa kusafirisha umeme wa kutoka Somangafungu kupita Kinyerezi mpaka Dar es Salaam ndio pia, utawapatia nguvu ya kutosha ya umeme na kuunganisha kwenye Gridi ya Taifa, maeneo yote ya Rufiji, Kilwa pamoja na Mkoa wa Mtwara pamoja na Lindi. Kwahiyo, wananchi wa mikoa hii miwili niwahakikishie kwamba, ifikapo mwaka 2019/2020 tayari watakuwa wameshaunganishwa na Gridi ya Taifa.

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Vifaa Vilivyo Kwenye *delivery Kits/Packs*

MHE. KHADIJA NASSIR ALI aliuliza:-

(a) Ni vifaa gani muhimu vimewekwa kwenye vifungashio vya akinamama wakati wa kujifungua (*delivery kit*) takribani 500,000 zinavyokusudiwa kusambazwa na Serikali?

(b) Je, ni kwa nini Serikali inasuasua kwenye usambazaji wa *delivery kits* kama mkakati ulivyo?

(c) Je, ni kwa kiasi gani agizo la Mwandoya la Serikali la kuanzisha huduma za upasuaji kwenye vituo vyote vya afya nchini limetekelezwa?

NAIBU WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO alijibu:-

Mheshimiwa Spika, kwa niaba ya Waziri wa Afya, Maendeleo ya Jamii, Jinsia, Wazee na Watoto, napenda

kujibu swali la Mheshimiwa Khadija Nassir Ali, Mbunge wa Viti Maalum lenye sehemu (a), (b) na (c), kama ifuatavyo:-

(a) Mheshimiwa Spika, kuna tofauti ya matumizi ya maneno *delivery kits* ambayo humaanisha vifaa vyote vinavyopaswa kuwepo kituoni katika chumba cha kujifungulia na *delivery Packs* ambavyo, ni kifurushi muhimu anachotakiwa kupewa mama mjamzito akija kliniki kitakachomsaidia wakati wa kujifungua, kwa maana ya vifungashio (*delivery packs*). Vifungashio hivi vina vifaa vifuatavyo; pamba, pedi, kifungia kitovu cha mtoto, kitambaa cha kumfutia mtoto, sindano, mipira ya kuvaa mikononi (*surgical gloves*), mpira wa kulalia wakati wa kujifungua, uzi (*chronic cutgut 2"*), vidonge vya kuzuia umwagikaji wa damu na wembe. Na gharama ya vifungashio hivi ni shilingi 25,000 kwa kila kifurushi.

(b) Mheshimiwa Spika, Wizara ya Afya, Maendeleo ya Jamii, Jinsia, Wazee na Watoto, hadi sasa imesambaza vifungashio (*delivery packs*) 60,000 kwa mikoa sita ya Kanda ya Ziwa ambayo vifo vingi vya wamama wajawazito na watoto vinatokea huko. Aidha, ni jukumu la kila halmashauri kuweka mahitaji ya vifungashio kwenye mpango kabambe wa afya wa Halmashauri, yaani *Comprehensive Council Health Plan (CCHP)*.

(c) Mheshimiwa Spika, agizo la Mwandoya lilitaka kila Halmashauri nchini kwa kutumia pesa zao za ndani kuhakikisha wamejenga au kukarabati vyumba vya upasuaji katika vituo vya afya kwa kipindi cha miezi sita, ili kupunguza vifo vya mama na mtoto na kupeleka huduma karibu zaidi kwa wananchi. Baada ya muda huo kumalizika Wizara imeongeza miezi mitatu kukamilisha agizo hilo. Wataalam wa Wizara kwa sasa wanatembelea vituo katika Halmashauri nchi nzima kufanya tathmini kubaini waliotekeleza na ambao hawajatekeleza, ili hatua za kinidhamu zifuate mkondo wake.

Mheshimiwa Spika, sambamba na hilo, Wizara ya Afya, Maendeleo ya Jamii, Jinsia, Wazee na Watoto, imepata ufadhili wa shilingi bilioni 66 kutoka Benki ya Dunia na

imeshirikiana na Ofisi ya Rais – TAMISEMI kubainisha vituo 100 vitakavyoboreshwa, ili kutoa huduma za dharura za upasuaji wa kutoa mtoto tumboni. Taya ri fedha za utekelzaji zimeanza kupelekwa katika Halmashauri mbalimbali husika hapa nchini.

SPIKA: Muuliza swali nimekuona Mheshimiwa, tafadhali swali la nyongeza.

MHE. KHADIJA NASSIR ALI: Mheshimiwa Spika, nashukuru kwa majibu ya Serikali, nina maswali mawili ya nyongeza.

Kwanza, ni lini Serikali itatoa ruzuku ya moja kwa moja kwa kinamama wanaojifungua ili kuondoa kadhia hii?

Mheshimiwa Spika, swali la pili, Ilani ya Chama cha Mapinduzi ilielekeza kujenga vituo vya upasuaji kila kata. Je, ni lini Serikali itatekeleza agizo hili kibajeti? Nashukuru. *(Makoff)*

SPIKA: Majibu ya maswali hayo ya Mheshimiwa Khadija Nassir Ali, Mheshimiwa Naibu Waziri wa Afya, Dkt. Hamisi Kigwangalla tafadhali.

NAIBU WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO: Mheshimiwa Spika, kwanza nampongeza Mheshimiwa Khadija Nassir Ali kwa kuuliza swali la kisera ambalo limetupa fursa ya kufafanua mambo mbalimbali ambayo ni kipaumbele kwa Wizara yetu kwa sababu yanahusu kupunguza vifo vya wakinamama wajawazito na watoto na yeye kama Mbunge mwanamama nadhani anaguswa na mtazamo wetu kwamba hiki ni katika vipaumbele vyetu pale Wizarani.

Mheshimiwa Spika, ruzuku kutoka Serikali kuu kwenda Serikali za Mitaa kwamba ni lini itatoka? Nadhani hakufanya mazingatio ya kutosha kwenye majibu yangu ya msingi kwa sababu tayari hapa hapa tu nimezungumza tuna zaidi ya bilioni 66 ambazo tunazipeleka kwenye Halmashauri mbalimbali nchini kwa ajili ya kufanya maboresho kwenye

vituo vya kutolea huduma za afya nchini. Na hiyo ni ruzuku kutoka Serikali kuu.

Mheshimiwa Spika, vilevile kwenye bajeti ya afya Fungu Namba 52 tumeweka bajeti ya dawa mbalimbali ambazo zinaenda kusaidia kupunguza vifo vinavyotokana na sababu mbalimbali za uzazi. Kwa mfano, tumeweka bajeti ya *Uterotonic drugs* kama *Oxycontisin* ambapo tunapeleka kwenye Halmashauri moja kwa moja, kwenye vituo vya kutolea huduma za afya.

Mheshimiwa Spika, pia tumeweka bajeti mahususi ya kutoa dawa za *magnesium sulphate* ambazo zinasaidia kutibu ugonjwa wa *eclampsia* (kifafa cha mimba) ambazo hizi ni katika sababu kubwa ambazo zinapeleka kupoteza maisha wakati wa uzazi.

Mheshimiwa Spika, pia Serikali Kuu inasaidia sana kwenye kuimarisha mfumo wa upatikanaji wa damu salama kwenye vituo vyote vya afya nchini na hii ni moja kwa moja tunatoa sisi tunapeleka msaada kule chini. Kwa hiyo, ruzuku tunatoa na tunatoa kwa kiasi kikubwa sana. *(Makofi)*

Mheshimiwa Spika, naomba nisisitize hapa kwamba Wabunge wenzangu wote na Halmashauri zote nchini watambue jukumu la kupunguza vifo vinavyotokana na uzazi ni la kwao wenyewe kwenye Halmashauri husika. Ni lazima tufanye uwekezaji kwenye vituo vya kutolea huduma za afya, hakuna namna nyingine. Sisi Serikali kuu tunasaidia tu kujenga uwezo wa vituo vyetu. *(Makofi)*

Mheshimiwa Spika, la pili, Ilani ya CCM haizungumzii kujenga vituo vya upasuaji kwenye kila kata, Ilani ya CCM inazungumzia ujenzi wa vituo vya afya (*health centers*) kwenye kila kata na zahanati kwenye kila kijiji. Ilani ya uchaguzi inakwenda sambamba na Mpango wa Maendeleo wa Afya ya Msingi wa mwaka 2007/2017 ambapo Halmashauri zote nchini zinapaswa kujenga vituo vya afya kila Kata na zahanati kwenye kila kijiji.

Mheshimiwa Spika, kwa msingi huo, jitihada bado zinaendelea kwenye Halmashauri mbalimbali nchini na sisi kama nilivyosema kwenye majibu yangu ya awali, tunaendelea kujengea uwezo lakini pia ku-*support* halmashauri zetu kutimiza azima hii iliyowekwa kwenye Ilani ya uchaguzi ya CCM. (*Makofi*)

SPIKA: Swali hili limechukua muda mrefu, tunaendelea na swali la Wizara hiyo hiyo la Mheshimiwa Stella Ikupa Alex, Mbunge wa Viti Maalum. Meshimiwa Stella.

Na. 85

Kuondoa Kodi Kwenye Taulo za Kike Nchini

MHE. STELLA I. ALEX aliuliza:-

Kwa kuzingatia umuhimu wa taulo za kike nchini.

Je, Serikali inaonaje ikiondoa kodi kwenye taulo hizo?

NAIBU WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO aliuliza:-

Mheshimiwa Spika, kwa niaba ya Waziri wa Afya, Maendeleo ya Jamii, Jinsia, Wazee na Watoto naomba kujibu swali la Mheshimiwa Stella Ikupa Alex, Mbunge wa Viti Maalum, kama ifuatavyo:-

Mheshimiwa Spika, maombi ya kuondoa kodi kwenye taulo za kike yamewahi kuwasilishwa na watumiaji pamoja na wauzaji wa bidhaa hiyo.

Mheshimiwa Spika, mapendekezo na maazimio yametolewa katika vikao mbalimbali vya wadau na Serikali. Maamuzi ya swala hili yamechelewa baada ya kubaini kuwa bidhaa hii haikuwa miongoni mwa orodha ya vifaa vya matibabu (vifaa tiba) ambavyo huondolewa kodi isipokuwa zimeondolewa ushuru wa uingizaji (*import duty*) na aina nyingine za kodi zinalipiwa kama bidhaa nyingine zote.

Mheshimiwa Spika, Wizara ya Afya, Maendeleo ya Jamii, Jinsia, Wazee na Watoto imewaandikia barua Wizara ya Fedha na Mipango kuona namna ya kuondoa kodi katika bidhaa hii. Majadiliano yanaendelea kuwezesha bidhaa hii iunganishwe katika orodha ya vifaa tiba ili viweze kupata msamaha wa kodi sambamba na vifaa vingine vya tiba. Hii itapunguza gharama za upatikanaji wake kwa kuziondolea baadhi ya kodi zenye kuongeza bei kwa kiwango kikubwa mfano kodi ya ongezeko la thamani (*Value Added Tax*).

SPIKA: Sasa naona na wanaume nao wanataka kuuliza swali la nyongeza hapa. Mheshimiwa Stella Ikupa. (*Kicheko*)

MHE. STELLA I. ALEX: Mheshimiwa Spika, ahsante. Kutokana na umuhimu wa taulo hizi za kike kwa wanawake na watoto wa kike Tanzania na kutokana na ughali wake ambao unapeleka wanawake wengi na watoto wa kike kushindwa kumudu kuzitumia na kwa kuwa Serikali imekiri kwamba maombi haya yameshawasilishwa na wadau wengi.

Mheshimiwa Spika, sasa Serikali inaweza ikatuambia nini wanawake wa Tanzania kwamba watoto wengi wanapata shida hasa watoto wa vijijini kwa sababu wanashindwa kuzipata hizi taulo kwa ughali wake. Sasa Serikali inaweza ikatuambia ni lini tutegemee kwamba lini huu mchakato utakamilika?

Mheshimiwa Spika, ingekuwa ni vizuri wakatuambia ni lini mchakato huu utakamilika kwa sababu kweli hili jambo ni suala nyeti sana kwa wanawake na watoto wa kike Tanzania? Ahsante. (*Makofi*)

SPIKA: Mheshimiwa Naibu Waziri huwezi kuwa na majibu ya haya, haya majibu anatakiwa atoe Waziri mwenyewe kwa kweli. (*Kicheko*)

Mheshimiwa Waziri wa Afya kwa kuwa upo, majibu tafadhali, namuonea huruma Mnyamwezi huyu.

WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO: Mheshimiwa Spika, na mimi kwa kweli namshukuru sana Mheshimiwa Stella Ikupa kwa swali lake zuri la nyongeza.

Mheshimiwa Spika, mimi ni mwanamke lakini pia nina watoto wa kike wawili, kwa hiyo, nakubaliana na yeye kabisa kwamba tuna changamoto kubwa sana ya upatikanaji wa taulo za kike hasa kwa watoto walio vijijini na tunazo taarifa kuna watoto wanaweka mpaka majini ili kuweza kujisitiri pale wanapokwenda shule, lakini pia kuna watoto wanakosa hadi siku tano za masomo kwa sababu hawana zana za kujisitiri ili waweze kufanya masomo yao bila shida. *(Makofi)*

Mheshimiwa Spika, kwahiyo, Wizara yangu nimeshamuandika Waziri wa Fedha kumuomba aharakishe mchakato huu, nilikuwa namtimizama hayupo lakini naamini wenzetu wa Wizara ya Fedha wanalifanyia kazi na tutakuja na majibu mazuri kadri itakavyokamilika, ahsante sana. *(Makofi)*

SPIKA: Ahsante sana. Mheshimiwa Waziri amejibu majibu ya kutosheleza kabisa kwenye swali hili. Mimi ajenda hii naiona ni muhimu sana lakini sasa tuwatupie wenzetu wa Umoja wa Wabunge Wanawake wote humu Bungeni *(TWPG)* kwa kweli ni moja ya ajenda ambayo ni vizuri muiweke vizuri huko halafu muipe nafasi yake, ni moja ya maeneo ya kuyafanyia kazi kwa umakini mkubwa. Kwa hiyo, nawarudishia Mheshimiwa mama Margaret Sitta na timu yako muweze kuyafanyia kazi. *(Makofi)*

Wizara ya Fedha na Mipango, swali la Mheshimiwa Elias John Kwandikwa, Mbunge wa Ushetu.

Na. 86

Kuboresha Muundo wa Kamati za Ukaguzi

MHE. ELIAS J. KWANDIKWA aliuliza:-

Serikali imefanikiwa kwa kiasi kikubwa kuboresha maeneo ya uendeshaji na usimamizi wa rasilimali ya Menejimenti, Bodi, Mabaraza ya Madiwani, Ukaguzi wa Nje, Ukaguzi wa Ndani na kuliacha eneo muhimu la Kamati za Ukaguzi (*Audit Committee*) kwenye Wizara, Idara, Wakala na Serikali za Mitaa.

Je, ni lini Serikali itaboresha Kanuni ili muundo wa Kamati za Ukaguzi ziundwe na Wajumbe wengi (*majority*) toka nje ya taasisi kuzingatia weledi na uzoefu ili kusimamia rasilimali kwa tija na ufanisi?

NAIBU WAZIRI WA FEDHA NA MIPANGO alijibu:-

Mheshimiwa Spika, kwa niaba ya Waziri wa Fedha na Mipango, napenda kujibu swali la Mheshimiwa Elias John Kwandikwa, Mbunge wa Ushetu kama ifuatavyo:-

Mheshimiwa Spika, uanzishaji wa Kamati za Ukaguzi umetajwa katika Kanuni za Fedha za Umma za mwaka 2001 kama ilivyorekebisha mwaka 2004 ambapo inaelezwa ya kwamba Kamati za Ukaguzi ziundwe na wajumbe watano; kati ya hao, mjumbe mmoja atoke nje ya taasisi. Aidha, kati ya wajumbe hao wa Kamati za Ukaguzi anatakiwa angalau mjumbe mmoja awe na uzoefu katika masuala ya uhasibu na ukaguzi wa hesabu.

Mheshimiwa Spika, hata hivyo, mwaka 2013 Wizara ya Fedha na Mipango ilitoa Mwongozo wa Utendaji Kazi wa Kamati za Ukaguzi katika taasisi za umma kuhusu idadi ya wajumbe kutoka nje ya taasisi kuwa wajumbe wawili au zaidi wateuliwe kutoka nje ya taasisi; mwongozo huo unawaelekeza Maafisa Masuuli kuwa wanaweza kuteua wajumbe kutoka nje ya taasisi kuanzia wajumbe wawili au zaidi. Hata hivyo, Wizara ya Fedha na Mipango inapitia upya Sheria ya Fedha za Umma na Kanuni zake ili tuweze kuwa na muundo mpya na huru wa Kamati za ukaguzi ili kuleta ufanisi.

SPIKA: Mheshimiwa Mbunge wa Ushetu nimekuona, uliza swali la nyongeza.

MHE. ELIAS J. KWANDIKWA: Mheshimiwa Spika, ahsante sana kwa kunipa nafasi niulize swali moja la nyongeza. Naipongeza sana Serikali kwa hatua inayochukua ili kuweza kuboresha usimamiaji wa rasilimali zetu.

Mheshimiwa Spika, kwa kuwa uwepo wa Kamati za Ukaguzi ni muhimu sana katika kuimarisha mfumo wa udhibiti katika taasisi hususan katika Halmashauri zetu. Kwa kuwa Kamati imara husaidia Maafisa Masuuli kutimiza wajibu wao na hii Kamati ni muhimu kwa ajili ya kusimamia pia mpango kazi wa Wakaguzi wa Ndani na Wakaguzi wa Nje. Kwa kuwa Serikali imetoa mwongozo wa mwaka 2013 na haujatekelezwa vizuri katika Halmashauri zetu.

Je, Serikali iko tayari kuzielekeza upya Halmashauri zetu kutekeleza mwongozo huu mzuri kikamilifu ili kuleta tija zaidi katika usimamiaji wa rasilimali zetu? Ahsante. *(Makofi)*

SPIKA: Majibu ya swali hilo, Mheshimiwa Naibu Waziri wa Fedha na Mipango, Mheshimiwa Dkt. Ashatu Kijaji tafadhali.

NAIBU WAZIRI WA FEDHA NA MIPANGO: Mheshimiwa Spika, kwanza kabisa nimpongeze Mheshimiwa Mbunge kwa ufuatiliaji wake katika kuhakikisha rasilimali za Taifa letu zinatumiwa ipasavyo na kama ailivyouliza, sisi kama Wizara tupo tayari na tumekuwa tukihakikisha Kamati hizi zinatekeleza maelekezo na miongozo yote inayotolewa na Wizara ya Fedha.

Mheshimiwa Spika, sasa kama nilivyosema katika jibu langu la msingi kwamba tunaendelea kushughulikia sheria hii pamoja na kanuni zake ili tuje na sheria itakayohakikisha rasilimali za Taifa letu zinasimamiwa ipasavyo.

SPIKA: Tunaendelea na swali linalofuata, Mheshimiwa Cecilia Daniel Pareso, Mbunge wa Viti Maalum.

Na. 87

TRA Kukusanya Kodi ya Majengo

MHE. CECILIA D. PARESSO aliuliza:-

Katika mwaka wa fedha 2016/2017 Serikali ilitangaza kuzinyang'anya Halmashauri uwezo wa kukusanya mapato ya kodi ya majengo (*property tax*) na kuagiza kodi hiyo kukusanywa na Mamlaka ya Mapato (*TRA*).

(a) Je, baada ya Mamlaka ya Mapato kupewa jukumu hilo, ufanisi umefanikiwa kwa kiasi gani ikilinganishwa na mapato yaliyokuwa yakikusanywa na Halmashauri zenyewe?

(b) Kwa kuwa kodi ya majengo ilikuwa ikichangia kwa kiasi kikubwa mapato ya Halmashauri za Miji, Manispaa na Majiji na majukumu ya kutoa huduma kwa wananchi hayajapunguzwa. Je, Serikali imejipanga vipi kufidia vyanzo hivyo vilivyopotea?

NAIBU WAZIRI WA FEDHA NA MIPANGO alijibu:-

Mheshimiwa Spika, kwa niaba ya Waziri wa Fedha na Mipango napenda kujibu swali la Mheshimiwa Cecilia Daniel Paresso, Mbunge wa Viti Maalum kama ifuatavyo:-

Mheshimiwa Spika, katika mwaka wa fedha 2016/2017 Serikali kupitia Bunge lako Tukufu ilifanya mabadiliko ya Sheria ya Fedha za Serikali za Mitaa (*The Local Government Finance Act, Cap. 290*) kupitia Sheria ya Fedha ya mwaka 2016 na kuipa Mamlaka ya Mapato Tanzania jukumu la kukusanya kodi ya umiliki wa majengo yaani (*property tax*) kwa Halmashauri za Miji, Manispaa na Majiji 30. Ufanisi wa Mamlaka ya Mapato ni kama ifuatavyo:-

Mheshimiwa Spika, makusanyo yatokanayo na kodi za majengo kutoka Halmashauri za Miji, Manispaa na Majiji 30 yaliyokuwa yakisimamiwa na *TRA* yameongezeka kutoka shilingi bilioni 28.28 kwa mwaka 2015/2016 zilizokusanywa na

Serikali za Mitaa hadi shilingi bilioni 34. 09 kwa mwaka 2016/2017 kipindi ambacho *TRA* ilianza kukusanya kodi hii. Ongezeko hilo ni sawa na asilimia 20.6 ya makusanyo ya Halmashauri husika kabla ya kodi hii kuhamishiwa *TRA*.

Mheshimiwa Spika, Serikali inatambua kuwa kodi ya majengo imekuwa ikichangia kwa kiasi kikubwa mapato ya Halmashauri za Miji, Manispaa na Majiji katika kutekeleza mipango ya utoaji wa huduma za jamii. Hata hivyo, hatua ya Serikali ya kuhamishia jukumu hilo la ukusanyaji wa kodi za majengo *TRA* haikulenga kuzinyang'anya Halmashauri vyanzo vya mapato bali kuimarisha ukusanyaji wake. Takwimu nilizotoa hapo juu zinadhihirisha kuwa *TRA* imefanya vema katika kukusanya mapato hayo ikilinganishwa na Halmashauri.

Mheshimiwa Spika, Serikali imeweka utaratibu wa kibajeti ambao unaziwezesha Halmashauri kupata fedha za makusanyo ya kodi ya majengo iliyokusanywa na *TRA* ili kuziwezesha kutimiza majukumu yao. Utaratibu uliopo ni kwamba Halmashauri zinatakiwa kuomba fedha hizo kutoka Serikali kuu kwa kuzingatia makisio ya bajeti zao. Kwa mantiki hiyo, Halmashauri zinashauriwa kuzingatia utaraibu huo ili ziweze kupata fedha hizo.

SPIKA: Mheshimiwa Paresso nilikuona, swali la nyongeza.

MHE. CECILIA D. PARESSO: Mheshimiwa Spika, asante kwa kunipa nafasi, naomba niulize maswali mawili ya nyongeza.

Kwa kuwa Serikali inakiri kwamba baada ya *TRA* kupokea jukumu hili mapato yameongezeka ukilinganisha na Halmashauri za Wilaya; na kwa kuwa Serikali mnapaswa kurudisha fedha hizo katika Halmashauri kwa wakati.

Je, ni lini Serikali *mtakoma hii tabia ya kuchelewesha fedha kupeleka kwenye Halmashauri zetu za Wilaya?* **[Maneno Haya Siyo Sehemu ya Taarifa Rasmi za Bunge]**

Mheshimiwa Spika, katika mwaka huu wa fedha 2017/2018 Serikali imefuta vyanzo vingi vya Halmashauri ambavyo vilikuwemo kwenye bajeti ikiwemo ushuru wa mabango, makanyagio, ushuru wa mazao chini ya tani moja, *farm gate price* kutoka asilimia tano mpaka asilimia tatu na kwa kiwango kikubwa uendeshaji wa Halmashauri zetu unategemea fedha za ndani (mapato ya ndani).

Je, Serikali sasa baada ya kufuta vyanzo hivi vingi ambavyo kwa kiwango kikubwa inaharibu utekelezaji wa bajeti zetu katika Halmashauri. Ni lini mtahakikisha fidia ya vyanzo hivi inatolewa na Serikali Kuu ili Halmashauri zetu ziendeleo kufanya kazi kwa ufanisi? (*Makofi*)

SPIKA: Mheshimiwa Paresso, nakupa nafasi urudie tena swali lako la kwanza kwa sababu umetumia Kiswahili kisichokubalika, hebu liweke vizuri. Ulikuwa unauliza nini?

MHE. CECILIA D. PARESSO: Mheshimiwa Spika, ahsante. Nafuta na nauliza kama ifuatavyo:-

Mheshimiwa Spika, kwa kuwa Serikali imekuwa ikichelewesha fedha mmekuwa mnasema mnakusanya *TRA* na baadaye fedha zitarudishwa kwenye Halmashauri. Kwa kuwa mmekuwa mkichelewesha. Sasa ni lini mtaacha kuchelewesha ili fedha hizi ziende kwa wakati?

SPIKA: Hicho ndio Kiswahili kizuri. Mheshimiwa Naibu Waziri wa Fedha na Mipango, majibu tafadhali.

NAIBU WAZIRI WA FEDHA NA MIPANGO: Mheshimiwa Spika, nikushukuru kwanza kwa kurekebisha Kiswahili kile lakini sio kosa lake ni kosa la watani zangu hawa wa Manyara, lakini nashukuru umerekebisha sasa imekaa vizuri.

Mheshimiwa Spika, nianze kusema kwamba kwanza Serikali haipendi kuchelewesha fedha hizi kupeleka katika Halmashauri zetu. Tunachofanya Wizara ya Fedha tunasimamia mpango wa *cash budget*, tunakusanya na

tunapokusanya tunahakikisha Halmashauri zetu zinapatiwa fedha kulingana na bajeti zao ambazo zimetenga.

Mheshimiwa Spika, hii inakwenda katika swali lake la pili alilosema tumefuta vyanzo vingi, lengo letu kama Wizara, kama Serikali, ni kuhakikisha tunapeleka unafuu wa maisha kwa wananchi wetu. Usumbufu wa kodi mbalimbali na ushuru ambao walikuwa wakisumbuliwa ndiyo ambao Mheshimiwa Rais wetu aliahidi kufuta na sisi kama Wizara tumesimamia na tumefuta.

Mheshimiwa Spika, kama Wizara niseme hatujawahi kuacha kupeleka bajeti kwa halmashauri zetu pale ambapo fedha yetu imekuwa inatosha. Tunapeleka na tunaahidi kuendelea kuzipeleka halmashauri zetu bajeti zao kama ambavyo zimepitishwa na Bunge lako tukufu, na nimhakikishie Mheshimiwa Cecilia kwamba halmashauri zote zitapata bajeti zao kama ambao zimepitishwa. Na hii ni dhamira yetu na tumeanza utekelezaji, na yeye ni shahidi kule kwenye halmashauri yake anaona jinsi ambavyo tunapeleka fedha hizi kwa sasa.

SPIKA: Nilikuona Mheshimiwa Dkt. Kikwembe na Mheshimiwa Pauline Gekul mtauliza maswali ya nyongeza.

MHE. DKT. PUDENCIANA W. KIKWEMBE: Mheshimiwa Spika, ahsante kwa kunipatia nafasi niulize swali la nyongeza. Wakati tunapitisha bajeti tuliongelea suala la kodi ya majengo kwamba nyumba za kawaida zitaanzia shilingi 10,000 na nyumba ambazo zinakuwa kwenye *level* ya maghorofa zitaanzia shilingi 50,000. Lakini cha kushangaza mpaka sasa hivi tunaona kodi hizi hazina uwiano, unakuta kati ya nyumba na nyumba mwingine anapelekewa kodi ya shilingi 10,000 mwingine shilingi 30,000, mwingine shilingi 40,000.

Je, nini kauli ya Serikali kuhusu hizi kodi na uwiano ambao si sawa kati ya Halmashauri ama Manispaa ndani ya Manispaa moja unakuta kata nyingine bei ni tofauti na kata nyingine bei ni tofauti, ama Halmashauri moja ni bei tofauti na Halmashauri nyingine ni bei tofauti.

Je, nini kauli ya Serikali kuhusiana na kodi ambayo tuliipitisha sisi wenyewe Wabunge wakati wa bajeti? (*Makofi*)

SPIKA: Majibu ya Serikali Mheshimiwa Naibu Waziri wa Fedha na Mipango, kuhusu swali hilo la Dkt. Kikwembe.

NAIBU WAZIRI WA FEDHA NA MIPANGO: Mheshimiwa Spika, kodi aliyoiiongelea ya majengo inayokusanywa tofauti kutoka halmashauri moja kwenda halmashauri nyingine ni kodi iliyopitishwa na Bunge lako tukufu kwa ajili ya mwaka 2016/2017, ndiyo hiyo ambayo inakuswanywa na inaonekana kuna utofauti kutoka Halmashauri moja kwenda nyingine, kodi ambayo Bunge lako tukufu imeipitisha mwaka huu wa 2017/2018 ni kama alivyosema Mheshimiwa Dkt. Kikwembe; kwa nyumba za kawaida ni shilingi 10,000 na nyumba za ghorofa kama ambavyo ilielezwa kwenye *Finance Act* ni shilingi 50,000. Kwa hiyo, utofauti unaoonekana ni ile tu wananchi wetu walichelewa kulipa kodi ya majengo ya mwaka 2016/2017 lakini kwa mwaka 2017/2018 kodi itakayotozwa ni kama ambavyo Bunge lako Tukufu limepitisha.

SPIKA: Mheshimiwa Gekul nilishakutaja.

MHE. PAULINE P. GEKUL: Mheshimiwa Spika, nakushukuru kwa kunipa nafasi niulize swali moja la nyongeza.

Mheshimiwa Naibu Waziri, katika Bunge la Bajeti lililopita, tulipitisha au tulirekebisha Sheria ya Serikali za Mitaa kuhusu ushuru wa mazao; chini ya tani moja wakulima hawa wasitozwe, hasa mazao ya chakula, mfano mahindi na mazao mengine. Lakini Wakurugenzi na Mawakala katika halmashauri zetu wameendelea kuwatoza wananchi ambao wana magunia matano, matatu ya mahindi, mfano Geti la Galapo katika Halmashauri ya Wilaya ya Babati – na hilo Geti la Galapo unalifahamu mtani wangu.

Nini kauli ya Serikali kuhusu ukaidi huu wa Wakurugenzi na Mawakala kuendelea kuwatoza wakulima wetu hata

magunia matatu ya mahindi wanalipa ushuru huo wa mazao, nini kauli ya Serikali?

SPIKA: Maelezo ya swali hilo Mheshimiwa Naibu Waziri wa Fedha na Mipango, Mheshimiwa Dkt. Ashatu Kijaji tafadhali.

NAIBU WAZIRI WA FEDHA NA MIPANGO: Mheshimiwa Spika, sheria inabaki kuwa sheria na tunawataka wasimamizi wa sheria hii kule kwenye halmashauri zetu ambao ni Wakurugenzi wetu Watendaji wa Halmashauri zote kuhakikisha sheria hii inasimamiwa, mazao yetu yote ya biashara pamoja na ya chakula chini ya tani moja hayatakiwi kutozwa ushuru wowote, na hii ni sheria naomba itekelezwe. Na kama kuna jambo *specific* ambalo limetokea niwaombe sana wananchi wetu tuwasiliane. Namba zetu ziko hewani, ofisi zetu ziko wazi, tuwasiliane ili kuhakikisha sheria hii inatekelezwa kama ilivyopitishwa na Bunge letu Tukufu.

SPIKA: Tunaendelea na Wizara ya Maji na Umwagiliaji, swali linaulizwa na Mheshimiwa Daniel Edward Mtuka.

Na. 88

Uchimbaji wa Bwawa katika Kijiji cha Mwasa

MHE. DANIEL E. MTUKA aliuliza:-

Kwa kuwa bwawa linalotarajiwa kuchimbwa katika Kijiji cha Mbwasa, Tarafa ya Kintinku ni bwawa la kimkakati kwa wakazi wa Tarafa nzima ya Kintinku.

Je, ni lini Serikali itaanza rasmi ujenzi wa bwawa hilo baada ya upembuzi yakinifu na usanifu wa kina kukamilika?

WAZIRI WA MAJI NA UMWAGILIAJI alijibu:-

Mheshimiwa Spika, naomba kujibu swali la Mheshimiwa Daniel Edward Mtuka, Mbunge wa Jimbo la Manyoni Mashariki, kama ifuatavyo:-

Mheshimiwa Spika, katika mwaka wa fedha 2012/2013, Halmashauri ya Wilaya ya Manyoni ilipanga kujenga Bwawa la Mbwaswa kwa kupitia Mto wa Msimu wa Luwila ikiwa ni hitaji la wananchi wa Kijiji cha Mbwaswa kwa ajili ya shughuli za kilimo, mifugo na matumizi ya nyumbani. Ujenzi wa Bwawa la Mbwaswa ulikusudiwa kunufaisha pia wananchi wa vijiji vya jirani vya Mwiboo, Mtiwe na Chikuyu, lengo kuu ikiwa ni kuimarisha kilimo cha umwagiliaji wa zao la mpunga. Hali hii inatokana na maeneo hayo kutokuwa na uhakika wa mvua za kutosha kwa ajili ya uzalishaji wa mazao ya kilimo.

Mheshimiwa Spika, katika mwaka wa fedha 2012/2013, upembuzi yakinifu na usanifu wa Bwawa la Mbwaswa ulifanyika kupitia Ofisi ya Umwagiliaji Kanda ya Dodoma. Aidha, matokeo ya upembuzi huo yalibaini kuwa jumla ya shilingi 2,500,000,000 zingehitajika kwa ajili ya ujenzi wa bwawa hilo. Hata hivyo, bajeti za maendeleo za fedha za ndani iliyotengwa kwa ajili ya ujenzi wa mabwawa ya umwagiliaji ikiwemo Bwawa la Mbwaswa haikutolewa na hivyo kusababisha ujenzi wa bwawa hili kutotekelezwa.

Mheshimiwa Spika, katika mwaka wa fedha 2016/2017, Wizara yangu kupitia Tume ya Taifa ya Umwagiliaji ilianza kufanya mapitio ya Mpango Kabambe wa Taifa wa Umwagiliaji wa Mwaka 2002. Kwa kutambua umuhimu wa ujenzi wa mabwawa kama hatua ya kimkakati ya kukabiliana na mabadiliko ya tabianchi, Bwawa la Mbwaswa limepewa kipaumbele na litaingizwa katika Bajeti ya mwaka wa fedha 2018/2019 kwa ajili ya kuanza utekelezaji ili hatimaye lengo la Serikali na wananchi wa Kijiji cha Mbwaswa pamoja na vijiji vya jirani kuwa na kilimo cha uhakika.

SPIKA: Mheshimiwa Mtuka swali la nyongeza.

MHE. DANIEL E. MTUKA: Mheshimiwa Spika, nakushukuru kwa nafasi hii. Nina maswali mawili ya ngongeza. Hali ya upatikanaji wa maji hasa katika eneo la Bonde la Ufa katika Jimbo la Manyoni Mashariki ni ngumu

sana, hivi ninavyozungumza mifugo inahangaika, watu wanahangaika, akinamama wanalala kwenye visima ambavyo havina uhakika wa kupatikana kwa maji, hali ni ngumu sana kwa kweli. Mheshimiwa Waziri amejibu kwamba litawekwa katika kipaumbele cha bajeti inayokuja, ninaomba tu ni ombi, kwa *emergency*, kwa hali ambayo nimeielezea hii, hali ni ngumu, naomba liingizwe kwenye bajeti ya mwaka unaofuata.

Mheshimiwa Spika, swali la pili, katika Kata ya Sorya Wilayani Manyoni, kwenye Jimbo langu katika harakati za kuhanangaika kuwatafutia ajira vijana na akina mama tumetenga eneo, zaidi ya eka 400 kwa ajili ya kilimo cha umwagiliaji na tumechimba visima vitatu kwa fedha yetu wenyewe. Tuna shida ya umeme kwa ajili ya kufunga pampu za kutoa maji ili tuweze kumwagilia.

Je, Serikali inaweza kutusaidia sasa kupeleka umeme kwenye visima vile ili kunusuru wananchi hawa wanaohangaika, hasa vijana, tuweze kumwagilia maeneo haya na tuweze kujinusuru kwa suala la njaa? Ahsante. *(Makofi)*

SPIKA: Majibu ya maswali hayo Mheshimiwa Waziri wa Maji na Umwagiliaji, tafadhali.

WAZIRI WA MAJI NA UMWAGILIAJI: Mheshimiwa Spika, kwanza nimhakikishie kama tulivyoji-*commit* kwenye jibu la msingi, kwamba tutaweka kwenye bajeti ya mwaka 2018/2019 kwa hiyo naomba nimhakikishie kwamba tutafanya hivyo kwa sababu tumeshatoa jibu la namna hiyo.

Mheshimiwa Spika, swali lake la pili kuhusu ekari 400 ambazo mmepanga kuendeleza kilimo cha umwagiliaji; nilipokee ombi lake lakini tutaangalia uwezo wa bajeti iliyotengwa kwa mwaka huu wa fedha, kama itawezekana tutasaidia, lakini vinginevyo tutaangalia katika bajeti ya mwaka utakaofuata.

SPIKA: Tunaendelea bado tupo Wizara hiyo hiyo, swali na Mheshimiwa Mashimba Ndaki, Mbunge wa Maswa Magharibi.

Na. 89

Mradi wa Maji kutoka Ziwa Victoria

MHE. MASHIMBA M. NDAKI aliuliza:-

Serikali imekamilisha mradi wa maji kutoka Ziwa Victoria hadi Mji wa Ngudu na vijiji vilivyo karibu na mji huo Wilayani Kwimba. Mradi huo unatoa maji ya uhakika kuliko miradi ya visima vifupi ambavyo ni vya msimu. Lakini Mji Mdogo wa Malampaka na vijiji vingine vya karibu kama Jihu, Bukigi, Muhida, Lali, Nyabubinza na Mwang' honoli ambavyo vipo karibu na Mji wa Ngudu havijaunganishwa kwenye mradi huo.

Je, Serikali haioni umuhimu wa kuunganisha Mji Mdogo wa Malampaka na vijiji vya Jihu, Bukigi, Muhida, Lali, Nyabubinza na Mwang' honoli katika mradi wa maji kutoka Ziwa Victoria ili kuwapatia wananchi maji ya uhakika?

WAZIRI WA MAJI NA UMWAGILIAJI alijibu:-

Mheshimiwa Spika, naomba kujibu swali la Mheshimiwa Mashimba Mashauri Ndaki, Mbunge wa Maswa Magharibi, kama ifuatavyo:-

Mheshimiwa Spika, Serikali inatekeleza mradi wa maji safi toka Ziwa Victoria kwenda katika Mji wa Ngudu na vijiji vilivyopo kandokando ya bomba linalopeleka maji katika mji huo. Vijiji hivyo ni Runele, Ngatuli, Nyang' onge, Damhi na Chibuji. Mradi huu ulihusu ulazaji wa bomba kilometa 25 na sehemu nyingine ya bomba lilitumika bomba la zamani la mradi wa visima uliojengwa miaka ya 1970. Bomba hilo ni la kipenyo cha inchi nane na kulingana na usanifu halitoshi kuendeleza zaidi kwenda Malampaka.

Mheshimiwa Spika, Serikali kupitia Programu ya Maendeleo ya Sekta ya Maji...

SPIKA: Waheshimiwa Wabunge, nafikiri mnaona wenyewe sauti zenu, ni vizuri tu m-*regulate*. Ukisikiliza wewe mwenyewe utaona tu umuhimu wa kupunguza sauti kidogo.

Mheshimiwa Waziri, endelea na majibu.

WAZIRI WA MAJI NA UMWAGILIAJI: Mheshimiwa Spika, Serikali kupitia Programu ya Maendeleo ya Sekta ya Maji imetekeleza Miradi ya Maji ya Malampaka, Sayusayu, Masayi, Njiapanda na Sangamwalugesha ambayo imekamilika na wananchi wanapata maji. Miradi ya Maji ya Lalago, Mandang'ombe na Jija inaendelea kujengwa na ujenzi umekamilika kwa asilimia 65. Serikali pia imekamilisha usanifu na uandaaji wa makabrasha ya zabuni kwa Miradi ya Maji ya Mwambulimbu, Mwamanenge na Badi ambao utahudumia vijiji vitatu vya Muhiba, Jihu na Badi yenyewe. Ujenzi wa miradi hii utafanyika katika Awamu ya Pili ya Programu ya Maendeleo ya Sekta ya Maji.

Mheshimiwa Spika, Serikali inatekeleza miradi hii kwa awamu, hivyo, kwa vijiji ambavyo havipo katika awamu hii tunaomba Mheshimiwa Mbunge awasiliane na halmashauri husika ili viwe katika kipaumbele katika awamu zinazokuja.

SPIKA: Swali hili najua lina wadau wakubwa, Mheshimiwa Nyongo na Mheshimiwa Ndassa. Tuanze na Mheshimiwa Ndassa halafu Mheshimiwa Nyongo, maswali ya nyongeza.

MHE. RICHARD M. NDASSA: Mheshimiwa Spika, ahsante sana. Mwaka wa fedha 2016/2017 Serikali ilitenga shilingi bilioni moja kwa ajili ya Mradi wa Maji Sumve, Madya na Malampaka, mwaka 2017/2018 ilitenga shilingi bilioni mbili kwa ajili ya mradi huo. Sasa Mheshimiwa Waziri katika majibu yake, kwa sababu ili maji yafike Mji wa Malampaka ni lazima yafike Sumve na Malya. Sasa nataka kujua, tulitegemea kwamba ungetaja, angalau kwamba Serikali imetenga

shilingi bilioni mbili kwa ajili ya mradi huo, lakini hukutaja hata kidogo. Sasa swali Mheshimiwa Waziri, pesa zilizotengwa sasa hivi hazipo tena au mradi huo umeshakufa?

SPIKA: Majibu ya swali hilo Mheshimiwa Mashimba nitarudi kwako baadaye. Mheshimiwa Waziri, majibu ya swali hilo.

WAZIRI WA MAJI NA UMWAGILAJI: Mheshimiwa Spika, majibu niliyoyatoa haya yanalingana na swali lilivyoulizwa na Mheshimiwa Mashimba. Lakini kwa maana ya kutaka afahamu mradi wa kupeleka maji Sumve mpaka Malampaka, tumetenga fedha hizo, mwaka huu, shilingi bilioni mbili, kwanza kwa ajili ya kukamilisha usanifu na makabrasha ya zabuni ili kusudi tuweze kutangaza *tender* ya kupeleka maji Sumve mpaka Malampaka. Nia ya Serikali ipo palepale, hakuna mabadiliko, hata kama tungesema tu hapa bila utekelezaji ingekuwa haitusaidii, lakini nia ya Serikali ipo na lazima tupeleke maji Sumve, Malya na Malampaka.

SPIKA: Mheshimiwa Mashimba, halafu Mheshimiwa Nyongo.

MHE. MASHIMBA M. NDAKI: Mheshimiwa Spika, msingi wa swali hili ulikuwa ni maji kutoka Ziwa Victoria, sasa ninashukuru Mheshimiwa Ndassa, kaka yangu, ameuliza swali nililotaka kuuliza la nyongeza. Ahsante sana.

SPIKA: Ahsante sana. Mheshimiwa Nyongo.

MHE. STANSLAUS H. NYONGO: Mheshimiwa Spika, ahsante sana kwa kunipa nafasi ya kuuliza swali la nyongeza.

Ninapenda kujua kwamba Maswa tumekuwa na tatizo kubwa sana la maji, kwa kweli hali ni mbaya na inahitajika hali ya dharura kutatua tatizo la maji katika Mji wa Maswa na maeneo yake. Sasa ninaomba Mheshimiwa Waziri atusaidie, anatumakikishia vipi kwamba kuna njia

mbadala ya kupata maji katika Mji wa Maswa kwa sababu bwawa tunalolitumia limekauka kabisa? Ahsante. (*Makofi*)

SPIKA: Majibu ya swali hilo la wananchi wa Maswa Mheshimiwa Waziri wa Maji na Umwagiliaji, Wanasema hawaogi kabisa Wasukuma hawa.

WAZIRI WA MAJI NA UMWAGILIAJI: Mheshimiwa Spika, kwanza, nikiri, ni kweli bwawa ambalo Mji wa Maswa ulikuwa unategemea limekauka, na hii inatokana na matumizi yasiyokuwa endelevu ya wafugaji ambao walikuwa wanafuga jirani na lile bwawa kuweza kuzalisha matope na hivyo kufanya lile bwawa kujaa matope na maji kukauka. Kwa hiyo, Serikali tumetenga bilioni 1.1 katika Halmashauri ya Maswa, sasa katika fedha zile wanaweza wakatumia sehemu ya fedha hiyo katika kutafuta mpango wa dharura ili kuhakikisha kwamba wananchi wa pale wanapata maji.

Mheshimiwa Spika, lakini kwa ujumla, Mkoa wa Simiyu, tunao mpango mkubwa wa kupeleka maji kutoka Ziwa Victoria kupeleka Bariadi na wilaya hizo zote ambao unafadhiliwa na *KfW* pamoja na *Global Climate Fund*, huu ni Mfuko wa Mazingira Duniani, kwahiyu fedha hizo, Euro milioni 100 na Euro milioni 25 tayari tumezipata. Sasa hivi tunakamilisha tu usanifu wa kina na muda si mrefu tutatangaza tenda ili tuweze kuujenga mradi ule, huo ndio utakuwa jibu la Mkoa huu wa Simiyu kuliko hivi visima ambavyo kwa muda mfupi vinakuwa vinakauka.

SPIKA: Tunaendelea Waheshimiwa Wabunge swali la Mheshimiwa Magdalena Hamis Sakaya, Mbunge wa Kaliua kwa Wizara hiyo hiyo ya Maji.

Na. 90

Mradi wa Maji – Mto Malagarasi

MHE. MAGDALENA H. SAKAYA aliuliza:-

Wilaya ya Kaliua inakabiliwa na tatizo kubwa sana la maji hali inayosababisha wananchi wake wengi kuteseka kwa kukosa huduma hiyo muhimu na kutumia muda mwingi kutafuta maji umbali mrefu na hivyo kushindwa kufanya shughuli za maendeleo.

Je, mradi mkubwa wa kutoka Mto Malagarasi kwenda vijiji vya Kaliua mpaka Urambo utaanza lini na kukamilika lini?

WAZIRI WA MAJI NA UMWAGILIAJI alijibu:-

Mheshimiwa Spika, naomba kujibu swali la Mheshimiwa Magdalena Hamis Sakaya, Mbunge wa Kaliua, kama ifuatavyo:-

Mheshimiwa Spika, kwa kutambua tatizo la maji katika vijiji vya Kaliua hadi Urambo, Serikali imeanza kutekeleza mradi wa kutoa maji Mto Malagarasi kwa kumuajiri mtaalam mshauri ambaye anaendelea na kazi ya usanifu na uandaaji wa makabrasha ya zabuni ya ujenzi. Kazi hiyo imepangwa kukamilika mwezi Oktoba, 2017.

Mheshimiwa Spika, katika mwaka wa fedha 2017/2018, Serikali imetenga kiasi cha shilingi bilioni mbili kwa ajili ya usanifu wa mradi huo. Aidha, Serikali inaendelea na jitihada za kutafuta fedha kwa ajili ya utekelezaji wa mradi huo, na mara fedha zitakapopatikana, itajulikana ujenzi wa mradi huo utaanza lini na kukamilika lini.

SPIKA: Swali la nyongeza Mheshimiwa Sakaya, Naibu Katibu Mkuu wa CUF. *(Makofi)*

MHE. MAGDALENA H. SAKAYA: Mheshimiwa Spika, ahsante, naomba kumuuliza Mheshimiwa Waziri maswali mawili ya nyongeza.

Kwa kuwa huu ni mwaka wa nne tangu Serikali ilivyokuja na mpango wa kutoa maji Malagarasi lakini bado mradi uko kwenye upembuzi yakinifu na hata fedha

iliyotengwa, shilingi bilioni mbili mwaka huu ni kwa ajili ya upembuzi yakinifu, wakati huohuo wananchi wa Kaliua wanaendelea kuteseka kupata maji na akina mama wanateseka na watoto hawaendi shule kwa wakati.

Mheshimiwa Spika, kwa kuwa huu ni mpango wa muda mrefu, Serikali ina mpango gani wa muda mfupi wa kuwapatia wananchi wa Kaliua maji ya uhakika na masafi?
(Makofi)

Mheshimiwa Spika, swali la pili, kwa kuwa Kampuni ya *GTI* imefanikiwa kuchimba kisima cha maji kwenye Kata moja ya Usindi na ikapata maji mengi pamoja na kuwa ardhi ya Kaliua haina maji kwenye *water table*, Serikali sasa ina mpango gani wa kupeleka wataalam wenye uwezo mkubwa Kaliua waweze kugundua maeneo yenye maji ya uhakika kwenye ardhi ili angalau tupate visima vyenye maji ya kutosha wananchi wapate maji ya kutosha waache kuteseka na adha kubwa ya maji Jimbo la Kaliua? Ahsante.
(Makofi)

SPIKA: Majibu ya maswali hayo Mheshimiwa Waizi wa Maji na Umwagiliaji, *Engineer* Lwenge.

WAZIRI WA MAJI NA UMWAGILIAJI: Mheshimiwa Spika, kwanza Mheshimiwa Sakaya alikuja ofisini na tukazungumza matatizo ya maji katika Wilaya yake na nikamueleza kwamba nitapeleka wataalam kupitia *TUWASA* ili wakasaidiane na Mhandisi wa Wilaya, inaonekana kidogo Mhandisi wa Wilaya hana uwezo wa kuweza kufanya usanifu wa miradi maana mpaka sasa ametengewa shilingi milioni 692 anataka azitumie zote kufanya usanifu, nimekataa kwamba haiwezekani ukatumia shilingi milioni 600 kwa usanifu, tunataka tupate matokeo.

Kwa hiyo, napeleka wataalam ili wakashirikiane angalau hata hicho kisima anachokizungumza tuweze kukiendeleza wananchi wa pale waweze kupata maji. (Makofi)

SPIKA: Tuendelee Waheshimiwa Wabunge na Wizara ya Maliasili na Utalii, swali linaulizwa na Mheshimiwa Goodluck Asaph Mlinga, Mbunge wa Ulanga.

Na. 91

Ahadi ya Kuwapatia Ardhi Wananchi wa Kata za Ulanga

MHE. DKT. HADJI H. MPONDA (K.n.y. MHE. GOODLUCK A. MLINGA) aliuliza:-

Mheshimiwa Rais wa Awamu ya Tano aliahidi kuwapatia wananchi wa Kata za Lupiro, Iragua, Milola na Minepa eneo la ardhi oevu ya Bonde la Mto Kilombero kwa ajili ya makazi na kilimo pindi tu atakapoingia madarakani.

Je, utekelezaji wa ahadi hiyo imefikia wapi?

NAIBU WAZIRI WA MALIASILI NA UTALII alijibu:-

Mheshimiwa Spika, kwa niaba ya Waziri wa Maliasili na Utalii, napenda kujibu swali la Mheshimiwa Goodluck Asaph Mlinga, Mbunge wa Jimbo la Ulanga, kama ifuatavyo:-

Mheshimiwa Spika, ni kweli kwamba Rais wa Jamhuri ya Muungano wa Tanzania, Mheshimiwa Dkt. John Pombe Joseph Magufuli aliahidi kumaliza matatizo ya ardhi katika maeneo mbalimbali nchini yakiwemo maeneo ya kata nne zilizotajwa ikiwa ni sehemu ya utekelezaji wa Ilani ya Chama cha Mapinduzi, Ibara ya 22(e). Hata hivyo, utaratibu wa kushughulikia ahadi hiyo katika kata hizo haukutajwa kuwa ni kwa kumega sehemu ya ardhi oevu katika Bonde la Mto Kilombero. Napenda kutumia fursa hii kumfahamisha Mheshimiwa Mbunge kwamba tayari kazi ya kushughulikia tatizo hili la ukosefu wa ardhi kwa wananchi wa kata hizo limeanza kupitia Mradi wa *KILORWEMP*, Mamlaka ya Usimamizi wa Wanyamapori (*TAWA*) na kwa kushirikiana na Wizara ya Ardhi, Nyumba na Maendeleo ya Makazi, Serikali ya Mkoa wa Morogoro pamoja na Wilaya za Malinyi, Kilombero na Ulanga.

Mheshimiwa Spika, kazi hii inafanyika kwa umakini mkubwa ili kuepuka kukiuka misingi na dhana nzima ya uhifadhi, kwanza kwa kuzingatia vigezo na umuhimu wa ardhi oevu na pili kwa kuhakiki mipaka halali ya vijiji yaani *village approved survey plans*. Aidha, kupitia *Land Tenure Support Program* unaotekelezwa chini ya Wizara ya Ardhi, Nyumba na Maendeleo ya Makazi, mipango ya matumizi bora ya ardhi ya vijiji inaandaliwa hadi hatua ya kutoa hati miliki za kimila kwa vijiji vyote vinavyozunguka Bonde la Mto Kilombero.

Mheshimiwa Spika, suala hili pia linafanyiwa kazi sambamba na maombi ya wananchi kupitia wawakilishi wao wakiwemo Waheshimiwa Wabunge na Madiwani ambayo yamekuwa yakipelekwa katika ngazi mbalimbali likiwemo Bunge lako Tukufu. Kazi hii ni shirikishi, wananchi wa kata na vijiji katika Wilaya husika wanashirikishwa kikamilifu hadi kufikia maridhiano ya pamoja. Kwa mfano, katika Kijiji cha Igawa, Kata ya Igawa, Wilaya ya Malinyi, baada ya kufikia maridhiano na kwa kuzingatia vigezo vya pande zote, eneo la kijiji liliongezeka kutoka kilometa za mraba 39.8 hadi 86.97 ambayo ni sawa na ongezeko la asilimia 118.5. Eneo la Kijiji cha Sofi Majiji liliongezeka kutoka kilometa za mraba 93.9 hadi 108.99 ambayo ni sawa na ongezeko la asilimia 16.1. Kuongezeka au kupungua kwa eneo kunatokana na vigezo vilivyowekwa ingawa hadi sasa hakuna kijiji kilichopoteza eneo.

SPIKA: Mheshimiwa Mponda, swali la nyongeza.

MHE. DKT. HADJI H. MPONDA: Mheshimiwa Spika, nakushukuru kwa kunipa nafasi ya kuuliza maswali mawili ya nyongeza.

Mheshimiwa Spika, kwanza niishukuru Serikali kwa mchakato ambao unaendelea katika maeneo yale.

Swali la kwanza, kupitia huo Mradi wa *KILORWEMP*, wadau tulikaa mwezi Oktoba, 2016 katika Mji Mdogo wa Mikumi. Tulichokubaliana ni kwamba urejeshaji upya wa

mipaka ile utazingatia ushirikishi wa wananchi. Serikali wamefanya hilo lakini changamoto hapa, tunapojadiliana, tunapokubaliana katika urekebishaji wa ile mipaka lakini wakienda *site* watumishi/wataalam wale wa Serikali wanagoma, wanaelekeza kuweka mipaka kama wanavyotaka wao. Kwa mazingira hayo bado wataendelea mgogoro. Kwa nini sasa makubaliano yale na wananchi na wadau kwenye kijiji hayatekelezwi wanapokwenda kuweka upya ile mipaka? (*Makofi*)

Mheshimiwa Spika, swali la pili, Serikali sasa mnafanya zoezi la kuondoa mifugo kwenye hifadhi kwa maeneo yale ya lile Bonde la Ardhi Oevu la Kilombero. Mifugo ile itakapotoka kule inakuja kwenye ardhi ya vijiji, ardhi ya vijiji ndiyo yenye vyanzo vya maji katika bonde lile la Kilombero. Je, Serikali mnavisaidiaje vijiji hivi kukabiliana na msukusuko huo wa ile mifugo itakapotoka kule kwenye lile bonde kuja kwenye ardhi ya vijiji? (*Makofi*)

SPIKA: Majibu ya maswali hayo mawili yaliyoulizwa na Mheshimiwa Dkt. Mponda, Mheshimiwa Naibu Waziri wa Maliasili na Utalii, tafadhali.

NAIBU WAZIRI WA MALIASILI NA UTALII: Mheshimiwa Spika, swali lake la kwanza linasisitiza juu ya umuhimu wa ushirikishwaji wa wananchi jambo ambalo kwenye majibu yangu ya msingi nimelifafanua kirefu kwamba kwa mujibu wa mipango ya Serikali ya utekelezaji wa shughuli mbalimbali za kufanya uhifadhi uweze kuwa endelevu na kuweza kutimiza masharti ya sheria, kanuni na taratibu bado utekelezaji wake unaendelea kusisitizwa na kwamba Serikali itaendelea kuona umuhimu wa ushirikishwaji wa wananchi. Katika mradi huu wa *KILORWEMP* tayari tunao mpango huishi unaoitwa *intergrated management plan* ambao kwa mujibu wa Kanuni za Mkataba za *RAMSAR Convention* tunapaswa kuuzingatia.

Mheshimiwa Spika, hata hivyo, nipokee maelezo yake ambayo nayasikia kwa mara ya kwanza hapa kwamba makubaliano yanayofikiwa katika vikao mbalimbali vilevile

vya ushirikishwaji wa wananchi wakati wa kwenda kuyatekeleza kule *site* yanakuwa yana kasoro au yana upungufu. Hili naomba nimhakikishie Mheshimiwa Mbunge kwamba kwa niaba ya Serikali tunalipokea ili tuweze kufika kule kwenye maeneo yanayohusika tuweze kuona pengine katika utekelezaji, utendaji unakuwa una kasoro. Kwa hiyo, tukifika kule tutakwenda kushirikiana kuona namna gani tunaweza kuondoa hizo kasoro ndogo ndogo zinazoweza kukwamisha dhamira kuu ya Serikali ya kuweza kufanya uhifadhi uwe na mafanikio.

Mheshimiwa Spika, kuhusiana na swali lake la pili linalohusiana na uondoaji wa mifugo kwenye maeneo yaliyohifadhiwa na changamoto zake, anataka kujua kwamba uondoaji wa mifugo katika maeneo yaliyohifadhiwa na mahsus katika suala hili ni suala la Bonde la Mto Kilombero kwamba mifugo ile hasa ng'ombe wanapokwenda katika maeneo ya vijiji wanakwenda kusababisha changamoto nyingine ambazo na zenyewe zinakuwa ni kubwa vilevile pengine ni kubwa zaidi kuliko wanapokuwa wako kwenye hifadhi kwa mujibu wa maelezo yake.

Napenda nimpe taarifa Mheshimiwa Mbunge kwamba na hili nalo ni suala vilevile la ushirikishaji wa pande zote mbili kwamba Serikali na wananchi kwa pamoja tunapaswa kufanya kazi hizi kwa pamoja kwa kushirikishana ili kila mmoja atambue umuhimu wa uhifadhi lakini katika kusimamia uhifadhi, changamoto tunazokutana nazo wakati wa kusimamia tuweze kuzitatua kwa pamoja. Kwa hiyo, katika safari hiyohiyo ninayosema tutakuja tuweze kuona nini kiko *site*, tutaweza kuliangalia tatizo hili la mifugo inayoondoka katika maeneo ya hifadhi ya Mto Kilombero ili tuweze kuona namna ya kutatua changamoto hizo katika maeneo ya vijiji wanamoishi wananchi.

SPIKA: Mheshimiwa Waitara, swali fupi la nyongeza.

MHE. MWITA M. WAITARA: Mheshimiwa Spika, nakushukuru sana kwa kunipa nafasi niulize swali moja la nyongeza.

Mheshimiwa Spika, kuna mgogoro wa Hifadhi ya Kazimzumbwi kati ya Ukonga na Kisarawe na nimshukuru Mheshimiwa wa Maliasili na Waziri wa Ardhi na Mheshimiwa Waziri Mkuu tulishakutana tukafanya mazungumzo na kulikuwa na kesi Mahakamani ambayo imekwisha. Sasa wataalam wale wa Maliasili wameenda Kazimzumbwi, wamevunja nyumba za watu, wanapiga watu, wanaharibu mali za watu katika eneo hilo. Swali langu, hawa Waheshimiwa Mawaziri wawili, wapo tayari twende pale Kazimzumbwi au hapahapa Dodoma nipo tayari kuwaita wale wahusika tukae pamoja tukubaliane kumaliza mgogoro ule ili usilete maafa katika aneo lile? Ni hilo tu.

SPIKA: Majibu ya swali hilo Mheshimiwa Naibu Waziri kuhusu Kazimzumbwi.

NAIBU WAZIRI WA MALIASILI NA UTALII: Mheshimiwa Spika, swali lake linafanana na maswali yaliyoulizwa na muuliza swali la msingi hapo awali, ni changamoto za utekelezaji wa usimamizi wa maeneo yaliyohifadhiwa kwamba wananchi wamekuwa wakilalamika juu ya utekelezaji wa shughuli mbalimbali zinazohakikishia Serikali kwamba tunasimamia maeneo yaliyohifadhiwa.

Mheshimiwa Spika, changamoto moja inayojitokeza hapa ni kwamba, kwa sababu suala hili linahusisha pande mbili; upande mmoja ni Serikali ambayo inasimamia sheria, kwa mujibu wa sheria, kanuni na taratibu yako masuala ambayo ni lazima yatekelezwe ili kuhakikisha kwamba uhifadhi unafanikiwa lakini upande wa pili ni wananchi ambao kwa maoni yao wanadhani katika kutekeleza shughuli mbalimbali za usimamizi wa hizo hifadhi upo utekelezaji ambao una kasoro kwa sababu unaleta athari kwa wananchi.

Mheshimiwa Spika, sasa hapa haiwezekani kupata uhalisia, ukweli na uhakika bila kwenda kwenye uhalisia wenyewe. Kwa hiyo, nimwambie Mheshimiwa Mbunge kwa sababu ameuliza Mawaziri hao wanaweza kuongozana naye kwenda kuona hali ilivyo huko au wale wananchi labda

kupitia viongozi wao kama wanaweza kupata fursa ya kuja Dodoma na kuweza kuonana na Waziri mwenye dhamana na Msaidizi wake wanaosimamia Maliasili.

Mheshimiwa Spika, labda niseme tu kwa kifupi kwamba hii ya pili itakuwa ni nyepesi zaidi kwa sababu ahadi zetu za kufika kwenye maeneo mbalimbali ambayo yana changamoto zinazohusiana na maliasili na utalii zinakuwa ni nyingi na muda unakuwa hautoshi. Kwa hiyo, kama hili la pili Mheshimiwa Mbunge anaweza kulitekeleza kwa urahisi zaidi ni jepesi zaidi. Hebu tupate viongozi kutoka huko, waje hapa na kile ambacho wanaona kwamba ni sahihi kwa upande wao halafu tutakuja hapa kuzungumza masuala haya kwa mujibu wa sheria, kanuni na taratibu kwa sababu suala hili la Kazimzumbwi limeshawekwa vizuri kwa mujibu wa sheria lakini kama zipo changamoto basi ni utaratibu tu wa Serikali sikivu kuweza kusikiliza wananchi wanasema nini.

Kwa hiyo, Mheshimiwa Mbunge hebu fanya utaratibu wa kuweza kupata viongozi wanaotoka kwenye maeneo haya wakija hapa basi mimi na Mheshimiwa Waziri tutaweza kuona namna bora zaidi ya kuweza kuwasikiliza halafu tutaweza kuona namna ya kuweza kushughulikia matatizo yao kwa mujibu wa sheria, kanuni na taratibu.

SPIKA: Tunaendelea na swali la Mheshimiwa Naghenjwa Livingstone Kaboyoka, Mwenyekiti wa *PAC*.

Na. 92

Kutengeneza Miundombinu ya Maji - Hifadhi ya Mkomazi

MHE. NAGHENJWA L. KABOYOKA aliuliza:-

Je, ni lini Serikali itatengeneza miundombinu ya maji katika Hifadhi ya Mkomazi ili kuzuia wanyamapori kuzurura kwenye makazi ya wananchi wakitafuta maji na kuharibu mazao yao?

SPIKA: Majibu ya swali hilo la wananchi wa Same Mashariki, Naibu Waziri, Maliasili na Utalii, Mheshimiwa Mhandisi Ramo Makani, tafadhali.

NAIBU WAZIRI WA MALIASILI NA UTALII alijibu:-

Mheshimiwa Spika, kwa niaba ya Waziri wa Maliasili na Utalii, napenda kujibu swali la Mheshimiwa Naghenjwa Livingstone Kaboyoka, Mbunge wa Same Mashariki, kama ifuatavyo:-

Mheshimiwa Spika, Hifadhi ya Taifa ya Mkomazi inapatikana katika nyanda kame na hivyo kukabiliwa na uhaba wa maji kwa ajili ya matumizi ya wanyamapori. Wizara imefanya juhudi za kuchimba mabwawa kwa ajili ya kuhifadhi maji ambapo hadi sasa kuna jumla ya mabwawa tisa ambayo ni Mabata, Kuranze, Zange, Ndindira, Nobanda, Ngurunga, Mbula, Kavateta na Maore. Hata hivyo, kutokana na mabadiliko ya tabianchi ni mabwawa matatu tu yanahifadhi maji mwaka mzima.

Mheshimiwa Spika, kutokana na changamoto hiyo ya upungufu wa maji, Serikali inaendelea kuchimba mabwawa sita ili kukidhi mahitaji ambapo bwawa moja lilikamilika katika mwaka wa fedha wa 2016/2017 na mengine matano yatachimbwa katika mwaka huu wa fedha 2017/2018.

Aidha, katika mwaka 2017/2018 kisima kirefu kimoja kitachimbwa kwa ajili ya kusukuma maji na kujaza mabwawa yanayokauka ili kukidhi mahitaji ya maji wakati wa kiangazi kikali na wakati huo huo doria za kudhibiti wanyamapori wasitoke nje ya hifadhi zinaendelea kuimarishwa.

SPIKA: Mheshimiwa Mbunge wa Same Mashariki, swali la nyongeza tafadhali.

MHE. NAGHENJWA L. KABOYOKA: Mheshimiwa Spika, ahsante, nina maswali mawili ya nyongeza kwa Mheshimiwa Naibu Waziri.

Mheshimiwa Spika, swali la kwanza, mwaka jana mwezi Julai tulikwenda na Mkurugenzi Mkuu wa TANAPA kutembelea vyanzo vya maji kutoka Milima ya Shengena ambayo inatiririsha maji mengi ambapo yanapita siyo mbali sana na hifadhi hii ya Mkomazi kwa upande wa Same Mashariki. Naye akaridhia kwamba kweli yale maji yangeweza kuchukuliwa na kusaidia sana ambapo yatakuwa ni maji ya kudumu kuliko haya mabwawa ambayo yanakauka mara kwa mara. Sasa nimuulize Mheshimiwa Waziri, je, kitu gani kimefanya ule mpango usitekelezwe na badala yake wanakwenda tena kuchimba mabwawa wakati tumeshaona mabwawa kwanza ni hasara kubwa na pili maji yake yanakauka kila mara? (*Makofi*)

Mheshimiwa Spika, swali la pili, je, Waziri yuko tayari kutuma wataalam wake wakatembelee tena hii mito hasa Mto wa Hingilili ambao ndiyo unashusha maji mengi na kulinganisha na tathmini yake na kuchimba mabwawa ni ipi rahisi? Ahsante. (*Makofi*)

SPIKA: Majibu ya maswali hayo muhimu ya wananchi wa Same Mashariki, Mheshimiwa Naibu Waziri wa Maliasili.

NAIBU WAZIRI WA MALIASILI NA UTALII: Mheshimiwa Spika, kuhusu swali lake la kwanza, anatoa taarifa juu ya ziara yake na Mtendaji Mkuu wa Mamlaka za Hifadhi za Taifa Nchini (*TANAPA*) kwenye Milima ya Shengena ambapo analiambia Bunge lako Tukufu kwamba waliweza kuona uwezekano kwamba eneo lile ni chanzo cha maji ambacho kingeaminika zaidi na kwa hiyo anataka kujua kwa nini Serikali kupitia Wizara ya Maliasili na Utalii isingetumia chanzo kile badala ya vyanzo hivi ambavyo tumevieleza hapa vya kutumia maji kutoka ardhini.

Mheshimiwa Spika, masuala haya ambayo ni ya kisayansi msingi wake mkubwa ni utafiti na baada ya ziara anayoizungumzia, kilichofanyika ni kuangalia faida na hasara yaani *cost benefit analysis* na baadaye gharama za kuweza kutekeleza mradi ule wa kujenga miundombinu na kukusanya maji kutoka kwenye Milima ya Shengena na kuyafikisha

kwenye maeneo yanayohitajika, katika hatua za awali, ilionekana kwamba gharama zake kwa sasa hivi hayawezi kuwa yanaweza kumudu kibajeti kuliko kujenga kisima au visima hivi tulivyovieleza hapa sasa hivi.

Mheshimiwa Spika, kwa hiyo, kwa kuwa hicho ni chanzo ambacho ni kweli kama alivyosema Mheshimiwa Mbunge kingeweza kuwa ni cha kuaminika na cha kudumu zaidi lakini kikwazo ni suala la uwezo wa kibajeti hatujafunga hilo dirisha. Hilo dirisha bado liko wazi lakini tusingeweza kukaa sasa kusubiri kufanya jambo kubwa na la gharama kubwa badala ya kufanya lile linalowezekana kwa sasa hivi.

Kwa hiyo, Mheshimiwa Mbunge akubaliane na Serikali kupitia Wizara ya Maliasili na Utalii kwamba kwa sasa tutaendelea kutumia njia hii ya visima vifupi na visima virefu wakati tukiwa tunaangalia uwezo wa kibajeti utakapokuwa umepanda basi tutatekeleza lile la pili.

Mheshimiwa Spika, swali lake la pili kwa kweli linamezwa na swali la kwanza kwa sababu alitaka kujua kama tunaweza kutuma wataalam kwenda kuangalia ile mito ambayo iko kule na kuweza kuona kama inaweza kutumika kama vyanzo vya maji.

Mheshimiwa Spika, jibu lake ni lilelile tu kwamba katika mito anayoitaja hata kama tukienda sasa hivi itakuwa ni suala la kulinganisha gharama na kwamba Wizara imeona hatua hizi zinazochukuliwa kwa sasa hivi ni za mpito ambazo zinaweza kushughulikiwa na uwezo wa kibajeti uliopo, lakini njia zile nyingine za kudumu zaidi za muda mrefu zitaangaliwa hapo baadaye baada ya uwezo wa kibajeti kuwa umepanda.

SPIKA: Tunaendelea na Wizara ya Habari, Utamaduni, Sanaa na Michezo na swali la Mheshimiwa Innocent Sebba Bilakwate, Mbunge wa Kyerwa.

Na. 93

Usikivu Wa TBC Kyerwa

MHE. INNOCENT S. BILAKWATE aliuliza:-

Je, ni lini Serikali itawapatia wananchi wa Kyerwa haki yao ya kusikiliza Redio ya Taifa (TBC Taifa) ili kujua yanayoendelea katika nchi yao kama ilivyokuwa hapo awali kabla ya kubadilisha teknolojia ya habari, badala yake sasa wanasikiliza redio za Rwanda na Uganda.

SPIKA: Majibu ya swali hilo la wananchi wa Kyerwa, Naibu Waziri, Habari, Utamaduni, Sanaa na Michezo, Mheshimiwa Anastazia Wambura, tafadhali.

NAIBU WAZIRI WA HABARI, UTAMADUNI, SANAA NA MICHEZO alijibu:-

Mheshimiwa Spika, kwa niaba ya Waziri wa Habari, Utamaduni, Sanaa na Michezo, naomba kujibu swali la Mheshimiwa Innocent Sebba Bilakwate, Mbunge wa Kyerwa, kama ifuatavyo:-

Mheshimiwa Spika, Wilaya ya Kyerwa iko katika Mkoa wa Kagera ambapo matangazo ya redio yanapatikana kupitia mtambo wa TBC ulioko katika Manispaa ya Bukoba. Mtambo huu unasafirisha mawimbi ya redio katika maeneo mbalimbali ya Mkoa huu wa Kagera ikiwemo wananchi wa Jimbo la Kyerwa. Usikivu wa TBC katika eneo hili umeshuka na kusababisha baadhi ya maeneo kukosa matangazo ya redio ikiwemo Jimbo la Kyerwa. Ili kuimarisha usikivu katika maeneo ya mipakani ikiwemo Wilaya ya Kyerwa, mpango wa TBC ni kujenga mitambo ya *FM* katika maeneo haya ili wananchi wake waweze kupata matangazo kutoka redio yao ya Taifa TBC.

Mheshimiwa Spika, kwa sasa na kama ilivyobainishwa katika hotuba ya Bajeti ya Wizara ya mwaka 2017/2018 TBC imeanza kutekeleza mpango huu katika Wilaya na maeneo

ya Kibondo, Nyasa, Longido, Tarime na Rombo na itaendelea katika wilaya nyingine ikiwemo Wilaya ya Kyerwa kadri bajeti inavyoendelea kuimarika.

SPIKA: Mheshimiwa Bilakwate, swali la nyongeza.

MHE. INNOCENT S. BILAKWATE: Mheshimiwa Spika, ahsante kwa kunipa nafasi ya kuuliza maswali mawili ya nyongeza.

Mheshimiwa Spika, swali la kwanza, kwa kuwa Serikali imekiri kuwa Redio ya Taifa haisikiki katika Wilaya ya Kyerwa na wananchi hao wanapofungua redio wanapata Redio ya Rwanda na Uganda kitu ambacho kimewafanya wananchi hawa kuonekana kama wametengwa kwa sababu hawawezi kupata taarifa ambazo ni muhimu zinazohusu Taifa lao.

Je Serikali haioni kuwa wananchi hawa wamekosa haki yao ya msingi ya kupata habari za Serikali hasa hasa kutoka kwa viongozi wao kama Mheshimiwa Rais anapokuwa anaongea na viongozi wengine? Hata mimi Mheshimiwa Mbunge ninapokuwa Bungeni nawawakilisha, hawa wananchi hawapati taarifa yoyote. *(Makofi)*

Mheshimiwa Spika, swali la pili, je, Serikali haioni haja ya kuchukua hatua za dharura ili wananchi hawa waweze kupata taarifa ya Redio ya Taifa kwa sababu wanakosa hii haki ya msingi? Laini hata Televisheni ya Taifa haisikiki wala haionekani vizuri. Ahsante. *(Makofi)*

SPIKA: Mheshimiwa Naibu Waziri, Habari, Utamaduni, Sanaa na Michezo, wananchi hawa wametengwa hawapati habari, Kyerwa huko, majibu.

NAIBU WAZIRI WA HABARI, UTAMADUNI, SANAA NA MICHEZO: Mheshimiwa Spika, nakushukuru kwa kunipa nafasi ya kujibu maswali mawili ya nyongeza ya Mheshimiwa Innocent Bilakwate. Pia nichukue nafasi hii kumshukuru sana Mheshimiwa Innocent kwa maswali yake mawili mazuri.

Mheshimiwa Spika, kwanza, naomba unipe ridhaa ya kuelezea suala hili kwa kirefu kidogo kwa sababu tuna Wilaya karibu 84 ambazo hazina usikivu wa redio katika nchi hii na suala hili limesababisha Wabunge wengi mara kwa mara kuuliza maswali yanayohusiana na usikivu wa redio yao ya Taifa. Kwa hiyo, naomba nitoe ufafanuzi kidogo ili kusudi tuweze kusaidiana kwa pamoja na kuhakikisha kwamba tatizo hili linapata ufumbuzi.

Mheshimiwa Spika, kwanza ametaka kujua kwamba Serikali haioni kwamba wananchi wanakosa haki yao ya msingi ya kusikiliza redio yao ya Taifa. Nitoe tu maelezo kwa kifupi kwamba kuna matatizo ambayo yanasababisha au tuseme kuna *factors* ambazo zinasababisha kuathiri usikivu wa redio katika maeneo mbali mbali. Kwanza, ukirudi nyuma tulikuwa tunatumia mitambo ya *medium wave* ambayo ilikuwa inaenea katika nchi nzima lakini kutokana na uchakavu wa mitambo hii na gharama kubwa ya kuinunua au kuikarabati imebidi sasa tuweke mitambo ya *FM* katika kila mkoa. Kwa hiyo, kila mkoa una mtambo wa *FM*.

Mheshimiwa Spika, sasa masuala ambayo yanaathiri usikivu kwanza ni *capacity* ya ule mtambo wenyewe lakini pia uwepo wa milima katika maeneo husika kwa mfano kama eneo la Mheshimiwa Innocent kuna milima mirefu ambayo mitambo hii inashindwa kuufikia. Suala lingine ambalo linaathiri usikivu ni ule uharibifu wa baadhi ya vifaa kama *power amplifier* ambao unatokana na matatizo mbalimbali kama vile radi au kukatika kwa umeme. Katika eneo la Mheshimiwa Innocent, kule Bukoba upo mtambo ambao kuna kifaa kimeharibika – *MOSFET* imeharibika na imekufa kabisa, kwa hiyo, usikivu umeathirika katika eneo hilo.

Mheshimiwa Spika, hatua za haraka ambazo tumeamua kufanya, kwanza nimeshatoa maagizo ili kusudi wataalam waende katika maeneo yake, katika Wilaya ya Kyerwa ili kuweza kuona jinsi gani ya kutatua tatizo hili kwa sababu kwanza uwezekano upo wa kuweka *booster*, lakini pia waone kama wanaweza wakanunua kifaa kile ambacho kimeharibika.

Vilevile kuna utaratibu ambao sasa hivi TBC inafanya kuubadilisha mfumo wa *satellite uplink* ambayo iko Mikocheni, tunaamini kabisa kwamba hii *satellite uplink* ikirekebishwa ikawa ya kisasa zaidi tutaboresha usikivu kwa asilimia takribani 15 hivi.

Kwa hiyo, niwaombe Waheshimiwa Wabunge ambao maeneo yao hayana usikivu, kufikia mwisho wa mwaka huu tunaamini kabisa hii *satellite uplink* inaweza ikawa imerekebishwa, kwa hiyo, usikivu utakapokuwa umeboreka katika maeneo yao watupe taarifa. Vilevile, kutokana na uharibifu wa vifaa katika vile vituo vyenyewe, yale maeneo ambayo yana usikivu wakati wowote watakapoona usikivu umesita katika maeneo yale watupe taarifa mapema ili kusudi wataalam wetu waweze kufuatilia.

Mheshimiwa Spika, jambo lingine ambalo tunafanya kwa sasa hivi ni huu utaratibu wa kuweka mitambo ya *FM* yaani kuongeza *transmitter* katika maeneo mbalimbali. Kwa hiyo, nimetoa maagizo tayari kwamba wataalam wapite katika maeneo ya mipakani waone ni wapi panapostahili kuwekwa *boosters* lakini ni wapi pia ambao panastahili kuwekwa *transmitters* mpya. Ahsante. (*Makofi*)

SPIKA: Mheshimiwa Susan nilikuona, swali la nyongeza.

MHE. SUSAN A. J. LYIMO: Mheshimiwa Spika, nakushukuru sana kwa kunipa nafasi.

Mheshimiwa Spika, kwa maelezo ya Mheshimiwa Naibu Waziri anasema takribani Wilaya 84 hazipati usikivu. Swali langu, ni kwa nini sasa ile kauli mbiu ya TBC ya Ukweli na Uhakika msiifute na muwe na kauli mpya?

SPIKA: Majibu ya swali hilo, Mheshimiwa Naibu Waziri.

NAIBU WAZIRI WA HABARI, UTAMADUNI, SANAA NA MICHEZO: Mheshimiwa Spika, hatuwezi kufuta hiyo kauli mbiu kwa sababu tunatoa taarifa za ukweli na za uhakika, haihusiani kabisa na usikivu. Ahsante. (*Makofi*)

SPIKA: Nakushukuru Naibu Waziri wa Habari kwa majibu ya uhakika na ukweli. (*Makofi/Kicheko*)

Sasa Mheshimiwa *Engineer* Mheshimiwa Atashasta Julius Nditije, Mbunge wa Muhambwe, aulize swali lake.

Na. 94

Mahitaji ya Maji Gereza Kibondo

MHE. MHANDISI ATASHASTA J. NDI TIYE aliuliza:-

Gereza la Wilaya ya Kibondo – Nyamisati limekuwa na ongezeko kubwa sana la wafungwa na mahabusu kwa sababu ya uwepo wa wakimbizi.

Je, Serikali haioni sasa ni wakati unaofaa kupeleka mradi mkubwa wa maji kwenye gereza hilo ili kulinda afya za raia na askari walioko kwenye gereza hilo?

SPIKA: Majibu ya swali hilo, Naibu Waziri wa Mambo ya Ndani ya Nchi, tafadhali *Engineer* Masauni.

NAIBU WAZIRI WA MAMBO YA NDANI YA NCHI alijibu:-

Mheshimiwa Spika, kwa niaba ya Waziri wa Mambo ya Ndani ya Nchi, napenda kujibu swali la Mheshimiwa *Engineer* Atashasta Nditije, Mbunge wa Muhambwe, kama ifuatavyo:-

Mheshimiwa Spika, ni kweli kuwa kuna tatizo la upatikanaji wa maji katika Gereza la Kibondo. Mwaka 2010, Serikali kupitia Jeshi la Magereza lilitenga fedha kiasi cha shilingi milioni 20 kwa ajili ya kuchimba kisima kirefu na kazi hiyo ilifanywa na Wakala wa Uchimbaji Mabwawa na Visima iliyopo Ubungo Dar es Salaam. Uchimbaji wa kisima hicho ulikamilika tarehe 2 Oktoba 2010 na kilikuwa na uwezo wa kutoa lita 2,300 kwa saa ambayo ni sawa na lita 55,200 kwa siku. Kiasi hiki ni kidogo ukilinganisha na mahitaji halisi ya

maji ya Gereza la Kibondo ambayo ni lita 94,870 kwa siku, hivyo kuwa na upungufu wa takriban lita 39,670 kwa siku.

Mheshimiwa Spika, mwaka 2014 upembuzi yakinifu ulifanywa na wataalam wa Jeshi la Magereza kwa kushirikiana na Mhandisi wa Mamlaka ya Maji Wilaya ya Kibondo na kushauri kuwa ili gereza hilo liondokane na tatizo la maji, Jeshi la Magereza linapaswa kuvuta maji kutoka mtandao wa maji wa Halmashauri ya Wilaya ya Kibondo hadi gerezani ambapo gharama zake ilikadiriwa kuwa ni shilingi 330,492,450. Hata hivyo, kutokana na ufinyu wa bajeti, mradi huo haujatekelezwa hadi sasa. Serikali inaendelea kufanya jitihada mbalimbali ili kuhakikisha tatizo la maji Gereza la Kibondo linapata ufumbuzi wa kudumu.

SPIKA: Swali la nyongeza Mheshimiwa *Engineer* Atashasta.

MHE. MHANDISI ATASHASTA J. NDIYIYE: Mheshimiwa Spika, nashukuru sana. Pamoja na majibu mazuri ya Mheshimiwa Naibu Waziri, naomba tu kwanza nimpe taarifa tu kwamba maji yalitoka ndani ya miezi sita tu kama na siku nane halafu mpaka sasa hivi toka 2010 lile gereza halina maji ya uhakika na salama. (*Makofi*)

Mheshimiwa Spika, wakati huu mradi unategenezwa kipindi kile tulikuwa hatuna wakimbizi sasa hivi ninapongea 2015 tumepokea wakimbizi 120,000 na kati ya hao kuna wahalifu mbalimbali ambao nao wanatumia gereza hilo ambalo kipindi hicho kulikuwa na upungufu wa lita 39,000. Tunapozungumzia kwamba maji ni uhai na kwa kuwa na idadi ya wafungwa sasa imeongezeka, Serikali ina mpango gani wa dharura hata wa kuwashirikisha *UNHCR* ambao ndiyo wana dhamana ya wakimbizi katika kutatua tatizo hilo? Hilo ni swali la kwanza. (*Makofi*)

Mheshimiwa Spika, swali la pili, kwa kuwa sheria inawapa kinga wafungwa wa kisiasa na wafungwa wengi ambao wanatoka kwa wakimbizi siyo wa kisiasa, ni wafungwa wa makosa ya kawaida na kwa kuwa sasa

NAKALA MTANDAO(ONLINE DOCUMENT)

wameanza kurudishwa makwao, Serikali haioni umuhimu sasa wa kuwarudisha wale wafungwa ambao wako kwenye gereza ili kupunguza idadi ya wafungwa? Ahsante. *(Makofi)*

SPIKA: Majibu ya maswali hayo muhimu, Mheshimiwa Naibu Waziri Mambo ya Ndani ya Nchi, Mheshimiwa Mhandisi Masauni.

NAIBU WAZIRI WA MAMBO YA NDANI YA NCHI:

Mheshimiwa Spika, kuhusu ushauri wake wa kulichukulia kwa uzito unaostahili tatizo hilo ambalo yeye kwa kuwa ni Mbunge amekuwa karibu na gereza na ameona shida hiyo inaathiri vilevile wananchi la kuhusisha *UNHCR* ni wazo zuri na tutalichukua. Tumekuwa tukishirikiana na *UNHCR* kwa miradi mbalimbali ya maendeleo hasa katika maeneo ambayo wilaya/majimbo/vijiji vilivyopo karibu na maeneo ya wakimbizi ikiwemo maji.

Mheshimiwa Spika, kwa hiyo, hatuoni kwa nini tusichukue na hili jambo tukaliingiza katika mpango huu hasa ukitilia maanani ni juzi tu Mheshimiwa Makamu wa Rais amezindua mpango kabambe ambao utaweza kuwanufaisha zaidi wananchi wanaohusika katika maeneo ambayo wakimbizi wanaishi. Kwa hiyo, ni wazo zuri ambalo tumelichukua kwa uzito unaostahili.

Mheshimiwa Spika, kuhusiana na hoja yake ya wafungwa ambao wamefungwa kwenye magereza, tuna utaratibu wa kubadilishana wafungwa katika nchi mbalimbali ambao upo kabisa kisheria na kupitia utaratibu huo hilo jambo linafanyika. Kwa hiyo, siyo jambo geni limekuwa likifanyika miaka yote tu.

SPIKA: Waheshimiwa Wabunge, tumalizie swali la mwisho la leo na ninyi mnaona muda wetu, Wizara ya Elimu, Sayansi na Teknolojia, swali la Mheshimiwa Gimbi Dotto Masaba, Mbunge wa Viti Maalum.

Na. 95

Ujenzi wa Chuo Cha Ufundi Stadi (VETA) – Simiyu

MHE. GIMBI D. MASABA aliuliza:-

Je, ni lini Serikali itajenga Chuo cha Ufundi Stadi (VETA) katika Mkoa wa Simiyu na kukijengea uwezo wa kutengeneza vifaa vya baiskeli, pikipiki na magari?

SPIKA: Majibu ya swali hilo, Naibu Waziri wa Elimu, Sayansi na Teknolojia, Mheshimiwa Mhandisi Stella Manyanya.

NAIBU WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA alijibu:-

Mheshimiwa Spika, ahsante sana. Kwa niaba ya Waziri wa Elimu, Sayansi na Teknolojia, napenda kujibu swali la Mheshimiwa Gimbi Dotto Masaba, Mbunge wa Viti Maalum, kama ifuatavyo:-

Mheshimiwa Spika, Serikali kupitia mradi unaofadhiliwa na Benki ya Maendeleo ya Afrika kwa mkopo wa masharti nafuu imeendelea na maandalizi ya ujenzi wa chuo kipya cha mafunzo ya ufundi stadi cha Mkoa wa Simiyu ambapo kwa sasa Wizara imempata mtaalam wa kusanifu majengo na kusimamia ujenzi wa chuo hicho. Usanifu wa majengo hayo unatarajiwa kukamilika Novemba, 2017. Baada ya usanifu wa majengo hayo, zabuni ya ujenzi itatangazwa na ujenzi wa chuo hicho unatarajiwa kuanza Februari, 2018.

Mheshimiwa Spika, sambamba na kuanza kwa ujenzi wa chuo hicho, Serikali inaendelea kuandaa mahitaji halisi ya rasilimali watu, mitaala itakayotumika, mashine na mitambo, samani na vifaa vya kufundishia na kujifunzia. Maandalizi hayo ni kwa ajili ya kujengea chuo uwezo wa kutoa mafunzo ya ufundi stadi na kuwapata wahitimu wenye

stadi mbalimbali ikiwa ni pamoja na kutengeneza vifaa vya baiskeli, pikipiki na magari.

SPIKA: Swali la nyongeza Mheshimiwa Gimbi.

MHE. GIMBI D. MASABA: Mheshimiwa Spika, ahsante kwa kunipa nafasi ili niweze kuuliza maswali ya nyongeza.

Mheshimiwa Spika, pamoja na majibu ya Waziri alivyosema kwamba usanifu wa majengo utakamilika mwezi Novemba 2017, swali langu linauliza, ni maeneo gani yaliyobainishwa kujengwa chuo hicho? (*Makofi*)

Mheshimiwa Spika, swali la pili, wakati Serikali inaendelea na mpango wa kujenga Chuo cha VETA Mkoa wa Simiyu, Serikali ina mpango gani kuwasaidia vijana wanaomaliza kidato cha nne wanaokosa sifa ya kuendelea na kidato cha tano? (*Makof*)

SPIKA: Majibu ya swali hilo Mheshimiwa Naibu Waziri, Elimu, Sayansi na Teknolojia, Mheshimiwa *Engineer* Manyanya.

NAIBU WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA: Mheshimiwa Spika, Chuo cha Mkoa cha Simiyu kinategemewa kujengwa eneo ambalo lipo umbali wa takribani kilometa tisa mpaka kumi ambapo kilikuwa Chuo cha Maendeleo ya Wananchi (*FDC*), eneo linalojulikana kama Kinamhala, nashindwa kidogo kutamka jina hilo, lakini ni eneo hilo.

Mheshimiwa Spika, vilevile katika swali lake la pili juu ya Serikali ina mpango gani wa kuwasaidia wanafunzi wanaomaliza kidato cha nne na hawajafanikiwa kidato cha tano. Kwanza ni kwamba tunavyo vyuo mbalimbali vinavyoweza kuchukua wanafunzi wa aina hiyo lakini vilevile Serikali kupitia mpango mpya wa *ESPJ*, mpango ambao unajipanga katika kuzalisha ajira nyingi kwa vijana wetu wale waliomaliza darasa la saba, kidato cha nne na ngazi nyingine zote ili waweze kupata ujuzi kamili wa kuweza kujajiri. Kwa hiyo, kuna fedha tumeshapata nyingi kabisa, niwafahamishe

tu Waheshimiwa Wabunge, Waziri wangu ameshatoa maelekezo kuwa kutakuwa na semina kwenu ya kuwapitisha juu ya mpango huo ambao utakuwa na manufaa makubwa sana katika nchi yetu.

SPIKA: Waheshimiwa Wabunge, mtaona muda wetu wa maswali umeisha. Sasa tunaendelea na matangazo kama ifuatavyo:-

Kwanza, naomba kuwatambua wageni wetu walioko katika *Gallery* ya Spika ambao ni pamoja na Bibi Sarah Cooke, Balozi wa Uingereza nchini Tanzania. Karibu sana Mheshimiwa Balozi, karibu Dodoma, karibu Bungeni. Tumefurahi sana kukuona ukiwa pamoja na sisi. (*Makofi*)

Amefuatana na Bibi Beth Arthy, Mwakilishi Mkazi wa *DFID*, Bwana Marc Thayre, Mkuu wa Idara ya Siasa, Vyombo vya Habari na Masuala ya Umma na Bwana Ernest Sylvest, mtumishi wa Ubalozi, karibuni sana. (*Makofi*)

Pia tuna wageni waliopo katika Jukwaa la Spika nao ni Katibu Mkuu Uchukuzi, Dkt. Leonard Chamuriho akiwa na wageni sita wa Mheshimiwa Profesa Makame Mbarawa, Waziri wa Ujenzi, Uchukuzi na Mawasiliano ambao ni viongozi kutoka Wizarani. Naomba msimame wageni wa Mheshimiwa Waziri, karibuni sana Bungeni. (*Makofi*)

Wageni wa Waheshimiwa Wabunge, wageni 130 wa Mheshimiwa Antony Mavunde, Naibu Waziri, Ofisi ya Waziri Mkuu ambao ni wanafunzi 125 wa kidato cha sita na walimu watano kutoka Shule ya Sekondari ya Jamhuri Mkoa wa Dodoma. Jamhuri karibuni, hii ni awamu nyingine ya wanafunzi wa Jamhuri. Jana niliwaita Yangeyange na mnaona wanavyozidi kupendeza. Ahsanteni sana kidato cha sita tunawatarajia wote mtaenda Chuo Kikuu. (*Makofi*)

Wageni waliotutembelea kwa ajili ya mafunzo ni watumishi watatu wa Bunge la Uganda waliotembelea Bunge kwa ajili ya mafunzo. *Staff of Ugandan Parliament*, karibuni popote pale mlipo. (*Makofi*)

NAKALA MTANDAO(ONLINE DOCUMENT)

Mwanafunzi kutoka Chuo cha Tumaini ambaye amekuja kutembelea Bunge kwa ajili ya mafunzo, karibu pia. (Makofi)

Tangazo la mwisho ni kwa Waheshimiwa Wabunge wakristo wakatoliki, leo Jumatano, tarehe 13 Septemba, 2017 kutakuwa na ibada ya misa mara baada ya kuahirishwa Bunge katika Kanisa dogo lililopo ghorofa ya pili, ukumbi wa Msekwa. Waheshimiwa Wabunge wengine wote mnakaribishwa kushiriki ibada hii takatifu. Wabunge wakatoliki, saa saba mchana kwenye ukumbi wenu wa kawaida wa ibada na tangazo hili limeletwa na *Sister Cecilia Paresso*. (Makofi/Kicheko)

Ndiyo hii jana nilikuwa namwambia Mheshimiwa Ally Saleh mimi natangaza tu ndugu yangu sasa ukinilaumu kama nimeidhinisha haya, wajibu wangu tu kutangaza, kwa hiyo, usikasirike Mheshimiwa Ally Saleh.

Waheshimiwa Wabunge, mtakumbuka jana tulielekeza pamoja na mambo mengine kwamba Mheshimiwa Zitto Kabwe anatakiwa atokeze katika Kamati ya Maadili ili ajieleze kidogo katika mambo yanayohusisha kudhalilisha mhimili wa Bunge. Kwa kiburi kikubwa ameendelea tena kudhalilisha mhimili wa Bunge. Kwa maneno mengi ambayo mengine yote ni ya kupuuza Waheshimiwa Watanzania, ni mtu anayejaribu kufanya *divide and rule* kwa kujaribu sana kulinganisha uongozi wa sasa na uongozi wa Bunge la Kumi la wa Mheshimiwa Mama Makinda na uongozi wa Bunge la Tisa la Mheshimiwa Spika Sitta.

Kwanza nimwambie yeye na wengine wote wanaojaribu sana kufanya milinganisho ambayo haina maana, kila Bunge la miaka mitano huwa ni tofauti sana na Bunge lingine, tofauti kabisa. Kwa hiyo, sitaki kuingia kwenye kuchambua kwa sababu nikichambua hapa na nina uwezo huo wa kuchambua sana kwa sababu nilikuwepo kote huko lakini nimwambie kwamba Mheshimiwa Sitta na Mheshimiwa Makinda ni walimu wangu na hata siku moja sikio haliwezi kuzidi kichwa. Hawa ni watu ninaowaheshimu sana,

wamenilea na ni sehemu ya kunifikisha hapa nilipo. Kwa hiyo, mimi ni kichuguu tu, sasa utalinganishaje na milima mikubwa kama Mlima Kilimanjaro? Kwa hiyo, fitina yake hiyo wala haifanyi kazi, haina maana kabisa. *(Makofi)*

Vilevile nimkumbushe wakati wa Bunge la Tisa, Mheshimiwa Zitto aliwahi kuleta hoja fulani hapa Bungeni, wengi wenu hamkuwepo, sisi tulikuwepo. Ilikuwa ni hoja ya maana tu, nzuri inahusu Buzwagi, akaileta hapa, akaiwasilisha hapa, hoja yake ikakataliwa hapa hapa ilikuwa jioni. Akaanzishiwa hoja nyingine hapa hapa ya kukosa maadili fulani fulani akahukumiwa hapa hapa saa hiyo hiyo, yaani hoja ikaanza saa hiyo hiyo, ikajadiliwa saa hiyo hiyo akahukumiwa saa hiyo hiyo akapigwa nje zaidi ya miezi mitatu. Sasa mimi angalau namuanzia kule kwenye Kamati ya Maadili ajieleze angalau au anataka niende mkukumkuku kama huo huo wa Bunge la Tisa ili aone kwamba Ndugai anafanana na Mzee Sitta, hilo pia naliweza. *(Kicheko/Makofi)*

Kwa hiyo, yaani mnaalika matatizo mimi nawashangaa, wewe Zitto utapambana na Spika kweli? Naweza kukupiga marufuku kuongea humu mpaka miaka yako yote ikaisha na hakuna pa kwenda. Hakuna cha swali, hakuna cha nyongeza, hakuna cha kuongea chochote humu ndani ya Bunge utanifanya nini? Pambana na kitu kingine siyo Ndugai. *(Makofi)*

Kwa hiyo, kwa haya ya Ndugai na nini wala sina matatizo nayo ila ya kudhalilisha mhimili ambayo anaendelea kuyafanya hayo siwezi kuyaacha, kwa sababu ni wajibu wangu kulinda mhimili huu kwa nguvu zangu zote. Nikiruhusu Wabunge ninyi kuwa mnadhalilisha mhimili tutazuiaje Watanzania wengine kudhalilisha mhimili huu, haiwezekani. Kwa hiyo, hili ni kosa la pili na lenyewe linaenda kwenye Kamati ya Maadili pia la kudhalilisha mhimili kwa yale maandishi yake ya jana. Tutakwenda pamoja, sambamba, mguu kwa mguu mpaka kitaeleweka. *(Makofi)*

Waheshimiwa Wabunge, hapa tulipofika tumemaliza shughuli hii, leo hakuna mwongozo wala nini tutaendelea

na Miswada ya Serikali. Sasa naomba nimpishe Mheshimiwa Naibu Spika.

Naibu Spika (Mhe. Dkt. Tulia Ackson) Alikalia Kiti

NAIBU SPIKA: Katibu.

NDG. LAWRENCE MAKIGI - KATIBU MEZANI:

MISWADA YA SHERIA YA SERIKALI

Muswada wa Sheria ya Reli wa Mwaka 2017
(The Railways Bill, 2017)

(Kusomwa Mara ya Pili)

NAIBU SPIKA: Mheshimiwa Waziri wa Ujenzi, Uchukuzi na Mawasiliano.

WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:
Mheshimiwa Naibu Spika, naomba kutoa hoja kwamba Muswada wa Sheria ya Reli wa mwaka 2017 *(The Railways Act, 2017)* pamoja na marekebisho yake sasa usomwe kwa mara ya pili.

Mheshimiwa Naibu Spika, awali ya yote, napenda kutoa shukrani zangu za dhati kwa Kamati ya Kudumu ya Bunge ya Miundombinu chini ya Mwenyekiti Profesa Norman Sigalla King, Mbunge wa Makete kwa kuujadili kwa kina Muswada huu na kutoa ushauri.

Mheshimiwa Naibu Spika, napenda nilihakikishie Bunge lako Tukufu kwamba Muswada huu kwa kiasi kikubwa umezingatia ushauri na mapendekezo ya Kamati.

Mheshimiwa Naibu Spika, aidha, namshukuru pia Mwanasheria Mkuu wa Serikali kwa kuandaa muswada huu pamoja na marekebisho yake na wadau mbalimbali wa sekta ndogo ya usafiri wa reli ambao kwa nyakati tofauti walitoa ushauri wao.

NAKALA MTANDAO(ONLINE DOCUMENT)

Mheshimiwa Naibu Spika, lengo la Muswada huu unapendekeza kutungwa kwa sheria itakayoanzisha Shirika la Reli Tanzania (*TRC*) ambalo pamoja na mambo mengine litakuwa na jukumu la kusimamia kuendeleza miundombinu ya reli na kutoa huduma ya usafiri wa reli.

Mheshimiwa Naibu Spika, madhumuni ya muswada huu ni kuweka mfumo madhubuti wa utoaji huduma ya usafiri wa reli na usimamizi na uendeshaji wa miundombinu ya reli.

Mheshimiwa Spika, mambo muhimu yaliyozingatiwa katika muswada huu ni pamoja na:-

(i) Kuanzisha Shirika jipya la Reli la Tanzania na kuainisha majukumu, wajibu na mamlaka yake;

(ii) Kuainisha wajibu wa uteuzi, mamlaka na majukumu ya Bodi ya Wakurugenzi;

(iii) Kuweka utaratibu wa uteuzi, majukumu na sifa za Mtendaji Mkuu;

(iv) Kuainisha vyanzo vya mapato ambavyo ni pamoja na Mfuko wa Reli, ruzuku kutoka Serikalini, nauli za abiria pamoja na tozo za usafirishaji wa mizigo;

(v) Kumtambua mdhibiti wa masuala ya uchumi na usalama katika sekta ya usafiri wa reli;

(vi) Kuainisha utaratibu wa kutoa huduma ya usafirishaji wa abiria na mizigo;

(vii) Kuainisha utaratibu wa kuratibu ujenzi na uendelezaji wa miundombinu ya reli ikiwa ni pamoja na uhifadhi wa eneo la reli;

(viii) Kuainisha utaratibu wa kusimamia masuala ya hifadhi ya mazingira kwenye mtandao wa reli ya Taifa;

(ix) Kuainisha utaratibu wa kuhamisha watumishi kutoka *TRL* na *RAHCO* kwenda katika shirika jipya;

NAKALA MTANDAO(ONLINE DOCUMENT)

(x) Kuainisha utaratibu wa kusimamia masuala ya fedha ili kuhakikisha kuwepo kwa matumizi sahihi ya fedha na mali nyingine za Serikali;

(xi) Kuainisha makosa na adhabu;

(xii) Mamlaka ya Waziri kutunga kanuni kwa ajili ya utekelezaji wa sheria inayopendekezwa; na

(xiii) Kufuta Sheria ya Reli Na. 4 ya mwaka 2002.

Mheshimiwa Naibu Spika, Muswada huu umegawanyika katika Sehemu Kumi na Moja kama ifuatavyo:-

Mheshimiwa Naibu Spika, Sehemu ya Kwanza ya Muswada huu inahusu utangulizi ambao unaainisha jina la Muswada, tarehe ya kuanza kutumika kwa sheria, matumizi yake na ufafanuzi wa maneno na misemo iliyotumika katika sheria inayopendekezwa.

Sehemu ya Pili inapendekeza kuanzishwa kwa Shirika la Reli Tanzania na madhumuni ya kuanzishwa kwake. Vilevile sehemu hii inaainisha majukumu ya shirika, mamlaka yake katika kuendeleza miundombinu...

NAIBU SPIKA: Mheshimiwa Waziri, utulie kidogo, Waheshimiwa Wabunge mnapiga kelele sana. Wako Waheshimiwa Wabunge humu ndani ambao wanataka kufuatilia mazungumzo anayotoa Mheshimiwa Waziri. Wote hapa ndani tunayo fursa ya kuzungumza na mwenzako lakini zungumza taratibu basi, humu ndani wako watu wamekuja kujifunza namna yetu ya uendeshaji Bunge. Kama ni lazima uzungumze kwa sauti toka nje kidogo halafu urudi, tafadhali tusifike mahali sasa tukaanza kutaja watu ili watulie. Mheshimiwa Waziri endelea. *(Makofi)*

WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO: Mheshimiwa Naibu Spika, Muswada huu umegawanyika katika Sehemu Kumi na Moja, kama ifuatavyo:-

Mheshimiwa Naibu Spika, Sehemu ya Kwanza ya Muswada huu inahusu utangulizi ambao unaainisha jina la Muswada, tarehe ya kuanza kutumika kwa sheria, matumizi yake na ufafanuzi wa maneno na misemo.

Mheshimiwa Naibu Spika, Sehemu ya Pili inapendekeza kuanzishwa kwa Shirika la Reli Tanzania na madhumuni ya kuanzishwa kwake. Vilevile sehemu hii inaainisha majukumu ya shirika, mamlaka yake katika kuendeleza miundombinu na kutoa huduma za usafiri wa reli.

Sehemu ya Tatu inahusu kuanzishwa kwa Bodi ya Wakurugenzi, mamlaka na majukumu ya Bodi, uteuzi wa Mwenyekiti, Wajumbe na Kamati za Bodi ya Wakurugenzi, masuala yatakayosababisha kuwepo kwa mgongano wa kimaslahi dhidi ya Mwenyekiti na Wajumbe wa Bodi pamoja na stahili zao. Baadhi ya majukumu ya Wajumbe wa Bodi ni kupitisha sera ya uendeshaji wa shirika, kusimamia matumizi bora ya rasilimali, kupitisha mpango kazi, bajeti na taarifa za fedha za mwaka. Aidha, sehemu hii inaainisha kuwa Mwenyekiti wa Bodi atateuliwa na Mheshimiwa Rais na Wajumbe wa Bodi watateuliwa na Waziri.

Sehemu ya Nne imeweka masharti kuhusu utawala wa shirika, uteuzi wa Mkurugenzi Mkuu, Wakuu wa Idara na watumishi wengine. Aidha, sehemu hii inaainisha kuwa Mkurugenzi Mkuu ndiye Mtendaji Mkuu wa shirika na atachaguliwa na Mheshimiwa Rais kwa njia ya ushindani kwa kuzingatia sheria na taratibu za utumishi wa umma.

Mheshimiwa Naibu Spika, Sehemu ya Tano inahusu kazi za ujenzi na matengenezo ya reli. Sehemu hii inatoa mamlaka kwa shirika kwa kutwaa ardhi kwa ajili ya matumizi ya miradi ya reli. Sehemu hii pia inaainisha masuala ya tathmini ya athari ya mazingira pamoja na mambo mengine yanayohusu ardhi ya shirika.

Mheshimiwa Naibu Spika, Sehemu ya Sita ina vifungu vinavyohusu kinga dhidi ya shirika kutokana na vifo vya abiria, majeraha, kuchelewa kwa mizigo, upotevu wa mizigo,

NAKALA MTANDAO(ONLINE DOCUMENT)

wanyama ambao thamani yake inazidi kiwango kinachoainishwa na shirika, taarifa za uongo na bidhaa zilizohifadhiwa katika maghala ya shirika. Kinga inayopendekezwa ni dhidi ya bidhaa zisizoainishwa, vifo na majeraha yanayotokana na uzembe au sababu zilizo nje ya mamlaka ya shirika.

Mheshimiwa Naibu Spika, Sehemu ya Saba inaainisha taratibu za utoaji wa tiketi, bidhaa zisizoruhusiwa, vigezo vya ubebaji wa mizigo, taratibu za kufuatwa na shirika iwapo abiria atashindwa kulipa nauli na taratibu za kushughulikia mizigo iliyotelekezwa.

Mheshimiwa Naibu Spika, Sehemu ya Nane inahusu udhibiti wa shughuli za huduma za usafiri wa reli. Sehemu hii inaainisha majukumu ya Mamlaka ya Udhibiti wa Reli. Baadhi ya masuala ambayo yatadhibitiwa ni pamoja na viwango vya nauli, tozo, usalama na ubora wa huduma inayotolewa.

Sehemu ya Tisa inahusu masuala ya fedha. Sehemu hii ina vifungu vinavyohusu vyanzo vya mapato, mwaka wa fedha, bajeti mahususi na ukaguzi wa mahesabu pamoja na taarifa ya utendaji ya mwaka. Aidha, sehemu hii inaainisha kwamba taarifa ya mwaka ya utendaji wa shirika itawasilishwa kwa Waziri ambaye ataiwasilisha Bungeni.

Mheshimiwa Naibu Spika, Sehemu ya Kumi inahusu makosa na adhabu. Baadhi ya makosa yaliyoainishwa ni matumzi ya ardhi ya dharura bila ridhaa ya reli, kuhatarisha usalama wa maisha ya watu wanaosafiri na treni au walio katika reli, kuweka au kutupa vitu hatarishi katika miundombinu ya reli kama vile mbao na mawe. Makosa mengine ni ulevi kazini, kugushi tiketi, kusafiri bila tiketi, kusafirisha bidhaa hatarishi kinyume na taratibu na wafanyakazi wanaohatarisha usalama wa huduma za reli. Aidha, kuna kifungu kinachotoa adhabu ya jumla kwa maeneo ambayo adhabu hajjaainishwa.

Mheshimiwa Naibu Spika, Sehemu ya Kumi na Moja inahusu masuala ya jumla kama vile mamlaka ya Waziri

kutunga kanuni, mamlaka ya shirika kubadilisha uelekeo wa maji kwa ajili ya ujenzi na ulinzi wa miundombinu ya reli, ujenzi wa makutano ya reli na barabara, matumizi ya reli wakati wa ujenzi, utengaji wa ardhi kwa ajili ya matumizi ya reli wakati wa kuandaa mpango kabambe, utunzaji wa nyaraka za reli na kufutwa kwa Sheria ya Reli ya mwaka 2002.

Vilevile Muswada huu unaainisha masuala ya wafanyakazi na stahili zao. Watumishi wa *RAHCO* na *TRL* wanaokidhi vigezo watahamishiwa katika shirika jipya na wengine katika Wizara au taasisi mbalimbali za umma. Aidha, watumishi ambao hawatahamishiwa katika shirika jipya Wizara au Taasisi nyingine za Umma, ajira zao zitaitishwa na watalipwa stahili zao zote kwa mujibu wa sheria na kwa kuzingatia masharti na vigezo vya ajira zao. Wafanyakazi ambao watahamishiwa katika shirika jipya na walikuwa wanachangia katika Mifuko mbalimbali ya Hifadhi ya Jamii, wataendelea kuratibiwa na sheria za mifuko hiyo.

Mheshimiwa Naibu Spika, mali na madeni yote ya *RAHCO* na *TRL* yatahamishiwa katika shirika jipya. Vilevile Muswada huu unaainisha kwamba mikataba, makubaliano, kanuni na nyaraka nyingine zilizoandaliwa na kutungwa kabla ya sheria hii zitaendelea kutambuliwa mpaka zitakapositishwa au zitakapobatilishwa.

Mheshimiwa Naibu Spika, baada ya maelezo hayo, naomba kuwasilisha Muswada huu ili Waheshimiwa Wabunge waujadili na hatimaye waukubali na kuupitisha ili nchi yetu iweze kuwa na mfumo madhubuti wa utoaji wa huduma ya usafiri wa reli, usimamizi na uendelezaji wa miundombinu ya reli kisheria.

Mheshimiwa Naibu Spika, naomba kutoa hoja.
(*Makofi*)

WAZIRI WA ULINZI NA JESHI LA KUJENGA TAIFA:
Mheshimiwa Naibu Spika, naafiki.

(*Hoja ilitolewa iamuliwe*)

NAKALA MTANDAO(ONLINE DOCUMENT)

**MUSWADA WA SHERIA YA RELI WA MWAKA 2017
(THE RAILWAYS BILL, 2017) - KAMA UILIVYOWASILISHWA
MEZANI**

THE UNITED REPUBLIC OF TANZANIA

SPECIAL BILL SUPPLEMENT

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THE RAILWAYS ACT, 2017

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NOTICE

This Bill to be submitted to the National Assembly is published for general information to the general public together with a statement of its objects and reasons.

Dodoma
3rd September, 2017

JOHN W. H. KIJAZI
Secretary to the Cabinet

A BILL

for

An Act to establish the Tanzania Railways Corporation; to make better provisions for the development, maintenance and promotion of rail infrastructure, rail transport services and to provide for other related matters.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I PRELIMINARY PROVISIONS

Short title and commencement

1. This Act may be cited as the Railways Act, 2017 and shall come into operation on such date as the Minister may, by notice published in *Gazette*, appoint.

Application

2.-(1) This Act shall apply in mainland Tanzania.
(2) This Act shall not apply to the undertaking of the Tanzania Zambia Railway Authority.

Interpretation

3.-(1) In this Act unless the context otherwise requires-
“animals” means animate things of any kind except human beings;
“authorised officer” means any person authorised in writing by the Corporation or the Regulator to exercise the powers or perform the duties conferred to such officer under this Act;
“Board” means the Board of Directors of the Corporation established under section 11;
“booking office” means a place at which tickets may be obtained or charges paid to the Corporation;
“branch line” means any railway track joining the main line but does not include a siding;
“carried by the Corporation” means accepted by an employee or agent of the Corporation in accordance with the provisions of this Act;
“chose-in-action” is a right to sue where a claim or debt recovery may be made by a law suit;

“committee” means a committee established by the Board under section 15;

“consignee” means a person, firm or body, to whom goods accepted for carriage are addressed;

“consignment” means one or more packages of goods or a quantity of goods tendered for carriage;

“consignor” means a person, firm or body of persons who has tendered goods which have been accepted for carriage;

“Corporation” means the Tanzania Railways Corporation established under section 4;

“Director General” means the Chief Executive Officer of the Corporation appointed under section 20;

“effective date” means the date on which this Act comes into operation;

“employee” means any person in the service of the Corporation;

“fare” includes all sums received or receivable, charged or chargeable, for the carriage of a passenger;

“goods” includes luggage, animals (alive or dead), trophies, minerals or mineral concentrate and all other movable property of any description;

“inward goods” means goods which have been transported by rail and have arrived at final destination waiting to be taken by the consignee;

“luggage” means such articles of personal apparel or for personal use, together with their containers, as are usually carried by passengers for their personal use enroute;

“main line” means the main railway line;

“Minister” means the Minister responsible for railways;

“Ministry” means a ministry responsible for railways;

“outward goods” means goods which have been tendered by the customer to be transported by rail to the final destination;

“passenger service” means a service of carrying passengers by railway;

“perishable goods” means goods liable to rapid deterioration and, in particular, means fish, fruit, vegetables, potatoes, plant, bread, meat, game, butter, eggs, milk, cheese, birds, poultry, small animals, and any other things which the Minister may by notice in the *Gazette* declare to be perishable goods;

“planning authority” means city council, municipal council and town council;

“rail infrastructure” means the facilities that are used to operate a rail and includes, but is not limited to, railway track, associated track structures and works (such as cuttings, tunnels, bridges, stations, platforms, excavations, land fill, track support, earthworks and drainage works), over-track structures, under-track structures, service roads, signalling systems, rolling stock control system, communications systems notices and signs, electrical power supply systems and associated buildings, workshops, depots, yard, plants, machinery and equipment, but does not include rolling stock or wagon ferries;

“rail transport service” means services for the purpose of providing passenger, freight or other transport services by rail;

“railway order” means an order which a person may apply to the Corporation authorising such person to conduct railway works;

“railway strip” means the land on both sides adjacent to the railway track measuring thirty metres in width from the centre line of the track

- reserved for safety purpose and for facilitating future development of rail infrastructure;
- “railway works” means works required for the purposes of a railway or any part of a railway;
- “railway” means the whole or any portion of the main line, branch line or siding, signalling and telecommunication and all other movable and immovable properties vested in, or placed for use in connection with the railway track;
- “Regulator” means the Regulator responsible for railways referred to under section 60;
- “rolling stock” means a vehicle that operates on or uses the rail track;
- “season ticket” means a ticket entitling a person to whom it is issued to be carried by the Corporation as a passenger between places specified thereon on the number of occasions or during the period specified thereon;
- “siding” means a railway line serving railway oriented industries from the main line and does not include a branch line;
- “standards” includes safety and environmental issues, except where the contrary is stated;
- “tariff book” means a book published by the Corporation specifying among other things, fares, rates, fees and charges for services rendered;
- “ticket” means a paid document that gives the holder a right to travel by rail as a passenger and shall include a single ticket, a return ticket, a season ticket and any other written authority for the carriage of a person by the Corporation;
- “train” means a locomotive with a vehicle attached or, a light locomotive or motor trolleys which is designated as a train;
- “vehicle” means any wagon, coach, trolley, van or other conveyance used for transport by the Corporation; and
- “water course” means any river, stream, drain, gully, canal or other channel, whether artificial or not, in which water flows, whether constantly or intermittently.

PART II TANZANIA RAILWAYS CORPORATION

Establishment of Corporation

4.-(1) There is established a Corporation to be known as the Tanzania Railways Corporation.

(2) The Corporation shall be a body corporate with perpetual succession and a common seal and shall, in its own name, be capable of-

- (a) suing and being sued;
- (b) acquiring, holding and alienating movable or immovable property;
- (c) borrowing and lending;
- (d) entering into any contract or other transaction;
- (e) doing or suffering to do all such other acts and things which a body corporate may lawfully perform, do or suffer to be done; and
- (f) have power to exercise and perform such other powers and functions as are conferred by or under this Act or any other written law.

(3) Notwithstanding the preceding provisions of this section, the

Attorney General shall have the right to intervene in any suit or matter instituted by or against the Corporation.

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(4) Where the Attorney General intervenes in any matter pursuant to subsection (3), the provisions of the Government Proceedings Act, shall apply in relation to the proceeding of that suit or matter as if it was instituted by or against the Government.

(5) The Corporation shall have a duty of notifying the Attorney General of any impending suit or intention to institute a suit or matter for or against it.

Objects of Corporation

5. The objects of the Corporation shall be to-

- (a) provide rail transport services, infrastructure and superstructure;
- (b) develop, promote and manage rail infrastructure;
- (c) maintain and ensure rail infrastructure safety and security; and
- (d) enter into contractual agreements with other persons in order to secure the provision of rail transport services, whether by means of concession, joint venture, public private partnership or other means, and to this end to delegate its function of developing or maintaining rail infrastructure services.

Functions of Corporation

6.-(1) Subject to the provisions of this Act, the functions of the Corporation shall be to-

- (a) provide rail transport services and manage rail infrastructure;
- (b) manage contracts on railways operations within the rail infrastructure network;
- (c) administer environmental safeguard issues, railways safety and security in general;
- (d) protect railway reserve, maintain rail infrastructure and rolling stock;
- (e) provide, on sound commercial principles of operation, secure efficient and safe system of transport of passengers and goods by rail and wagon ferries in inland waterways;
- (f) ensure safe storage of inward and outward goods;
- (g) consign goods on behalf of other persons from and to any place within or outside the United Republic;
- (h) provide safe passenger transport and other amenities or facilities for passengers carried by the Corporation;
- (i) acquire, operate trains, manufacture, maintain or, repair anything required for the purposes of the Corporation;
- (j) carry on any business necessary or desirable to be carried on for the purposes of the Corporation and to act as the agent of any person or of the Government of any foreign country, in the provision of any agreed function;
- (k) determine, impose levy, rates, fares, charges, dues or fees for any service performed by the Corporation with the approval of the Regulator established under section 60;
- (l) prohibit and control-
 - (i) the use by any person of the services performed, or the facilities provided, by the Corporation; or
 - (ii) the presence of any person, vehicle or goods within premises

occupied by the Corporation.

- (m) enter into agreement with any person carrying on business as a carrier of passengers or goods, providing for the carriage of passengers or goods by or on behalf of the Corporation, and of that person, under one contract or through fare or rate;
- (n) enter into any arrangement with any person or any relevant entity which, in the opinion of the Board, shall promote or secure the provision, or improved provision, of any service or facilities which may separately provide and without prejudice to the generality thereof any such arrangement or agreement may include provisions relating to-
 - (i) the use by either party of the facilities or equipment maintained by the other;
 - (ii) the charges made in respect of the use of any service or facility to which the arrangement or agreement relates;
 - (iii) the financing of any project by either or both parties;
 - (iv) research connected with any existing service or facility provided by either party or in relation to any service or facility under consideration; and
 - (v) the joinder in the arrangement or agreement by any other person.
- (o) conduct inquiries, in accordance with the provisions of this Act, into the cause of any accident on the railways; and
- (p) promote local and foreign investments in rail services and facilities.

(2) In addition to the functions specified under subsection (1), the Corporation may undertake such other functions as the Minister may assign to it.

Protection of assets from execution or attachment

7.-(1) Except with the consent in writing of the Corporation, the creditors of the Corporation shall not have recourse, by way of seizure, distraint, execution, attachment or otherwise, to the assets of the Corporation.

(2) Creditors of the Corporation or any person exercising the delegated, sub-delegated or purported delegated powers of the Corporation, shall not have recourse, by way of seizure, distraint, execution, attachment or otherwise, to the assets of the Corporation or of such other person including the rail infrastructure assets which are used in connection with rail transport services.

(3) The Director General shall cause to be paid out of the revenue of the Corporation such amounts as may be by judgment or order be awarded against the Corporation or any person entitled thereto.

Power to develop, maintain and provide rail infrastructure and services

8. The Corporation shall have all necessary and ancillary powers to develop, maintain and provide rail infrastructure and services and no cause of action based on nuisance shall be effective to prevent or diminish the exercise of these powers.

Power to delegate

9.-(1) The Corporation may, where circumstances permit, delegate its powers to one or more persons and enter into such agreements as may, in the discretion of the Corporation, be necessary or desirable to give effect to such delegation in order to secure the provision of rail infrastructure and services.

(2) The Corporation may assume control of any person in circumstances where, following delegation of its powers in accordance with subsection (1), if such person fails or he is unable to perform its obligations in relation to developing, maintaining and providing rail infrastructure and services.

(3) A person who is delegated powers by the Corporation to design, construct, maintain, operate, upgrade or develop any part of the infrastructure shall ensure that security and safety of rail infrastructure is observed.

(4) Any person engaged or delegated by the Corporation to design, construct, maintain, operate, upgrade or develop any part of the infrastructure shall establish a register, maintain, communicate the stock position and condition of all infrastructure items and elements within the jurisdiction.

Preparation of
Tariff Book

10.-(1) The Corporation shall cause to be prepared and published in such manner as it may think fit-

(a) a Tariff Book containing all matters which under this Act are required to be contained together with such other matters as may be determined by the Corporation; and

(b) manuals, books, timetables and other documents required to be kept.

(2) There shall be available for public inspections at every booking office-

(a) a copy of the Tariff Book containing all amendments;

(b) a list specifying the fares, rates and other charges by the Corporation; and

(c) a timetable of the passengers regarding transport services operated by the Corporation.

PART III BOARD OF THE CORPORATION

Establishment of
Board

11. There shall be a Board of Directors which shall be responsible for the management of the business and affairs of the Corporation.

Composition of
Board

12.-(1) The Board shall consist of-

(a) a Chairman who shall be a non-executive, appointed by the President for amongst persons with knowledge and experience in railways sector; and

(b) seven non-executive members who shall be appointed by the Minister.

(2) In appointing members under paragraph (1)(b), due regard shall be paid to the gender, qualification, experience and involvement of the person in the core business of the Corporation such as engineering, human resources, business administration, law, economics, finance or transport.

(3) The provisions of the First Schedule to this Act shall have effect as to the tenure of office of the members and other proceedings of the Board and in respect of other matters in relation to the Board.

(4) The Minister may, by order published in the *Gazette*, vary or replace all or any of the provisions of the First Schedule.

(5) Members of the Board shall be paid fees and allowances as may be approved by the Minister in consultation with the Minister responsible for

finance.

Functions of Board

13. Subject to the provisions of this Act, and any other written laws, the functions of the Board shall be to-

- (a) approve plans, annual reports and accounts, and budget of the Corporation;
- (b) set priorities and annual performance targets of the Corporation;
- (c) enter into performance agreement with the Director General for the purposes of achieving Government and Corporation pre-set targets;
- (d) conduct monitoring and evaluation of the Corporation's performance;
- (e) exercise disciplinary powers to senior management employees;
- (f) endorse the tariffs, rates, fares and other charges for Regulators' approval;
- (g) approve the organisation structure;
- (h) give directions to the Director General; and
- (i) perform any other matter as the Minister may direct.

Powers of Board

14. Subject to any other directions which may be given by the Minister, the Board may-

- (a) consider legislative proposals relating to the Corporation and recommend their enactment to the Minister;
- (b) approve the proposal to borrow money for the purposes of the Corporation;
- (c) approve the provision of development of rail infrastructure or facilities or as requested by the Government of any neighbouring country;
- (d) approve internal operational policies;
- (e) approve any minor alteration in the tariff, rates, fare and other charges; and
- (f) approve the appointment of other employees of the Corporation on such number and titles as it may deem necessary for the proper and efficient conduct of the business and the activities of the Corporation, and on the terms and conditions as it may determine.
- (g) approve any work not included within a program of works of which the estimated cost does not exceed such amount as the Minister may determine from time to time for the purpose of the Corporation.

Power of Board to appoint a committee

15. The Board may form and appoint from among its members, such number of committee as it deems necessary for the efficient performance of its functions which in the opinion of the Board, would be better regulated through a committee.

Power of Board to delegate

16.-(1) The Board may in express or in writing, subject to such conditions or restriction as it deems necessary, delegate to a committee or employee any functions or powers vested in it by this Act or any other written law.

(2) The Board may at any time revoke a delegation made under this section and the delegation made under this section shall not prevent the Board

from exercising its functions or power delegated.

- (3) The Board shall not delegate the power to-
 - (a) delegate;
 - (b) approve the annual budget or any supplementary budget;
 - (c) approve the annual balance sheet or any statement of account; and
 - (d) prescribe levy dues or borrow money.

Observance of impartiality

17. In order to maintain impartiality of the Board and for purpose of avoiding conflict of interest, a person shall not be qualified for appointment as a member of the Board if owing to the nature of the office he holds is likely to exert undue influence on any matter to which the Corporation is responsible.

Conflict of interest

18.-(1) A member of the Board, committee or an employee shall be considered to have a conflict of interest for the purposes of this Act, if he has or acquires any pecuniary or other interest that would conflict with the proper performance of his functions or exercise of powers as a member of the Board, committee or employee.

(2) Where at any time a member of the Board, committee or employee has a conflict of interest in relation to any matter-

- (a) before the Board, committee or employee for consideration or determination; or
- (b) would reasonably expect to be likely to come before the Board, committee or employee for consideration or determination,

that member or employee shall immediately disclose the interest held by him to the other members of the Board or the Director General and refrain from taking part in the consideration or determination of the matter.

(3) Upon the Board, committee or employee becoming aware of any conflict of interest, the Board, committee or employee shall make a determination as to whether that conflict is likely to interfere with the proper and effective performance of their functions.

(4) A member of the Board, committee or employee who holds conflict of interest shall not vote on the matter under consideration or determination.

(5) Notwithstanding subsection (1), a member of the Board, committee or employee shall be considered to have conflict of interest if he-

- (a) fails without reasonable cause to declare his interests as required; or
- (b) makes a false or misleading declaration for the purposes of influencing the decision.

Superannuation benefits

19. The Board may, after consultation with the relevant authority and with the approval of the Minister-

- (a) grant gratuities or other retirement allowances or benefits to the employees;
- (b) establish and contribute to a superannuation fund or a medical benefits fund for the employees; and
- (c) require any employee to contribute to the superannuation fund or medical benefits fund and fix the amount and method of payment of the contribution.

PART IV
ADMINISTRATION AND MANAGEMENT OF THE CORPORATION

Appointment of
Director General

20.-(1) There shall be the Director General of the Corporation who shall also be the chief executive officer responsible to the Board for the proper administration and management of the functions and affairs of the Corporation.

Cap. 298

(2) The Director General shall be appointed by the Minister through competitive procedures, taking into account the Public Service Act on such terms and conditions provided for in the scheme of service.

(3) A person shall not be qualified for appointment as Director General unless he-

(a) is a holder of at least a post graduate degree from a recognised university or its equivalent; and

(b) possesses at least eight years' experience in managerial position in any of the fields of engineering, human resources, business administration, transport, law, economics or finance.

(4) The Director General shall be appointed to serve for a term of five years renewable once on such terms and conditions as shall be set out in the letter of his appointment or as may be determined by the Board with approval of the Minister.

(5) The Director General shall, subject to the policy and direction set forth by the Board, undertake all financial, administrative and technical management of the Corporation.

Duties and powers
of Director
General

21.-(1) The duties and powers of the Director General shall be to-

(a) establish and maintain a suitable strategic plan framework for the Corporation which includes a clearly defined vision and mission statement and business plan;

(b) develop and implement a code of conduct for the Corporation;

(c) ensure that the roles and functions of all functional departments are clearly defined, understood and programs are established for the successful implementation of strategies;

(d) direct the development and maintenance of a comprehensive policy and procedural framework covering all aspects of operations of the Corporation;

(e) manage and direct the resource allocation of the Corporation to meet operational plans and program priorities;

(f) ensure the availability of a competent and motivated workforce throughout the Corporation;

(g) monitor, evaluate and take corrective action, where necessary to ensure achievement of agreed work programs and outcomes in all projects of the Corporation;

(h) approve recurrent expenditure within limits determined by the Board;

(i) approve any individual capital work of which the estimated cost does not exceed such sums as the Board may determine;

(j) assign functions to the employees of the Corporation as per their job description;

(k) establish and operate rail and wagon ferries transport services and

facilities relating thereto;

- (l) enter into performance contract with functional directors in order to achieve the directorate pre-set key performance indicators and or targets.
- (m) approve any alteration in the establishment of the Corporation other than an alteration involving a major reorganisation or a substantial reduction in the number of employees; and
- (n) perform such other functions as the Board may direct.

Act. No. 7 of 2011

(2) Subject to the Public Procurement Act, the Director General shall, in consultation with the Board, have overall responsibilities for the execution of the procurement process in the Corporation and shall in particular be responsible for signing contracts for the procurement activities on behalf of the Corporation.

Corporation
Secretary

22.-(1) There shall be a Corporation Secretary who shall be appointed by the Board through competitive selection procedure on such terms and conditions as the Board may determine.

(2) The Corporation Secretary shall be-

- (a) a holder of a post graduate degree in laws from a recognised university or its equivalent;
- (b) a qualified lawyer with not less than six years' experience in the legal profession; and
- (c) an advocate of the High Court.

(3) The Corporation Secretary shall report to the Director General and shall be responsible for keeping the records and proceedings of the Board and shall perform such other functions as the Board or the Director General may prescribe.

(4) Without prejudice to the generality of subsection (3), the Corporation Secretary shall-

- (a) be the Secretary to the Board;
- (b) be a custodian of the Corporation seal;
- (c) prepare all legal documents of the Corporation; and
- (d) research on relevant laws and advise the Corporation in all legal matters.

(5) In collaboration with the Attorney General's Office, the Corporation Secretary shall represent the Corporation in Courts, Tribunals, quasi-judicial and any other places as the Board or Director General may determine.

Departmental
Directors and
employees

23.-(1) There shall be employed by the Corporation departmental directors each with responsibility for a particular function.

(2) The Corporation shall appoint a departmental director only if he has-

- (a) provable knowledge and possesses at least a post graduate degree; and
- (b) appropriate experience of at least six years in relation to the relevant function.

(3) A departmental director appointed under subsection (2) shall serve a Corporation for a term of five years and may be reappointed for such term or terms as the Board may deem fit.

(4) There shall be employed by the Corporation such other officers, staff

and employees of the Corporation of such number and titles as may be necessary for the efficient discharge of the functions of the Corporation and on such terms and conditions as may be determined by the Board.

(5) The Corporation shall appoint consultants and experts of the Corporation in various disciplines on such terms and conditions as the Corporation may determine.

(6) The Corporation shall establish a competitive selection procedure for the appointment of all employees, consultants and experts.

(7) The Corporation shall comply with the competitive selection procedure established under subsection (6) whenever it appoints employees, consultants or experts unless, because of the urgency of the appointment or other special circumstances, the competitive procedure selection shall not apply.

PART V RAILWAY WORKS

Development and
maintenance of rail
infrastructure

24. For the purpose of development and maintenance of rail infrastructure and other related railway works, the Corporation shall acquire land for use as provided for under the Second Schedule.

Railway strip

25.-(1) Except with the written permission of the Corporation, a person shall not graze, farm, erect any building, structure or execute any works on a railway strip.

(2) Where any person has erected or erects any building, structure, or has executed or executes any works on a railway strip without the written permission of the Corporation, the Corporation shall notify the public by-

(a) notice published in the *Gazette*;

(b) publishing a notice in a widely circulating newspaper within an area;
or

(c) giving a written notice to such person,
to demolish or modify such building, structure or works within thirty days of such notice.

(3) Where a person does not within thirty days of the notice referred to in subsection (2), demolish or modify the building, structure or works, the Corporation shall demolish, modify, cause to be demolished or modified, the building, structure or works and such person shall pay for the costs of such demolition or modification.

Surveys and
inspections

26.-(1) An authorised officer of the Corporation may, on production of evidence of such authorisation if required to do so, enter on any land or a dwelling house and-

(a) inspect, survey the land and make any inquiry, investigation or examination for the purpose of ascertaining whether or not the land is suitable for the purposes of construction of a railway;

(b) carry out any investigation or examination preliminary or incidental for the purposes aforesaid;

(c) bring thereon such other persons or equipment as he may reasonably consider necessary for the purposes of his functions

under this section; and

(d) line sight, drill, bore, probe, excavate or take such samples and carry out such tests as he reasonably considers necessary or expedient for the purposes of such functions.

(2) Before an authorised officer enters any land or a dwelling house he shall obtain consent of the owner or occupier of the land or dwelling house.

(3) Where an authorised officer is refused entry to any land or dwelling house, he may apply to any court of competent jurisdiction for an order authorising entry and upon the hearing of the application the court may by warrant authorise such entry.

(4) Where an authorised officer enters any land or a dwelling house pursuant to this section he shall be liable to make good all damage done to the land or a dwelling house entered upon or interfered with by the exercise of such functions and pay compensation in respect of any loss arising out of or in the course of the performance of the functions for which he is authorised to do under this section.

(5) Where the authorised officer fails to pay compensation as provided under this section or if an agreement to pay out of court is not reached the matter can be taken to any court of competent jurisdiction.

Authorisation to
conduct railway
works

27.-(1) Any person may apply to the Corporation for a railway order authorising him to conduct railway works.

(2) An application under subsection (1) shall be made in writing in such form and manner as the Corporation may specify and shall be accompanied by a-

(a) draft of the proposed order;

(b) plan of the proposed railway works;

(c) book of reference to the plan indicating the identity of the owners of the lands described in the plan; and

(d) statement of the likely effects on the environment subsequently in this Act referred to as an Environmental Impact Assessment Report on the proposed railway works.

(3) Subject to subsection (2), the draft plan and book of reference shall be in such form and manner as the Corporation may specify.

(4) Upon an application to the Corporation for a railway order there shall be paid to the Corporation such reasonable fee as the Corporation may specify.

(5) The construction of railway works which is the subject of application under this section shall not be undertaken unless the Corporation has made an order in accordance with this section.

(6) For the avoidance of doubt, it shall not be necessary for any person to apply for a railway order for the construction or subsequent operation of railway works where such construction or operation does not require an order as specified under this section.

Exempted
development
Caps. 113, 114 and
355

28. For the purposes of railway works, the following development for the purposes of the Land Act, Village Land Act, Urban Planning Act and any other written laws with respect to land development shall be exempted if such development consists of carrying out by or on the authority of the Corporation

of railway works-

- (a) including the use of the railway works or any part of it for the purposes of the operation of a railway, authorised by the Corporation and specified in a railway order or of any incidental or temporary works connected with such development; and
- (b) not being the subject of a railway order, for the operation, maintenance, improvement or repair of a railway.

Environmental
Impact Assessment
Report

Cap. 191

29.-(1) An Environmental Impact Assessment Report prepared in accordance with the Environmental Management Act and shall contain the following specified information-

- (a) a description of the proposed railway works comprising information about the site, design, size, physical characteristics and land use requirements of the railway works;
- (b) the data necessary to identify and assess the main effects which the proposed railway works are likely to have on the environment;
- (c) a description of the likely significant effects direct and indirect on the environment of the proposed railway works, explained by reference to their possible impact on-
 - (i) human beings, fauna and flora;
 - (ii) soil, water, air, climate and landscape;
 - (iii) the inter-action between any of the matters referred to in subparagraphs (i) and (ii);
 - (iv) material assets; and
 - (v) the cultural heritage;
- (d) where significant adverse effects are identified with respect to any of the matters referred to in paragraph (c), a description of the measures envisaged in order to avoid, reduce and, if possible, remedy those effects;
- (e) where appropriate, an outline of the main alternative if any, studied and an indication of the main reasons for choosing the proposed alternative, taking into account the environmental effects;
- (f) a summary in non-technical language; and
- (g) a certificate of compliance with any environmental requirement which may be issued by a relevant institution responsible for environmental impact assessment matters.

(2) An Environmental Impact Assessment Report may include, by way of explanation or amplification of any of the specified information referred to in subsection (1), further information on any of the following matters-

- (a) the estimated type and quantity of expected emissions resulting from the proposed railway works when in operation;
- (b) the likely significant direct and indirect effects, including secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects, on the environment of the proposed railway works which may result from-
 - (i) the use of natural resources;
 - (ii) the emission of pollutants;
 - (iii) the creation of nuisances; and
 - (iv) the elimination of waste;

- (c) the forecasting methods used to assess any effects on the environment about which information is given under paragraph (b);
- (d) any difficulties, such as technical deficiencies or lack of knowledge, encountered in compiling any specified information; and
- (e) any other matter as may be prescribed by the relevant institution responsible for environmental impact assessment matters.

30.-(1) When an application is made for a railway order, the applicant shall within seven days from the date on which application is made-

- (a) deposit and keep deposited at such place or places, being a place or places which are easily accessible to the public, as may be appointed by the Corporation, a copy of the draft order, plan, book of reference to the plan and the Environmental Impact Assessment Report which accompanied the application;
- (b) publish a notice in one or more newspapers widely circulating in the area to which the order relates-
 - (i) indicating that an application has been made for the railway order;
 - (ii) indicating the times at which, the period, being not less than one month during which and the place or places where a copy of the draft order, plan of the proposed railway works, book of reference and Environmental Impact Assessment Report deposited under this section may be inspected;
 - (iii) stating that the Corporation shall consider any submissions in relation to the proposed order or in relation to the likely effects on the environment of the proposed railway works which are submitted in writing by any person not later than two weeks after the end of the period specified in the notice referred to in subparagraph (ii); and
 - (iv) stating that a copy of or extract from the draft order, plan of the proposed railway works, book of reference or Environmental Impact Assessment Report may be purchased on payment of a fee not exceeding the reasonable cost of making such copy of extract;
- (c) serve on the planning authority in its functional area, or any part thereof, the proposed railway works are proposed to be carried out and such person if any as the Corporation may direct, a copy of the draft order, plan of the proposed railway works, book of reference, Environmental Impact Assessment Report and the notice referred to in paragraph (b).

(2) Members of the public may inspect a copy of a draft railway order, plan of the proposed railway works, book of reference or Environmental Impact Assessment Report deposited under this section free of charge at the times and during the period specified in the notice referred to under subsection (1) and may purchase copies of or extracts from any of the documents referred to upon payment of a fee not exceeding reasonable cost of making such copies or extracts as may be fixed by the Corporation.

(3) A person may, not later than two weeks after the end of the period specified in subsection (2), make submissions in writing to the Corporation in

relation to the proposed railway order or the likely effects on the environment of the proposed railway works.

Consideration of a railway order

31.-(1) Where application for railway order is made, the Corporation shall, before deciding whether to grant an order, consider the following-

- (a) the draft order, plan of the proposed railway works, book of reference to the plan and the Environmental Impact Assessment Report which will accompany the application;
- (b) any submission duly made to the Corporation by an applicant;
- (c) any submission duly made to the Corporation by a planning authority;
- (d) any additional information furnished to the Corporation under section 30;

(2) If after such consideration, the Corporation is of the opinion that the application should be granted, it shall make an order authorising-

- (a) the applicant to construct, maintain and improve the railway works specified in the order or any part thereof;
- (b) the use of the railway works or any part thereof for the purposes of the operation of a railway; and
- (c) the operation, maintenance and improvement of a railway or any part of the railway, in the manner and subject to the conditions, restrictions and requirements, and on the terms, as the Corporation thinks proper and specifies in the order and the Corporation shall furnish the applicant with a copy of the order.

Further information to the Corporation

32.-(1) Where the Corporation is of the opinion that an Environment Impact Assessment Report furnished pursuant to section 29 does not comply with the provisions of section 30, or where it otherwise considers it necessary so to do, it shall require the applicant to furnish a document containing such further information in relation to the likely effects on the environment of the proposed railway works as the Corporation may specify and the applicant shall comply with any such requirement.

(2) If the document furnished pursuant to subsection (1) contains significant data in relation to the likely effects on the environment of the proposed railway works the Corporation shall require the applicant-

- (a) to deposit and keep deposited at the place or each of the places appointed by the Corporation, a copy of the aforesaid document;
- (b) to publish in one or more newspapers widely circulating in the area to which the proposed railway order relates a notice stating that-
 - (i) further information in relation to the likely effects on the environment of the proposed railway works has been furnished to the Corporation;
 - (ii) copies of the document containing the information is available for inspection free of charge;
 - (iii) purchase by members of the public, at the place or each of the places appointed by the Corporation at specified times during the period of four weeks beginning on the day of publication of the notice; and
- (c) to submit further information to the Corporation before the expiry of

that period;

(d) to serve notice of furnishing further information to the Corporation, together with relevant extract on any person on whom notice was served pursuant to the provisions of section 30 (1) (c); and

(e) to indicate to the person concerned that submissions in relation to the further information may be made to the Corporation during the period of four weeks beginning on the day on which the notice is sent by the applicant to the person concerned.

(3) The copies of further information in respect of which notice is published shall be made available for purchase by member of the public during the period specified in the notice for such fee as the Corporation may determine.

(4) Members of the public may inspect further information deposited under this section free of charge at the times and during the period specified in the notice referred to under subsection (2).

(5) Any person may, during the period specified in subsection (2), make submissions in writing to the Corporation in relation to the further information on the proposed railway order or the likely effects on the environment of the proposed railway works.

Amendment of
railway order

33.-(1) Subject to subsection (2), the Corporation may, where it considers appropriate amend a railway order, plan or book of reference relating to it and amendments of such order may include a provision varying the route of the railway.

(2) Where, in the opinion of the Corporation an amendment of a railway order would, if made, constitute a substantial material variation in the railway works, the Corporation shall inform the applicant who shall make necessary modification.

(3) The Corporation may, if there is any failure or refusal to comply with a condition, restriction or requirement specified in a railway order, revoke the order.

(4) Where the Corporation proposes to revoke an order in accordance with subsection (3), it shall notify the applicant in writing of its proposal and of the reasons for revocation.

(5) The applicant may, not later than three weeks from the date of the ending of the notification, make submissions in writing to the Corporation regarding reasons, if any, why revocation should not be made and the Corporation shall-

(a) before deciding the matter, take into consideration any submissions duly made to it by the applicant; and

(b) notify the applicant in writing of its decision and of the reasons for any action taken in relation to such railway order.

Acquisition of land
and property right
during railway
works

34.-(1) A railway order shall contain such provisions as the Corporation considers necessary or expedient for the purpose of the order.

(2) Without prejudice to the generality of subsection (1), the railway order-

(a) shall specify the manner in which the railway works or any part thereof to which the order relates are to be constructed;

- (b) shall fix the period within which the construction of the railway works is to be completed;
 - (c) may contain provisions as to the manner in which the railway works are to be operated and maintained;
 - (d) shall contain such provisions as the Corporation thinks proper for the protection of the public affected by the order;
 - (e) may provide for the determination by arbitration of any specified questions arising there under including the amount of compensation payable for land or other rights acquired;
 - (f) shall contain such provisions ancillary or incidental to any of the matters aforesaid as the Corporation considers necessary and proper.
- (3) The Corporation shall where necessary seek the assistance of the relevant authority responsible for lands matters to seek consent for the acquisition of land or other property rights required for public interest.
- (4) The Corporation shall pay compensation equivalent to the value of the land or other property rights acquired.

Deposit and notification of the railway order

35.-(1) The applicant after obtaining a railway order, shall as soon as practicable deposit at the head office of the Corporation an order and safety plan and at such other places as may be specified by the Corporation.

(2) The Corporation shall after obtaining an order and safety plan under subsection (1), avail the order and safety plan to the members of public for inspection free of charge.

(3) Any person who wants to obtain copies of extracts of the order and safety plan deposited under subsection (1), may obtain the same after payment of the fees prescribed by the Corporation.

Validity of a railway order

36. A person shall not question the validity of a railway order otherwise than by way of an application for judicial review made within a period of six months commencing on the date on which the railway order was made.

PART VI

LIABILITY OF THE CORPORATION

(a) *Passengers*

Liability for loss of life of passengers

37.-(1) The Corporation shall not be liable for the loss of life of, or personal injury to any passenger except where the loss of life or of personal injury is caused by negligence on the part of the Corporation:

Provided that nothing herein shall impose upon the Corporation any liability from which it is exempted under the provisions of this Act.

(2) The Corporation shall not in any circumstances be liable for the loss of life of, or personal injury to, any passenger-

- (a) who is travelling, whether with or without permission, in any part in a train or vehicle other than a part normally provided for the use of passengers during travelling;
- (b) who is travelling on a railway in the course of construction whether with or without permission; and
- (c) who at the time such loss of life or injury occurred, is being carried by any transport service other than one provided by the Corporation.

(3) Subject to provisions of subsection (2), in order to avoid liability of the Corporation it shall not be necessary for notice to be given to the passenger of the conditions on which he travels and it shall be immaterial whether or not that passenger is an infant.

(4) The Corporation shall not be liable for the loss of life of, or personal injury to, any passenger who is carried by the Corporation safely by train, when the loss of life or injury occurs during the carriage by train from-

- (a) act of God;
- (b) act of war; or
- (c) fire or accident from machinery.

(5) For the purposes of this section the expression “passenger” includes any person, other than an employee on duty, lawfully travelling on any train or vehicle of the Corporation.

Liability for delay of passenger train

38.-(1) The Corporation shall not be liable for any loss arising from the delay caused by the failure of any train to start on or complete any journey within set time.

(2) Where the Corporation-

- (a) fails to start any train for whatever reason within twenty four hours from the time of departure, the Corporation shall refund the fare paid by the passenger;
- (b) delays to commence the journey, the Corporation shall immediately inform the passengers through public address; and
- (c) fails to complete the journey for whatever reason within forty eight hours, the Corporation shall refund the fare paid by the passenger or provide an alternative means of transport available and affordable to the Corporation.

(b) Goods

Liability for loss of goods

39.-(1) Subject to the provisions of this Act, the Corporation shall be liable for any loss or misdelivery of, or damage to goods occurring while the goods are in transit from any cause whatsoever unless the Corporation proves that such loss, misdelivery or damage, arose from-

- (a) act of God;
- (b) act of war;
- (c) seizure under legal process;
- (d) act or order of the Government;
- (e) act or omission of the consignor, his servant or agent;
- (f) inherent liability to wastage in bulk or weight, latent or inherent defect, vice or natural deterioration of the goods;
- (g) fire, explosions or accident from machinery; or
- (h) any peril, accident of the inland waterways, navigation of whatsoever nature or kind and from whatsoever cause arising but subject to any conditions expressed in the contract of carriage.

(2) Where loss, misdelivery or damage occurs in any of the cases specified in this section due to the failure of the Corporation to use reasonable foresight and care in the carriage of goods, the Corporation shall be liable for such loss, misdelivery or damage.

(3) The Corporation shall not be liable for loss, misdelivery or damage in respect of goods to which false account has been given, incorrect or insufficient address for delivery and that loss, misdelivery or damage is in any way caused by such false account, incorrect or insufficient address.

(4) The Corporation shall not in any circumstances be liable for loss, misdelivery or damage in respect of goods-

- (a) where there has been fraud on the part of the consignor;
- (b) unless a document acknowledging receipt of such goods for carriage by the Corporation has been given;
- (c) which at the time such loss, misdelivery or damage occurred are being carried by any transport service other than the one provided by the Corporation;
- (d) where there is loss of a particular market whether held daily or at intervals; or
- (e) where such loss, misdelivery or damage arises from insufficient, improper packing or from riots, civil commotion, strikes, lockouts, stoppage or restraint of labour from whatsoever cause whether partial or general.

Liability for delay
of goods

40.-(1) The Corporation shall not be liable for any loss arising from delay to, detention of or deviation in the carriage of goods unless such delay, detention or deviation is caused by the want of reasonable foresight and care on the part of the Corporation.

(2) The Corporation shall not in any circumstances be held liable for any loss arising from the delay to, detention of or deviation in the carriage of goods-

- (a) where there has been fraud on the part of the consignor;
- (b) unless a document acknowledging the receipt of such goods for carriage by the Corporation has been given;
- (c) which at the time such delay, detention or deviation occurred are being carried by any transport service other than the one provided by the Corporation;
- (d) where there is a loss of a particular market whether held daily or at intervals; or
- (e) where such delay, detention or deviation arises, from insufficient packing, riot, civil commotions, strikes, lockouts, stoppage or restraint of labour from whatsoever cause whether partial or general.

Limitation of
liability for
animals

41.-(1) The liability of the Corporation in respect of any animal shall not in any case exceed the appropriate amount set out in the Tariff Book unless at the time of acceptance of such animal by the Corporation for carriage, the consignor or his agent declared that the value of the animal exceeded such appropriate amount paid or agreed to pay such additional charges as may be determined in the Tariff Book in respect of such excess value, the liability of the Corporation shall not in any case exceed the declared value.

(2) In every proceeding against the Corporation for the recovery of any sum in respect of any animal, the burden of proving the value of the animal, and where the animal has been injured, the extent of the injury shall be upon the claimant.

Limitation of liability for loss of specified articles

42.-(1) The liability of the Corporation in respect of any article or articles specified in the Third Schedule to this Act, and contained in any parcel or package shall not, in any circumstances, exceed two million shillings unless at the time of acceptance of such parcel, or package by the Corporation for carriage the consignor or his agent declared that the value of such article or articles is not less than two million shilling and not exceeding five million shillings.

(2) It shall be a condition of the carriage of any parcel or package containing any article or articles the value of which has been declared to be in excess of two million shillings that the contents of such parcel or package may be inspected by an authorised employee at the time of such declaration.

(3) In any proceeding against the Corporation for the recovery of any sum in respect of any article or articles the value of which has been declared to be in excess of two million shillings, the burden of proving the value of the article or articles and of any loss or damage thereto shall be upon the claimant.

(4) The Minister may, by order published in the *Gazette*, make regulations under this Act to amend the provisions of the Third Schedule, to vary the amount of the maximum liability to the Corporation or replace all or any of the provisions as specified in this section.

Limitation of liability for loss where false account given

43. The liability of the Corporation in respect of any goods carried by the Corporation under section 54(1) of this Act, in relation to which false account has been given for loss, shall not in any case exceed the value of the goods as calculated in accordance with the description contained in such false account.

Limitation of liability by contract

44.-(1) The liability for carriage of goods by the Corporation shall not be limited in any manner otherwise than by contract made in accordance with the provisions of this Act.

(2) A contract purporting to limit the liability of carriage of goods by the Corporation shall, be void unless it is in writing, signed by or on behalf of the person delivering the goods to the Corporation.

Responsibility as Warehouseman

45.-(1) Subject to the provisions of this Act, or of any contract, the Corporation shall not be liable for the loss, misdelivery, detention of or damage to goods-

- (a) delivered to or in the custody of the Corporation otherwise than for the purposes of the carriage;
- (b) accepted by the Corporation for carriage where such loss, misdelivery, detention or damage occurs otherwise than while the goods are in transit, except where such loss, misdelivery, detention or damage is caused by negligence on the part of the Corporation.

(2) The Corporation shall not be liable for loss, misdelivery, detention or damage arising from-

- (a) act of God;
- (b) act of war;
- (c) seizure under legal process;
- (d) act or order of the Government;

- (e) act or omission of the consignor, consignee or depositor, or of the servant or agent of any such person;
 - (f) fire, flood, tempest, riots, civil commotions, strikes, lock-outs, stoppage or restraint of labour from whatsoever cause whether partial or general;
 - (g) inherent liability to wastage in bulk or weight, latent or inherent defect, vice or natural deterioration;
 - (h) deficiency in the contents of unbroken packages; or
 - (i) insufficient packing or leakage from defective drums, container or packages.
- (3) Where loss, misdelivery, detention or damage occurs-
- (a) in relation to goods accepted by the Corporation for carriage otherwise than while the goods are in transit, the limitation of the liability of the Corporation contained in sections 41, 42 and 43 or limited by any contract under section 44 of this Act shall continue to apply;
 - (b) in relation to goods accepted by the Corporation for warehousing for inward and outward, the limitation of the liability of the Corporation contained in section 44 of this Act shall apply.

Limitation of liability for loss of goods deposited in cloakroom

46.-(1) The liability of the Corporation for any loss, misdelivery, damage or delay in the delivery of any goods deposited in a cloakroom shall not exceed one million shillings unless at the time of such deposit the person depositing the goods declared that the value thereof exceeded that amount and paid, or agreed to pay, such additional charge as may be determined in the Tariff Book in respect of such excess value and the liability of the Corporation shall not exceed such declared value.

(2) For the purpose of this section the expression “cloak-room” means any place provided by the Corporation in connection with the transport services provided by the Corporation as a facility for the temporary deposit of goods by passengers.

PART VII CARRIAGE OF PASSENGERS AND GOODS

Person travelling without ticket

47.-(1) A person shall not travel in a passenger train unless he is in possession of a valid ticket.

(2) Any person found on passenger train without a valid ticket shall be required to pay to the Corporation on top of actual fare to the penalty of hundred percent of a fare.

(3) Subsections (1) and (2), shall not apply to a person who board a passenger train at a halt or closed station.

General conditions on which tickets are issued

48.-(1) In addition to any other conditions issued by the Corporation, a ticket shall be issued on condition that he can be accommodated in a train of the class for which the ticket is issued.

(2) An authorised employee may require the passenger to move from one compartment or cabin to another of the same class for the better use of the accommodation of such train.

(3) The passenger shall, on being required to do so, present his ticket for examination by an authorised employee and shall deliver such ticket to such employee.

(4) Where there are circumstances that renders the holder of the ticket not to be accommodated on the date of travel, the holder of a ticket may-

- (a) obtain a refund of the fare which he has paid on his returning the ticket to an authorised employee as soon as practicable; or
- (b) opt, subject to availability of accommodation, to travel in a lower class and shall, upon drawing as soon as practicable the attention of an authorised employee to such fact, be entitled to obtain from such employee a certificate that he is entitled to a refund of the difference between the fare which he paid and the fare payable in respect of the class in which he travelled.

(5) The provisions of subsection (4), relating to a refund shall not apply to the holder of a season ticket.

General right of persons to be carried as passengers

49.-(1) Subject to the provisions of this Act, any person who has tendered to an authorised employee the proper fare for the ticket he desires he shall be entitled to obtain a ticket and to be carried as a passenger by the Corporation in accordance with the conditions subject to which such ticket is issued.

(2) Where an authorised employee is satisfied that, a person who applies for a ticket, or a person in possession of a ticket, appears to be-

- (a) suffering from any mental disorder;
- (b) suffering from any contagious or infectious disease; or
- (c) under the influence of alcohol,

such person shall not be entitled to obtain a ticket or to be carried as a passenger save under, and in accordance with, any special provisions dealing with the carriage of any such person.

Person travelling without a valid ticket

50.-(1) Any person who travels in-

- (a) a class of a passenger train higher than that for which he is in possession of a valid ticket;
- (b) a passenger train beyond the place authorised by his ticket; or
- (c) a person who travel in a passenger train which is not for that particular service,

shall be required to pay to the Corporation on top of actual fare to the penalty of hundred percent of a fare.

(2) If, on demand by an authorised employee, any person refuses to pay the fare and excess charge for which he is liable under this section, an authorised employee or police officer may, if there is reasonable ground to believe that there would be difficulty or delay in bringing that person before the court by any other means, arrest and detain that person without a warrant and bring him, as soon as practicable, before a court having jurisdiction to deal with him in accordance with the provisions of this Act.

Carriage of passengers and luggage

51.-(1) The Corporation may, subject to the provisions of this Act-

- (a) determine the manner and conditions upon which passengers and luggage shall be determined in different cases; and such conditions

shall be published in the Tariff Book and shall have effect from the date of such publication or from such later date as may be specified therein;

- (b) determine the different classes of accommodation available to passengers in trains, vessels or vehicles of the Corporation;
- (c) determine the rates, fares and charges for the carriage of passengers and luggage and such rates, fares and charges shall be published in the Tariff Book and shall have effect from the date of such publication or from such later date as may be specified therein.

(2) Notwithstanding the provisions of subsection (1), the carriage of luggage by a passenger shall be free of charge, except for excess weight as may be determined by the Corporation on the bases of classes travelling.

Condition of carriage for excess weight of luggage

52.-(1) Every passenger shall on payment of the appropriate charges for excess weight of luggage be entitled to deliver his luggage to an authorised employee for carriage by the Corporation in the appropriate part of the passenger train and to receive a receipt for each piece of luggage so delivered.

(2) The luggage shall be carried by the Corporation subject to the provisions of this Act and, in addition to the conditions that-

- (a) unless the luggage is delivered to an authorised employee for carriage in accordance with the provisions of subsection (1), it shall be carried at the risk of the passenger; and
- (b) the carriage of goods shall apply to the carriage of luggage save in so far as it is otherwise specifically provided.

Conditions for carriage of goods

53.-(1) The Corporation may, subject to the provisions of this Act, determine the-

- (a) conditions upon which goods shall be carried or warehoused by the Corporation and different conditions may be determined in different cases; and such conditions shall be published in the Tariff Book and shall, have effect from the date of publication or from the later date as may be specified in the Tariff Book;
- (b) rates and charges for the carriage or warehousing of goods and for any other service shall be published in the Tariff Book and shall, have, effect from the date of publication or from the later date as may be specified in the Tariff Book.

(2) Notwithstanding the provisions of subsection (1), the Corporation may, in relation to the special circumstances of any particular case, determine conditions, rates and charges applicable to such case for the carriage or warehousing of goods by the Corporation.

(3) Subject to subsection (2), the conditions, rates and charges may, if they are of a continuing nature, be available to the public on request.

(4) Acceptance of goods for carriage or warehousing by an authorised employee or agent of the Corporation or operator shall not be deemed to have been effected until a document of receipt in respect of the goods accepted, signed by an authorised employee or agent of the Corporation, has been issued.

Right to carry goods

54.-(1) Any person who has tendered to an authorised employee the appropriate rates and charges, and has complied with the conditions upon which

goods may be accepted for carriage by the Corporation, shall be entitled to receive a receipt for such goods and to have such goods carried by the Corporation.

- (2) An authorised employee if, he is in the opinion that any-
- (a) animal tendered for carriage appears to be suffering from any infectious or contagious disease;
 - (b) goods tendered for carriage are goods to which section 59 of this Act applies;
 - (c) goods tendered for carriage exceed the maximum weight or dimension specified in the Tariff Book;
 - (d) goods tendered for carriage are not properly packed;
 - (e) animal tendered for carriage is wild or dangerous;
 - (f) carriage of any goods would at any stage of the transit thereof be contrary to any law; or
 - (g) facilities for dealing with the goods tendered for carriage are not available at the place where such goods are tendered or at the place of destination or at any place enroute,

the person tendering such goods for carriage shall not be entitled to have such goods carried, except where that person has obtained a permit from the Corporation.

(3) The Corporation shall prescribe the form and manner upon which the goods under subsection (2) may be carried.

Description of goods to be delivered

55.-(1) The consignor or a person tendering any goods to the Corporation for carriage or warehousing and on request by an authorised employee, the consignor or person receiving any goods which have been carried or warehoused by the Corporation, shall deliver to an authorised employee a document of receipt signed by such consignor, person or consignee, as the case may be.

(2) The goods delivered to an authorised employee under subsection (1), may contain description and sufficient information to enable such employee to determine the rates and charges payable in respect of the carriage or warehousing by the Corporation.

(3) Any authorised employee may, for the purpose of examining goods delivered under subsection (2), require such consignor, person or consignee to permit him to examine such goods.

(4) Where a consignor, person or consignee fails to deliver goods referred to in subsection (3) or to permit such goods to be examined as required under this section, an authorised employee may, in respect of goods which-

- (a) are tendered to the Corporation for carriage or warehousing, refuse to accept the goods for such carriage or warehousing unless the rate or charge does not exceed the highest rate or charge payable for any class of goods paid; or
- (b) have been carried by the Corporation, refuse to deliver such goods unless the rate or charge does not exceed the highest rate or charge paid.

(5) Where goods which have been carried or warehoused by the Corporation are found to be false, an authorised employee may refuse to deliver such goods unless the rate or charge does not exceed double the highest rate or

charge payable for any class of goods.

Goods may be sold to pay fare, rates or charges

56.-(1) Where any person fails to pay on demand made by an authorised employee any fare, rate or charge due from him as a passenger or in respect of any goods, the Corporation may detain the whole or any part of such goods including the luggage of the passenger.

(2) Where the value of the goods under subsection (1) are in the opinion of the authorised employee insufficient to pay for the same rate or charge due or if they have been removed from the possession of the Corporation, any other goods of such person which may be in, or may thereafter come into, the possession of the Corporation be detained.

(3) Where any goods have been detained under this section, the Corporation may, if the fare, rate or charge due is not sooner paid, sell by public auction sufficient of such goods to produce the fare, rate or charge so owing and all the expenses of such detention and sale; and in the case of-

- (a) perishable goods, such auction may take place at once; and
- (b) any other goods, such auction may take place on the expiration of at least fifteen days' notice, published in one or more local newspapers widely circulating in an area, of the intended auction:

Provided that no imported goods shall be sold under this section until they have been entered for home consumption in accordance with the relevant written laws.

(4) The Corporation may, out of the proceeds of any sale effected under subsection (2), retain a sum equal to the fare, rate or charge due and the expenses of the detention and sale and shall deliver the balance, if any of such proceeds together with such of the goods, if any as remain unsold to the person appearing to the Corporation.

(5) A person who fails to remove the detained goods within a reasonable time, the Corporation may sell such goods and dispose of the proceeds of such sale in accordance with the provisions of this section.

(6) Nothing in this section shall prejudice the right of the Corporation to recover any such fare, rate or charge, or any part thereof, by any other lawful means.

Unclaimed goods

57.-(1) Where any goods in the possession of the Corporation are not claimed by the owner or any other person appearing to the Corporation to be entitled, the Corporation shall, if that owner or person is known, take all reasonable steps to cause a notice to be served upon requiring him to remove the goods.

(2) Where-

- (a) the owner of any goods under subsection (1) is not known and no person appears to be entitled;
- (b) the notice referred to in subsection (1) cannot for any reason be served; and
- (c) there has been a non-compliance with the provisions of any notice served under subsection (1),

the Corporation may, within a reasonable time not being less than three months, except in the case of perishable goods, sell the goods and retain the proceeds of the sale.

(3) Notwithstanding subsection (1), imported goods shall be sold under this section only if they have been imported for home consumption in accordance with relevant written laws.

Indemnity where goods claimed by two persons

58. Where-

- (a) any goods, or the proceeds of the sale of any goods, are in the possession of the Corporation and such goods or proceeds are claimed by two or more persons; and
- (b) any person claiming any goods in the possession of the Corporation does not produce valid documents showing that he is entitled, the Corporation may withhold delivery of such goods or proceeds until the person appearing to the Corporation to be entitled has given an indemnity to his satisfaction against the claim of any other person with respect to such goods or proceeds.

Dangerous or offensive goods

59.-(1) A person shall not take with him in any train, vessel or tender to the Corporation for carriage or warehousing any dangerous, offensive or any goods which are likely to cause damage to a person or property without giving notice of the nature of such goods, to an authorised employee.

(2) Where a person fails to give notice on the nature of goods under this section, an authorised employee may-

- (a) refuse to permit any goods to which this section applies to be taken by any person in any train or vessel of the Corporation;
- (b) refuse to accept such goods for carriage or warehousing or accept them only under, and in accordance with, any special provisions dealing with the carriage or warehousing of any such goods; or
- (c) require any such goods to be marked and packed in such manners he may reasonably direct.

(3) Where an authorised employee has reason to believe that-

- (a) any goods to which this section applies are being carried or warehoused; or
- (b) such goods have been accepted for carriage or warehousing, in contravention of the provisions of this section he may examine such goods and if, they are found to be goods in which this section applies he may order their removal from any train or vessel or from premises occupied by the Corporation.

(4) Nothing in this section shall-

- (a) prevent from the provisions of any written laws in force relating to the possession or transport of explosives, petroleum, firearms or ammunition; and
- (b) apply to any goods carried by any member of a military force established for the defence of the United Republic or by a police officer, in the course of his duty.

**PART VIII
ROLES OF THE REGULATOR**

Establishment and power of Regulator

60.-(1) There shall be a regulator who shall monitor the proper performance of the rail transport sector as provided for under section 6 of

Surface and Marine Transport Regulatory Authority Act.

(2) The powers of safety and economic regulation of the rail infrastructure and rail transport services are vested to the Regulator.

(3) The Regulator shall, for the purpose of performing his functions under this Act have powers to-

- (a) enter, inspect and examine any rolling stock and rail infrastructure;
- (b) interview and take written statement from any employee;
- (c) examine and conduct inquiries regarding the state and condition of any works, rolling stock or other things used for, or intended to be used for, or in connection with, the carriage of passengers or goods by rail; and
- (d) issue notice in writing under his hand addressed to the Corporation require answers or report to such inquiries conducted by him as he may consider necessary to make.

(4) Action or other legal proceeding shall not be instituted against the Regulator in respect of any action or omission by him done in good faith when exercising his functions under this Act.

Functions of
Regulator**61.** The Regulator shall-

- (a) ensure adherence to safety standards in the railways operations;
- (b) regulate tariff, levy, rates, fares and other charges as may be imposed;
- (c) approve levy, rates, fares and other charges for any service rendered;
- (d) adjust tariff, rates and other charges where necessary due to the fluctuation of the exchange rates;
- (e) monitor the performance of the rail sector, including levels of investment, availability, quality and standards of services, cost of services, efficiency of production and distribution of services and other relevant matters;
- (f) regulate and enforce railway safety;
- (g) fix rates, fares, and other charges for goods and passengers where such rates, fares and other charges not specified in the Tariff Book;
- (h) in consultation with the Corporation, monitor railways transport service standards and standards of performance for the provisions of railways transport services;
- (i) initiate and conduct investigations in relation to the quality of service;
- (j) collect and compile data of the Corporation as the Regulator considers necessary for the better performance of its functions under this Act;
- (k) investigate accidents and incidents prejudicial to railway safety;
- (l) lay down standards and codes of conduct with respect to Corporation and customers;
- (m) approve new rail infrastructure, safety systems and unusual safety related features of rolling stock;
- (n) examine and conduct inquiries regarding the state and condition of any works, rolling stock or other things used for or intended to be used for in connection with the carriage of passengers;

- (o) advise the Government on all matters relating to safety competence;
- (p) perform other functions which are incidental or ancillary to functions stipulated under this Act; and
- (q) discharge any other functions as may be directed by the Minister.

General duty of Regulator

62. It shall be the general duty of the Regulator to ensure that safety and security of persons affected by the services of a Corporation is adhered to.

Determination of maximum load

63.-(1) The Regulator shall determine the maximum-

- (a) load and no wagon shall, except with the permission of the Regulator, be loaded in excess of maximum load; and
- (b) number of passengers that may be carried in any coach or cabin.

(2) The Regulator shall cause the maximum load determined under subsection (1) in respect of every wagon to be shown in a conspicuous manner on each wagon.

Inspection of rolling stock

64. The Regulator shall, in relation to rolling stock, have powers to-

- (a) inspect the rolling stock used with a view of determining whether they are fit for carriage of passengers or goods and to advise the Minister; and
- (b) inspect the rolling stock used for the purpose of ascertaining whether the provisions of any written law or of any regulations made under this Act relating to the safety plan and protection of passengers or goods carried by railways are being complied with.

Assistance and information

65. It shall be the duty of the Corporation to give the Regulator assistance and information as he may require for the purpose of, or in connection with, the exercise of his functions.

Powers to discontinue use of rolling stock

66.-(1) The Regulator after inspecting the rolling stock used for the carriage of passengers or goods, and is of the opinion that the continuing use of the specified rolling stock may endanger the safety of the passengers or goods carried by rolling stock, he shall state that opinion, together with reasons to the Minister.

(2) The Minister may, upon receiving the opinion and reasons of the Regulator in accordance with subsection (1), direct that the use of rolling stock be discontinued.

(3) Any directives given by the Minister, under subsection (2), shall state the grounds on which such a directive is based.

Use of discontinued rolling stock

67.-(1) When the Minister has directed under subsection (2) of section 66 that the use of rolling stock specified in the directives be discontinued, the Corporation shall not put into services the specified rolling stock until-

- (a) the defect has been rectified and the Regulator has made the report to the Minister; and
- (b) the Minister has approved, in writing, that the rolling stock may be put into services.

(2) A person who continues to use the discontinued rolling stock under

this section as directed by the Minister commits an offence under this Act.

PART IX FINANCIAL PROVISIONS

Authorised
capital

68. The authorised capital of the Corporation shall be such sums as the Minister may from time to time declare after consultation with Minister responsible for finance.

Railway
Infrastructure
Fund

69.-(1) There shall continue to exist the Railway Infrastructure Fund.

(2) The objectives of the Railway Infrastructure Fund shall be to renew and develop new and existing rail infrastructure.

(3) The sources of the Railway Infrastructure Fund shall be:

(a) such sums of money as may be appropriated by the Parliament;

(b) donor funds received by the Corporation;

(c) railway development levy which shall be charged-

(i) at the rate of 1.5 percent at customs value on importation of goods; and

(ii) on goods entered for home consumption in Mainland Tanzania in accordance with procedures applicable under the East African Community Customs Management Act; and

(d) moneys as may be received or determined by the Corporation from any other sources.

(4) The provisions of subsection (3)(c) shall not apply to exemptions provided under the East African Community Customs Management Act.

(5) The levy referred to under the provisions of subsection (3)(c) shall be collected by the Tanzania Revenue Authority and be deposited to the Railway Infrastructure Fund.

(6) The funds of the Railway Infrastructure Fund shall be deemed to be held by the Corporation on irrevocable trust and shall not be liable for or available to discharge the debts or other liabilities of the Corporation except as provided for in this section.

(7) Expenditure from the Railway Infrastructure Fund shall be limited to administrative overheads directly attributable to its operation and management, and the funding of the renewal and development of existing and the provision of new rail infrastructure

(8) The Corporation shall prepare separate accounts disclosing details of the sources and application of the funds of the Railway Infrastructure Fund, and shall be audited by the Controller and Auditor General.

Act No. 1 of 2004

Funds of the
Corporation

70.-(1) The funds and resources of the Corporation shall consist of-

(a) moneys appropriated by Parliament;

(b) operating incomes;

(c) money disbursed from the Railway Infrastructure Fund;

(d) such sums of money or property which may become payable to or vested in the Corporation under this Act or any other written laws;

(e) any grants, donations, bequests, money derived from loans or other contributions made to the Corporation; and

(f) all other payments or property due to the Corporation in respect of

any matter incidental to its functions.

(2) The Corporation shall disclose details of the sources of its funds in the Annual Reports.

(3) All income and moneys of the Corporation shall be deposited into the bank account of the Corporation and shall be withdrawn in accordance with the manner prescribed.

Application of the revenue

71.-(1) The revenue of the Corporation for any financial year shall be applied in defraying the following charges-

- (a) working and establishment expenses and expenditure on, or provision for the discharge of the functions of the Corporation;
- (b) the salaries, fees, remuneration, pensions, superannuation, allowances and gratuities of the officers, agents, employees, experts and consultants of the Corporation;
- (c) the remuneration, fees and allowances of the members of the Board and committees;
- (d) interest on any loan raised by the Corporation;
- (e) sums required to the Government or to any other public authority towards repayment of any loan made by the Government or by any other public body to the Corporation;
- (f) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the repayment of borrowed money;
- (g) such sums as may be deemed appropriate to be set aside in respect of depreciation or renewal of the property of the Corporation, having regard to the amounts set aside out of revenue under paragraphs (a) and (f);
- (h) sums required to be transferred to a maintenance fund for the purpose of making provision for the proper and regular maintenance of basic and operational infrastructure and buildings;
- (i) the cost, or any portion thereof, of any works, facilities and machinery;
- (j) equipment or appliances not being a renewal of the property of the Corporation;
- (k) such sums by way of contribution, for the purposes associated with the objects of this Act as the Corporation may determine; and
- (l) any other expenditure authorised by the Corporation and properly chargeable to revenue account.

(2) The balance of the revenue of the Corporation shall be applied to the creation of general reserve and such other reserves as the Corporation may deem fit.

(3) All profits and losses of business entities shall be separately shown in the audited accounts of the Corporation.

Financial year

72. The financial year of the Corporation shall be the period of one year ending on the 30th June.

Budget

73.-(1) The Corporation shall, before the end of each financial year prepare a budget for the following financial year showing estimates of its

receipts and expenditure.

(2) The Corporation shall, subject to subsection (1), submit to the Minister the annual budget and every supplementary budget for approval.

(3) The Minister may require the Corporation to revise the budget if in his opinion the budget does not represent a fair and reasonable projection of income and expenditure.

Accounts and
audit

74.-(1) The Corporation shall keep proper books of account and maintain proper records of its operation in accordance with commercial accounting standards.

(2) The accounts of the Corporation may at any time and shall, at the end of each financial year, be audited by the Controller and Auditor General or any other person authorised on his behalf.

(3) The Corporation shall cause to be kept all proper books and audit records of accounts of, income, expenditure and assets of the Corporation.

(4) Within a period of three months after the end of each financial year, the Corporation shall submit to the Controller and Auditor-General the accounts of the Corporation together with-

- (a) a statement of financial performance during the year;
- (b) a statement of the financial position of the Corporation on the last day of that year;
- (c) a statement of change in equity during the year; and
- (d) a statement of cash flow for the year.

Annual report

75.-(1) The Corporation shall on or before the 30th September of each year, prepare an annual report in respect of financial year up to immediately preceding 30th June, and submit the report to the Minister who shall lay the same before the National Assembly.

(2) The annual report shall consist of-

- (a) detailed information regarding the activities of the Corporation during the year to which it relates;
- (b) a copy of the audited accounts of the Corporation together with the auditor's report; and
- (c) any other information as the Corporation may require to be provided under this Act.

Power to borrow

76. The Corporation may, with the consent of the Minister and with the approval of the Minister responsible for finance, obtain loans and other credit facilities from any person for the purposes of the Corporation upon such terms and conditions relating to repayment of the principal and the payment of interest as it may deem fit.

Power to invest

77.-(1) The Corporation shall conduct its business according to sound commercial principles and shall have power to invest.

(2) "sound commercial principles" means the attainment of a real rate of return on capital employed, of at least 5% or such other figure as the Government may from time to time approve and includes the achievement of any standards of service which may be agreed upon between the Government

and Corporation.

**PART X
OFFENCES AND PENALTIES**

General Offences

78. Where a person contravenes any of the provisions of this Act, for which no specific penalty is provided, commits an offence and is liable on conviction to a fine not less than five million shillings and not exceeding ten million shillings or to imprisonment for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

Use of emergency
or relief land

79. Any person who uses or occupies existing and future emergency or relief land earmarked for stacking, storage and railway operations without the consent of the Corporation, commits an offence and on conviction shall be liable to a fine of not less than ten million shillings but not exceeding twenty million shillings or to imprisonment for a term of not less than twelve months but not exceeding twenty months or to both such fine and imprisonment.

Endangering
safety

80.-(1) Any person who by any unlawful, wilful, negligent or careless act or omission-

- (a) obstructs or causes to be obstructed any train using the railway;
- (b) endangers or causes to be endangered the safety of any person in or upon any train using the railway;
- (c) puts, places, casts or throws upon or across any railway line any wood, stone or other matter or thing;
- (d) causes loss to the Corporation by taking up, possessing, stealing, removing or displacing any rail, sleeper or other component;
- (e) throws or causes to fall or strike at, against, into or upon any train used upon a railway any wood, stone or other matter or thing with intent to injure or endanger the safety of any person being in or upon such train;
- (f) sets fire to destroy or in any way damages any railway track, way or the rails and appurtenances laid thereon or any station, engine house, warehouse or other building, or any train belonging or appertaining to the railway or any matter or thing contained therein; or
- (g) does or causes to be done any other thing with intent to obstruct, upset, overthrow, damage or destroy any train using a railway or to endanger the safety of any person travelling by or being upon a railway,

commits an offence and is liable on conviction to a fine not less than fifty million shillings but not exceeding seventy million shillings or to imprisonment for a term not less than three years but not exceeding five years and or to both such fine and imprisonment.

(2) Any person who aids, abets, assists, counsels or procures any act or omission referred to in subsection (1), commits an offence and is liable on conviction to a fine of two million shillings but not exceeding four million shillings or to imprisonment for a term not less than two years but not exceeding three years or to both such fine and imprisonment.

Theft of railway property

81. Any person who steals or is found unlawful in possession of any railway property commits an offence upon conviction shall be liable to a fine not less than five million but not exceeding ten million shillings or to imprisonment for a term not less than three years but not exceeding five years or to both such fine and imprisonment.

Goods loaded or unloaded

82.-(1) A wagon ferry shall not without lawful excuse load or unload any goods at any place other than an inland waterways, provided that the Director General may authorise the master of any wagon ferry to load or unload goods at any place than an inland waterways.

(2) Nothing in this section shall apply to small boats carrying goods from any place within the United Republic to any other place within the United Republic or within such a neighbouring country as the Minister may, by notice in the *Gazette*, specify for the purposes of this section.

(3) Any person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not less than fifty million shillings but not exceeding seventy million shillings or to imprisonment for a term not less than five years but not exceeding ten years or to both such fine and imprisonment.

(4) Any person who aids, abets, assists, counsels or procures any act under this section commits an offence and is liable on conviction to a fine of not less than ten million shillings but not exceeding twenty million shillings or to imprisonment for a term of two years but not exceeding four years or to both to such fine and imprisonment.

Master to supply information

83. The master of any wagon ferry arriving in an inland waterways shall, where required, produce to any authorised employee-

- (a) a register of the wagon ferry and its papers;
- (b) a list of the crew;
- (c) a list of the passenger, if any, showing particulars of their sex and occupation;
- (d) a list showing the deaths, if any which have occurred during the voyage;
- (e) a list showing the stowaways, if any, on the vessel, and shall also supply such other information in relation to the wagon ferry, passengers and cargo thereof, as such authorised employee may require.

Power of authorised employees in relation to inland waterways

- 84.** Any authorised employee may-
- (a) give directions to the master of any wagon ferry within any inland waterways with regard to the berthing of such wagon ferry, or the removal of such wagon ferry from one berth to another, and such master shall comply with such directions;
 - (b) remove any wreck in or other obstruction to an inland waterways or its approaches or any timber, raft or other thing floating in such port or approaches which endangers or obstructs, or is likely to endanger or obstruct, the free navigation of the wagon ferry;
 - (c) in case of urgent necessity, take any action in an inland waterways

which, in his opinion, may be necessary to prevent any danger to life;
and

- (d) enter upon any wagon ferry or into any building in an inland waterways where necessary, for the performance of any duty or if he has reasonable grounds for believing that an offence against this Act has been or is about to be committed.

Drunkenness
while on duty

85.-(1) Any employee of the Corporation may be required to submit himself to a breath test or to provide a blood or urine sample to an authorized person or medical practitioners approved by the Corporation.

(2) Any employee who while on duty is found to be under the influence of drugs or alcohol as ascertained from a breath test or blood or urine sample taken, commits an offence and is liable on conviction to a fine of not less than two million shillings but not exceeding five million shillings or to imprisonment for a term of not less twelve months but not exceeding eighteen months or to both such fine and imprisonment

(3) An employee who refuses to submit breath test or provide a blood or urine sample when requested to do so, commits an offence and is liable on conviction to a fine of not less than two million but not exceeding five million shillings or to imprisonment for a term of not less twelve months but not exceeding eighteen months or to both such fine and imprisonment.

Trespass and
related offences

86. Any person who-

- (a) not being specifically authorised in that behalf and not being an employee of the Corporation-
- (i) is found in any premises occupied by the Corporation;
 - (ii) is found in any areas designated by the Corporation as dangerous or restricted by the erection of notice boards to that effect; or
 - (iii) refuses to leave premises occupied by the Corporation after being lawfully requested to do so by any employee of the Corporation or police officer;
- (b) being on any premises occupied by the Corporation-
- (i) when called upon by employee of the Corporation or police officer refuses to give his name or address, or gives a false name or address;
 - (ii) is in a state of intoxication and behaves in a violent or offensive manner to the annoyance of any other person;
 - (iii) discharges any firearm or does anything which may cause injury to any person on such premises;
 - (iv) commits any nuisance or act of indecency or uses profane, obscene, indecent or abusive language;
 - (v) without lawful excuse contravenes any direction lawfully given by an employee of the Corporation;
 - (vi) except with the permission of an authorised employee of the Corporation hawks, sells or exposes for sale any article or touts, applies for, or solicits custom of any description; or
 - (vii) smokes in any part of such premises bearing a notice that smoking is prohibited in that part;

- (c) writes, draws or affixes any profane, obscene, indecent or abusive word, matter, graffiti, presentation or character upon any premises occupied by the Corporation;
- (d) defaces the writing on any board or any notice maintained upon any premises occupied by the Corporation;
- (e) damages or without lawful excuse interferes with any property of the Corporation;
- (f) in the absence of a gatekeeper, omits to shut and fasten, if any form of fastener is provided, any gate on a railway as soon as such person or any animal, vehicle or other thing under his charge has passed through the gate;
- (g) knowing, or having reason to believe that a train is approaching or without having exercised due care to ascertain whether a train is approaching, opens any gate, chain or bar set up on either side of a railway track, or drives any animal, vehicle or other thing onto or across such railway track;
- (h) permits or allows any animal to stray on any fenced premises occupied by the Corporation;
- (i) wilfully obstructs or impedes an employee or agent of the Corporation in the performance of his duties;
- (j) throw from a train any article or substance likely to be a source of danger to, or cause injury to any other person;
- (k) fails at the earliest possible opportunity to present to any authorized employee of the Corporation any property which there is reason to believe has been lost or forgotten and is found by that person on any premises, train of the Corporation;
- (l) being an employee of the Corporation, receives from any passenger, or from any other person delivering goods to such Corporation for carriage or warehousing, or from any other person making use of the facilities provided by such Corporation any money and fails within a reasonable time not exceeding half an hour to issue a ticket or other receipt in respect of such money;
- (m) without lawful excuse, enters or leaves any train of the Corporation while it is in motion or at a place other than that appointed by the railway Corporation for passengers to enter or leave or opens any outer door of any train while it is in motion;
- (n) without prior approval of any authority concerned, takes or sends or attempts to take or send upon a railway any dangerous substances or goods, or any dangerous animal not under proper control or any animal suffering from any contagious or infectious disease; or
- (o) without the permission of an authorised employee, travels in or upon any part of a train of the Corporation,

commits an offence, and is liable on conviction to a fine not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than two years but not exceeding five years or to both such fine and imprisonment.

Offences relating
to tickets

87. Any person who-

- (a) not being an authorised employee or agent of the Corporation, sells

or parts with any ticket or any portion thereof, in order to enable any other person to travel on a train;

(b) purchases or obtains any ticket or any portion thereof, from any person other than an authorized employee; or

(c) unlawfully alters, obliterates or defaces any ticket with intent to render any material portion thereof illegible,

commits an offence and shall be liable on conviction to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term not less than two years but not more than five years or to both such fine and imprisonment.

Forgeries of tickets

88. Any person who-

(a) obtain by false pretences or other fraudulent means any ticket issued by the Corporation;

(b) with intent to defraud, counterfeits, forges or alters any ticket; or

(c) with intent to defraud, utters or in any way publishes any forged, counterfeited or altered ticket,

commits an offence and shall be liable on conviction to a fine not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term not less than two years, but not exceeding five years or to both such fine and imprisonment.

Travelling without ticket

89. Any person who-

(a) travels on a train without a valid ticket to avoid payment of any fare for which he is liable;

(b) having a valid ticket for a certain distance, knowingly or unknowingly travels on a train beyond that distance to avoid payment of the fare for the additional distance;

(c) travels on a train by a higher class than the valid ticket which he holds entitles him to travel to avoid payment of any additional fare;

(d) refuses to pay the fare and excess charge which, on demand, he is liable to pay under this Act; or

(e) travels on a train with a ticket, or any portion, purchased or obtained by him from any person other than an authorized employee,

commits an offence, and shall be liable on conviction to a fine of not less than one hundred thousand shillings but not exceeding five hundred thousand shillings or to imprisonment for a term of not less than three months but not exceeding six months, or to both such fine and imprisonment.

Unlawfully transporting dangerous goods

90.-(1) A person, who in contravention a provision of section 59 -

(a) takes with him any goods to which that section applies upon any train or vehicle; or

(b) delivers any such goods for carriage or warehousing.

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

(2) Any person who is convicted of an offence under this section shall, in addition to the penalty given under subsection (1), be responsible for any loss, injury or damage which may be caused by reason of such goods taken by train or vehicle or delivered for carriage or warehousing, and such offender shall pay the amount of any loss, injury or damage to the injured person.

Employee endangering safety of operation

91. Any employee of the Corporation who, while on duty, endanger the safety of operation or a person by-

- (a) contravening any of the provisions of this Act;
- (b) contravening any lawful order, direction or rule given to such employee or made in respect of his service;
- (c) being under the influence of alcohol or drugs; or
- (d) any rash or negligent act;

commits an offence and shall be liable on conviction to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than two years but not exceeding three years or to both such fine and imprisonment.

Employee demanding improper amount

92. Any employee of the Corporation who, with intent to defraud, demands, solicits or receives from any passenger, or from any person delivering goods to the Corporation for carriage or warehousing from any person making use of the facilities provided by the Corporation any greater or lesser amount than he should demand or receive, or any other thing of value, commits an offence and shall be liable on conviction to a fine not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term not less than three years but not exceeding five years or to both such fine and imprisonment.

Arrest of employee

93.-(1) Where the safe operation of any railway transport service of the Corporation is likely to be endangered by the immediate arrest, whether with or without a warrant, of any employee, the police officer on duty shall-

- (a) request the head of the department of the employee to be relieve from his duties as soon as practicable; and
- (b) refrain from arresting such employee until he is so relieved and shall, until he is so relieved, take all necessary steps to ensure that he does not escape.

(2) Where any request is made to a head of a department under this section, it shall be his duty to relieve the employee in respect of whom the request is made with the least possible delay.

Power of arrest, removal and place of trial

94.-(1) Any person who commits any offence mentioned under this Part, may be arrested without warrant by any authorised employee of the Corporation or police officer and shall with the least possible delay be taken before a court with competent jurisdiction.

(2) Any person who commits an offence under this section may be arrested without warrant by any authorised employee of the Corporation or police officer if-

- (a) there is reason to believe that the person will abscond; or
- (b) he refuses on demand to give his name, identity card and address; or

(c) there is reason to believe that the name, identity card and the address given by him is incorrect or invalid;
commits an offence and shall be liable on conviction to a fine of not less than two hundred thousand shillings but not exceeding five hundred thousand shillings or to imprisonment for a term of not less than three months but not exceeding six months or to both such fine and imprisonment.

(3) Any person who is arrested or required to leave any premises or facilities belonging to the Corporation shall not be entitled to the refund of any fare which he may have paid.

PART XI MISCELLANEOUS PROVISIONS

Regulations

95.-(1) The Minister may make regulations in relation to any matter necessary to give effect to functions of the Corporation relating to safety and other matters.

(2) Without prejudice to subsection (1), the Minister may make regulations prescribing-

- (a) procedures for the approval of new works;
- (b) procedures to be adopted in connection with safety management, the preparation, verification, submission and amendments of safety plans;
- (c) procedures to be adopted for compliance with safety plans and their revision;
- (d) procedures and conditions of appointing safety assessors and auditors;
- (e) minimum requirements for the auditing of safety plans;
- (f) procedures and conditions for application and issuance of licence;
- (g) requirements relating to the reporting and investigation of railway accidents and incidents including the form of reporting and the classification of accidents and incidents to be reported;
- (h) procedures relating to prohibition notices;
- (i) safety standards for rail infrastructure and rolling stock;
- (j) levels of training, medical fitness and competencies of categories of railway staff;
- (k) requirements for continuous automatic brakes, block working, interlocking of points and signals and passenger communication;
- (l) procedures for carriage of dangerous goods and substances;
- (m) safety barriers and operating procedures at level crossings;
- (n) procedures for open access; and
- (o) any other matters which the Minister considers necessary for proper implementation of this Act.

Establishment of
subsidiary
company

96. The Minister may, with the approval of National Assembly, by order published in the *Gazette* establish a subsidiary company to carry out functions related to rail industry.

Issuance of
certificate

97.-(1) The Minister may, for the avoidance of doubt, issue a certificate

in respect of any specified property or class of property, including any chose-in-action certifying that the property referred to in any order made or purported to be made under this Act, has or was not, at the time the order was made, the property of the Corporation or its subsidiary and the certificate shall be conclusive evidence of the certified facts.

(2) Every chose-in-action transferred in accordance with subsection (1) may be sued upon and recovered or enforced by the Corporation and it shall not be necessary for the Corporation to give notice to the person who is bound by the chose-in-action of the transfer if effected.

Powers to transfer
right and
liabilities

98.-(1) The Minister may, by order, transfer to the Corporation such rights and liabilities or classes of rights or liabilities of the Corporation or of a subsidiary or subsidiaries of the Corporation by virtue of any contract or commitment entered into by it or them.

(2) Subject to the provisions of subsection (1), upon such transfer, the rights and liabilities specified in the order shall from that day stand transferred to the Corporation.

(3) Rights and liabilities transferred to the Corporation may be sued on, recovered or enforced by or against the Corporation and shall not be necessary for the Corporation to give notice to the person with respect of whose rights or liabilities is so transferred.

(4) Where legal proceedings in relation to rights or liabilities transferred under the provisions of this section to which the Corporation or a subsidiary of the Corporation is a party are pending on the date of its transfer, the proceedings shall be continued against the Corporation or a subsidiary of the Corporation as the case may be.

(5) An order made pursuant to the provisions of this section shall become effective on the date it was made, but if such order is made under the repealed law, it shall become effective on the terms as the Minister may, by order specify and shall be treated as if it was made on such earlier date on which it was actually made.

Issuance of
certificate in
respect of
contract or
commitment

99. For the avoidance of doubt, the Minister may issue a certificate in respect of any specified contract or commitment or class of contract or commitment certifying that the rights and liabilities accruing from any contract or commitment referred to in an order made or purported to be made under section 109 were or were not at the time the order was made rights or liabilities of the Corporation or a subsidiary of the Corporation and such rights or liabilities accordingly, as the case may be were or were not transferred to the Corporation under that section and the certificate shall be the conclusive evidence of the facts so certified.

General duty of
other persons

100.-(1) It shall be the general duty of a person being on or near a rail infrastructure or rolling stock to conduct himself in a manner not to endanger himself or any other person.

(2) A person shall not conduct himself in a manner which endangers rail infrastructure or rolling stock.

(3) A person who contravenes the provisions of this section commits an offence.

Accidents to be reported

101. Where any accident occurs in a rail infrastructure or rail transport service, then, if that accident-

- (a) involves loss of human life or with serious injury to any person or loss of property;
- (b) involves any collision between trains;
- (c) involves derailment or capsizement of any train, or any part thereof, carrying passenger or goods; or
- (d) is of such other kind as the Minister may specify in directions given to the Director General,

the Director General shall, as soon as practicable, give notice of the occurrence of loss of human life, collision, derailment, capsizement or such accident to the Minister, Board, Regulator, police station and administrative authority nearest to the scene of such accident.

Accident inquiry

102.-(1) The Minister may order inquiry into any accident which occurs in any rail infrastructure or rail transport service.

(2) The Corporation shall submit to the Ministry a report on any accident setting out *inter alia* the probable cause of such accident and the steps, if any, which have been taken, or it has directed to be taken, with a view of avoiding a repetition of an accident.

Accident reports

103. The Director General shall make, to the Ministry and the Board, a report in such form and manner at the intervals as the Board may direct of all accidents occurring to the rail infrastructure or railways transport services.

Power of entry to prevent accidents

104.-(1) Subject to any other written laws, the Corporation may for the purpose of safe operation of any rail service provided or when repairing any damage caused by any accident, enter upon any land-

- (a) cut down or remove any tree or other obstruction, not being a building, which obscures the view of any fixed signal or which is likely to cause any obstruction or any danger to any rail transport service; and
- (b) execute such other works as may be necessary to prevent the occurrence of any accident or to repair any damage caused as a result of any accident.

(2) Where any tree or other obstruction is cut down or removed under subsection (1) (a), the owner or occupier shall be entitled to fair compensation.

(3) Compensation shall not be payable if the tree or other obstruction cut down or removed, as the case may be, which came into existence subsequent to the construction of the railway.

Entry on land to alter position of pipes

105.-(1) Subject to any other written laws, the Corporation may enter into any land and alter the position of any pipe for the supply of gas, oil, water or compressed air, or the position of any electric, telephone or telegraphic wire or telecommunications cable or the position of any drainage system.

(2) Where the Corporation exercises any power under subsection (1), it shall give reasonable notice of its intention to the relevant authority or any person having control of the pipe, wire, cable or drainage system and-

(a) such authority or person may authorise a representative to superintend such work;

(b) the Corporation shall make arrangements for the maintenance of the supply of gas, oil, water, compressed air, electricity, or for the continuance of the telephone, telegraphic, telecommunications services or for the maintenance of the drainage system, as the case may be, during the execution of the work.

(3) Where any damage is caused by reason of the exercise of the powers conferred by this section, the person suffering such damage shall be entitled to fair compensation.

(4) Where the circumstance requires the Corporation to enter into any land and alter the position of any pipe for the supply of gas, oil, water, compressed air, the position of any electric, telephone, telegraphic wire, telecommunications cable or the position of any drainage system he shall consult the Corporation.

Power to control and divert water

106. Subject to any other written laws, the Corporation may take, control or divert any water from any natural water course for the purpose of construction and protection of rail infrastructure.

Accommodation works

107.-(1) In this section, “accommodation works” means such crossings, bridges, culverts, drains or other works for the purposes of making good any interruption caused by the construction of a railway to the use of the lands through which the railway was constructed.

(2) Subject to subsection (1), the Corporation shall, during the construction of a railway line or as soon as practicable thereafter, construct and maintain the accommodation works for the benefit of the owners and occupiers of land adjoining the land on which the railway line is constructed such crossing, bridges, culverts, drains or other works as, in the opinion of the Corporation, are necessary.

(3) Notwithstanding the provisions of subsection (1), the construction or maintenance of any accommodation works shall not-

(a) prevent or obstruct the proper operation of the railway; or

(b) prevent the owners, occupiers, or their predecessors in title, in addition to compensation to receive the money for the works not being constructed or maintained.

(4) A person shall not institute a case against the Corporation after a period of five years from the date on which the railway line was constructed or maintained for the purpose of accommodation works.

Additional Accommodation works

108. Where at any time-

(a) the owner or occupier of any land on which a railway line is constructed desires any accommodation works in addition to those, if any, constructed by the Corporation;

(b) any person who proposes to construct a road or any other works across a railway line; such person shall consult the Corporation before construction of such accommodation works; and

(c) any person who proposes to construct a road or any other works across a railway line that person shall bear the cost of construction of

such accommodation works.

Construction of
level crossing

109.-(1) Where, in the exercise of its powers under this Act, the Corporation proposes to construct a railway track across a road, the relevant authorities may, subject to subsection (2), require the Corporation to execute such works as may be necessary for the safety of the public and the Corporation shall comply with such requirements.

(2) The Corporation shall, before making any requirement under this section, communicate with relevant authorities and shall take into consideration any representation made by such authority or any person directly affected by the proposed construction.

(3) Where any railway track has been constructed so as to cross a road, the relevant authorities may, subject to subsection (2), require the Corporation to-

- (a) erect gate or provide other safety measures if the crossing is on the same level; or
- (b) raise or lower the level of the road so that it crosses the railway track above or below and not on the same level.

(4) Where as a result of a requirement made by the Corporation under this section, any works to be constructed by the Corporation, the manner of the construction of such works and their apportionment of cost of construction and maintenance shall be determined by the agreement between the Corporation and the relevant authorities.

Use of railway
under
construction

110. Nothing in this Act shall prohibit the use of the railway line by the Corporation, its employees or agents while such railway line is under construction.

Management of
common facilities

111.-(1) The Corporation shall manage common facilities relating to rail transport including but not limited to lands, workshops, clubs, schools and training colleges or institutions.

(2) The supervision and management of the facilities referred to under subsection (1) shall be prescribed.

Preparation of
Land Master Plan

112.-(1) Any planning authority, shall ensure that when preparing or reviewing a Land Master Plan incorporate or allocate land for provision of rail infrastructure.

(2) Any planning authority when preparing or reviewing the Land Master Plan shall consult the Corporation in order to accommodate current and future development plans for rail infrastructure.

Railway archives

113. The Corporation in consultation with the National Archives Agency shall collect, maintain, keep in safe custody all railway historical maps, drawings, reports, data, pictures, registers, rail networks, rolling stock, infrastructure, orders and safety plans.

Repeal and
savings

114.-(1) The Railways Act is hereby repealed.

Act No. 4 of 2002

(2) Notwithstanding the repeal of the Railways Act, any regulation, order, rules, notice, directives or exemptions made under any other written laws

which were in force immediately before the commencement of this Act shall in so far as it is not inconsistent with the provisions of this Act, until revoked, replaced, cancelled or rescinded remain in force as if they were made under this Act.

Transfer of staff and their rights

115.-(1) As from the effective date, every employee and staff of the Reli Assets Holding Company Limited in its acronym RAHCO and the Tanzania Railways Limited in its acronym TRL who are necessary for the purpose of the Corporation shall be, as the case may be, deemed to have been employed or transferred to the Corporation on the terms and conditions not less favourable than those applicable to them immediately before the effective date.

(2) Where any employee or staff of the former RAHCO and TRL is not absorbed by the Corporation, he may be transferred to any other ministry or public institution, and his service shall be deemed to be continuous.

(3) Nothing in this section shall operate so as to prevent any employee of the RAHCO and TRL from resigning or being terminated from employment.

(4) Every employee and staff of RAHCO and TRL whose service is not deemed to have been employed or transferred to the Corporation or is not transferred to any other ministry or public institution shall be paid terminal benefits in accordance with the laws and regulations governing the terms and conditions of its service immediately before the termination.

(5) Where a person is transferred to the Corporation or any ministry or public institution under this section is a member of any statutory, voluntary pension fund or any other superannuation scheme he shall, for the purposes of this Act, continue to be governed by the same laws under those funds or schemes as if he had not been transferred to the service of the Corporation or any ministry or public institution.

Cap. 212

(6) Under this section “TRL” means Tanzania Railways Limited incorporated under the Companies Act to provide rail transport services.

Rights of a person in an undertaking

116. This Act shall not operate so as to affect in a prejudicial way the rights of any person under any undertaking or licence granted prior to the commencement of this Act or any undertaking entered into prior to the commencement of this Act.

Transfer of assets and liabilities

117.-(1) As from the effective date, all assets, interests, rights, privileges, liabilities or obligations vested in RAHCO and TRL shall be transferred to and be vested in the Corporation without further assurance.

(2) Where any question arises as to whether any particular property, or any particular asset, interest, right, privilege, liability or obligation has been transferred to or vested in accordance with the provisions of subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

Continuation and completion of disciplinary proceedings

118.-(1) Where on the effective date any disciplinary proceedings were pending against any employee of RAHCO or TRL who has joined the Corporation or transferred to any other ministry or public institution such proceedings shall be carried on and completed by the Corporation, ministry or

public institution and where on the effective date any matter was in the course of being heard or investigated or had been heard or investigated by RAHCO or TRL but no order or decision had been rendered, the Corporation, ministry or public institution shall complete the hearing or investigation and issue such order, ruling, finding or direction.

(2) Any order, ruling, finding or directive made or given in relation to any proceedings or investigation pursuant to subsection (1), shall be treated as an order, ruling, finding or directive of the Corporation, ministry or public institution and have the same force or effect as if it had been made or given by RAHCO or TRL before the effective date.

FIRST SCHEDULE

BOARD OF DIRECTORS

(Made under Section 12)

Appointment,
composition and
tenure of the office
of the Board

- 1.**-(1) The Board shall consist of-
- (a) the Chairman who shall serve for a term of three years renewable once;
 - (b) a senior officer from Custom and Excise Department of Tanzania Revenue Authority;
 - (c) a senior officer from Tanzania Ports Authority;
 - (d) a senior State Attorney from the Attorney General's Chambers;
 - (e) a senior member from the Ministry responsible for Railways;
 - (f) a female member from private sector shall serve for the term of two years renewable once with experience in rail industry; and
 - (g) two members from the general public, with the knowledge of the rail industry, who shall serve for two years renewable once.
- (2) A member appointed under subparagraph (1)(b), (c), (d) and

(e)-

- (a) shall, unless his appointment is sooner terminated by the appointing authority or he ceases in any other way to be a member, hold office for a period of three years but shall be eligible for re-appointment once; and
 - (b) may at any time resign from his office by giving notice in writing addressed to the Minister, and from the date specified in the notice or, if no date is so specified from the date of the receipt of the notice by the Minister, he shall cease to be a member.
- (3) The Director General who shall be an ex-officio with no voting

right.

Vice Chairman

2. Members of the Board shall elect from among themselves a Vice Chairman of the Board who shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election, but shall be eligible for re-election.

Appointment of
temporary member

3. When any member of the Board, other than the Director General, is by reason of absence from the country, illness, conflict of interest or other sufficient cause unable to perform his duties as a member of the Board, the appointing authority may appoint a temporary member in his place, and the temporary member shall hold office until the resumption of duty of the substantive member or until the terms of office of the substantive member expires, whichever occurs first.

Board meetings

4.-(1) The Board shall ordinarily meet quarterly at times and places as it deems necessary for the transactions of its business as required under this Act.

(2) The Chairman, or in his absence, the Vice Chairman, may at any time call an extraordinary meeting of the Board, and may call an extraordinary meeting upon a written request by majority of the members in office.

(3) The Chairman or in his absence the Vice Chairman shall preside at every meeting of the Board.

(4) In absence of both the Chairman and Vice Chairman, members present shall elect a member from amongst themselves to preside over the meeting.

Power of Board to co-opt	5. The Board may co-opt any person whose presence is in its opinion desirable to attend and to participate in the deliberation of a meeting of the Board and such person shall have no right to vote.
Quorum	6. The quorum at any meeting of the Board shall be at least four members.
Decision of the Board	7. -(1) Subject to subparagraph (2), matters proposed at a meeting of the Board shall be decided by a majority of votes of members present and voting, and in the event of an equality of votes, the person presiding shall have a casting vote in addition to his deliberative vote. (2) A decision may be made by the Board without a meeting, by circulation of the relevant papers among the members and the subject matter be considered at a meeting of the Board.
Minutes of the meetings	8. -(1) The Board shall cause to be recorded and kept by the Corporation Secretary the details of all business conducted or transacted at its meetings, and the minutes of each meeting of the Board shall be read and confirmed, or amended and confirmed, at the next meeting of the Board signed by the person presiding at that meeting. (2) Any minutes purporting to be signed by the person presiding at a meeting of the Board shall, in the absence of proof of error, be deemed to be a correct record of the meeting.
Vacancies not to invalidate proceedings	9. The validity of any act or proceeding of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.
Proof of document	10. Any document purporting to be a document duly executed or issued under the seal of the Corporation or on behalf of the Corporation shall be received in evidence and be deemed to be a document so executed or issued without further proof unless the contrary is shown.
Board to regulate its own proceedings	11. Subject to the provisions of this Schedule, the Board may regulate its own proceedings.

SECOND SCHEDULE

DEVELOPMENT OF RAILWAY LAND

(Made under section 24)

- 1.** Development of railway land falls into two categories namely-
 - (a) Railway Operational Lands which consist of main line right of way reserve land, level crossings diamond visibility, station yard reserves, marshalling yards, workshops, railway sidings reserves, signal and telecommunication infrastructure, maintenance gang camps, rest houses for line inspectors, running rooms, on call operational staff accommodation, track maintenance depots, land premises accommodating rail-intermodal exchange terminals, security buildings, health and first aid centres for railway users, holdings grounds for rescue and relief facilities, railway quarry lands, borrow pits for rail infrastructure, water for railway use (land accommodating water infrastructure), stream and river crossing reserves (60m from bank edge either side and 200m from structure centre both downstream and upstream); and
 - (b) Non-operational Land include commercial and recreational lands.

2. In this Schedule unless the context otherwise requires-
- “level crossings diamond visibility” means a distance of 100m in each of the four directions along diagonals on intersection of road and railway at the same level for safety reasons;
- “mainline right of way reserve land” means a corridor or strip which extends 30m either side from track centre on mainline, with exception in developed township sidings as shall be determined by the Corporation and communicated to respective local land authority;
- “marshalling yards” means an area of land accommodating railway loops and accompanied operational facilities for formation of trains, operational and maintenance facilities and parking grounds;
- “other operational facilities” means a land premises accommodating rail-intermodal exchange terminals, running rooms, safety and security buildings, health and first aid centres for railway users, holdings grounds for rescue and relief equipments and materials, railway quarry land, borrow pits for railway, water for railway use (land accommodating water infrastructure) streams and river crossings reserves (60m from bank edge either side and 200m from structure centre both downstream and upstream), land to accommodate on call railway staff, gang camps, rest houses, on call accommodation of operational staff, storage sites rail infrastructure materials, warehouses, open land, hardstands, station buildings (housing);
- “railway sidings reserve” means a strip of 30m width from track centre land where railway line infrastructure both, private and public taking off from existing yards or mainline to save isolated premises, with exception to be determined technically by the Corporation;
- “signalling infrastructure” means a mechanical or electrical device erected beside the railway line to pass information relating to the state of the line ahead;
- “station yard reserves (SYR)” means the land within current boundary as per respective site plan drawings;
- “structure crossings streams” means an area of land along crossing streams with length of 200m downstream and upstream or existing width 60m either side from natural or existing river bank whichever is bigger;
- “telecommunication infrastructure” means a system used to exchange information by way of electronic and electrical over a significant distance; and
- “workshop land” means a land accommodating buildings and facilities for repair, maintenance and rehabilitation of locomotives, wagons, coaches and all other railway operational equipment and machineries.

THIRD SCHEDULE

LIMITATION OF LIABILITY FOR LOSS OF SPECIFIED ARTICLES

(Made under section 42)

- The Corporation shall not be liable on the loss of the following goods or articles-
- (a) gold, silver and other precious metals, coined or uncoined, manufactured or unmanufactured, and any coins whether made of gold, silver or any other metal;
 - (b) precious or semi-precious stones, jewellery and trinkets;
 - (c) watches, clocks and time pieces of any description;
 - (d) Government securities;
 - (e) stamps;
 - (f) bills of exchange, promissory notes, bank notes, currency notes and orders or other securities for payment of money;
 - (g) maps, plant, writings and title-deeds;
 - (h) painting, engravings, lithographs, pictures, photographs, carvings, statuary, sculptures, antique furniture and other works of art;

- (i) art pottery, glass and marble;
- (j) cameras and cinematograph apparatus (including films);
- (k) lace, furs and feathers;
- (l) opium and narcotic preparations;
- (m) musk, sandalwood oil and other essential oils used in the preparation of perfumes;
- (n) pyrethrum extract;
- (o) musical and scientific instruments, wireless and television sets, radiograms, record players, tape recorders and all electronic instruments and equipment;
- (p) ivory in any form; and
- (q) any article the value of which exceeds twenty million shillings.

OBJECTS AND REASONS

The Bill is intended to provide for an enactment of the Tanzania Railways Act, 2017 with a view to establish Tanzania Railways Corporation, which shall be a body corporate mandated to carry the functions and exercise powers related to railways and to enhance performance of railways industry and other matters connected thereto.

The Bill is divided into eleven Parts.

Part I contains preliminary provisions which includes a short title, commencement date, application and interpretation of various terms and phrases used in the proposed Bill.

Part II contains provisions relating to the establishment of the Tanzania Railways Corporation, its objectives, powers and functions. It also provides for the protection of assets of the Corporation from execution or attachment.

Part III covers provisions relating to the establishment, functions and powers of the Board. It also provides for observance of impartiality, conflict of interest, payment of fees and allowances. Some of the Board's functions are to provide strategic guidance, formulate policies for the operation and management of the Corporation, approve work plan, annual budget and reports, conduct managerial oversight, secure and ensure efficient use of resources. The Chairman of the Board will be appointed by the President whereas Board Members will be appointed by the Minister.

Part IV provides for the administration of the Corporation. It contains provisions relating to the appointment of the Director General, Corporation Secretary who will be the secretary of the Board, Departmental Directors and other Employees. Under this Part the Director General is to be the Chief Executive Officer of the Corporation appointed by the Minister through competitive procedures and shall have knowledge and experience of the transport Sector.

Part V covers railway and railway works. This Part gives the Corporation power to acquire land for use as provided under the Bill. It also provides for which land of the Corporation that is not supposed to be used by any other person unless a prior permission is obtained. The Part also provides for Environmental Impact Assessment matters and other issues relating to the land of the Corporation.

Part VI covers liability of the Corporation. It contains provisions relating to the extent of exclusion of liability of the Corporation for loss of life of passengers, delay in arrival of passengers, loss of goods, delay of goods, animals which exceed the amount set out in the tariff book, specified articles, circumstances amounting to false account, goods warehoused or deposited in the cloakroom unless the loss, misdelivery, dentation or damage caused by negligence. The limitation covers the goods or articles not declared.

Under this Part the Corporation will be responsible for the death of passengers or injury caused by negligence. The Corporation will be required to reimburse the passenger or

provide alternative means of transport in case of any delay in arrival of passengers, where the train fails to start or complete the journey. Furthermore, the Corporation is held responsible for any loss, misdelivery or damage to goods occurring while the goods are in transit unless the Corporation proves that such loss, misdelivery or damage arose from *force majeure*.

Part VII provides for the procedures to issue tickets and restriction on carrying some goods, condition of carriage of luggage and goods, measures to be taken by the Corporation in case a passenger fail to pay fare, procedures to deal with unclaimed goods and procedure to deal with goods claimed by more than one person.

Part VIII contains provisions relating to economic and safety regulation of the Corporation, functions and powers of the Regulator. The Regulator will exercise economic and safety regulatory powers in respect of rail infrastructure and rail transport. The Regulator will deal with issues of competition, cost, standard, quality and safety of service in the course of providing railways transport services.

Part IX provides for financial provisions. It contains provisions relating to funds of the Corporation, application of the revenue, financial year, budget, accounts and audits and annual report. Under this Part, the Corporation is required to prepare annual reports in respect of each financial year and submit the same to the Minister who shall lay the report before the National Assembly.

Part X provides for offences and penalties. This Part covers offences related to endangering safety of any person travelling by or being upon railway, drunkenness while on duty, trespass related offences, purchase or obtains ticket from unauthorised employee or agent, forgeries of tickets, travelling without ticket, unlawful transportation of dangerous goods, employee endangering safety of operation, employee demanding improper amount and compounding of offences. The fine and a term for imprisonment depend on the nature of the offence committed.

Part XI contains general provisions which includes powers of the Minister to make regulations, establishment of subsidiary company, general duty of a person being on or near rail infrastructure or rolling stock, power of entry to prevent accidents, entry on land to alter position of pipes, power to control and divert water for the purpose of construction and protection of rail infrastructure, construction of level crossing, use of railway under construction, management of common facilities, allocation of land for provision of rail infrastructure when preparing land master plan, railway archives, and repeal of the Railways Act.

The proposed Bill provides for the transfer of staff and their rights. Employees and staff of the Reli Assets holding Company Limited (RAHCO) and Tanzania Railways Limited (TRL) who are necessary will be transferred to the Corporation on the terms not less favourable applicable before effective date. The employees who will not be absorbed by the Corporation may be transferred to any other Ministry or public institution.

Employees whose employment will be terminated will be paid terminal benefits in accordance with the laws governing the terms and conditions of their service before termination. Employees who will be transferred to the Corporation and are members of any statutory, pension fund or any other superannuation scheme will continue to be governed by

the same laws under those funds or laws. All assets, interest, right, privileges, liabilities or obligations vested to RAHCO and TRL will be transferred and vested to the Corporation.

Further, the Bill proposes to retain all the undertaking made or deemed to have been prepared, subsidiary legislation, exemptions given or made before the commencement of this Bill shall remain in force until revoked, replaced or rescinded.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kutunga Sheria mpya ya kuanzisha Shirika la Reli Tanzania, madhumuni na majukumu yake. Aidha, Shirika litakaloanzishwa pamoja na mambo mengine litakuwa na jukumu la kusimamia, kuendeleza miundombinu ya reli na kutoa huduma za usafiri wa reli.

Muswada huu umegawanyika katika Sehemu kuu Kumi na moja.

Sehemu ya Kwanza ya Muswada huu inahusu utangulizi ambao unaainisha jina la Muswada, tarehe ya kuanza kutumika kwa Sheria, matumizi yake na ufafanuzi wa maneno na misemo iliyotumika katika Sheria inayopendekezwa.

Sehemu ya Pili inapendekeza kuanzishwa kwa Shirika la Reli Tanzania na madhumuni ya kuanzishwa kwake. Vilevile Sehemu hii inaainisha majukumu ya Shirika, mamlaka yake katika kuendeleza miundombinu na kutoa huduma za usafiri wa reli.

Sehemu ya Tatu inahusu kuanzishwa kwa Bodi ya Wakurugenzi, mamlaka na majukumu ya Bodi, uteuzi wa Mwenyekiti, wajumbe na kamati za Bodi ya Wakurugenzi, masuala yatakayosababisha kuwepo kwa mgongano wa kimaslahi dhidi ya Mwenyekiti na wajumbe wa Bodi pamoja na stahili zao. Baadhi ya majukumu ya wajumbe wa Bodi ni kupitisha sera ya uendeshaji wa Shirika, kusimamia matumizi bora ya rasilimali, kupitisha mpango kazi, bajeti na taarifa za fedha za mwaka. Aidha, sehemu hii imeainisha kuwa Mwenyekiti wa Bodi atateuliwa na Rais na wajumbe wa Bodi watateuliwa na Waziri.

Sehemu ya Nne inaweka masharti kuhusu utawala wa Shirika, uteuzi wa Mkurugenzi Mkuu, Katibu wa Shirika ambaye pia ndiye atakayekuwa Katibu wa Bodi, Wakuu wa Idara na watumishi wengine. Aidha, Sehemu hii imeainisha kuwa Mkurugenzi Mkuu ndiye Mtendaji Mkuu wa Shirika na atachaguliwa na Waziri kwa njia ya ushindani kwa kuzingatia Sheria za Utumishi wa Umma.

Sehemu ya Tano inahusu kazi za ujenzi na matengenezo ya reli. Sehemu hii inatoa mamlaka kwa Shirika ya kutwaa ardhi kwa ajili ya matumizi ya miradi ya reli. Sehemu hii pia inaainisha masuala ya Tathimini ya Athari za Mazingira pamoja na mambo mengine yanavyohusu ardhi ya Shirika.

Sehemu ya Sita ina vifungu vinavyohusu kinga dhidi ya Shirika kutokana na vifo vya abiria, majeraha, kuchelewa kwa mizigo, upotevu wa mizigo, wanyama ambao thamani yake inazidi kiwango kilichoainishwa na Shirika, taarifa za uongo na bidhaa zilizohifadhiwa katika

maghala na Shirika. Kinga inayopendekezwa ni dhidi ya bidhaa zisizoainishwa, vifo na majeraha yatokanayo na uzembe au sababu zilizo nje ya mamlaka ya Shirika.

Sehemu ya Saba inaainisha taratibu za utoaji wa tiketi, bidhaa zisizoruhusiwa, vigezo vya ubebaji wa mizigo, taratibu za kufuatwa na Shirika iwapo abiria atashindwa kulipa nauli na taratibu za kushughulikia mizigo iliyotelekezwa.

Sehemu ya Nane inahusu udhibiti wa shughuli za huduma za usafiri wa reli. Sehemu hii inaainisha majukumu ya Mamlaka. Baadhi ya masuala ambayo yatadhibitiwa ni pamoja na ushindani wa kibiashara, viwango, usalama na ubora wa huduma inayotolewa.

Sehemu ya Tisa inahusu masuala ya fedha. Sehemu hii ina vifungu vinavyohusu vyanzo vya mapato, mwaka wa fedha, bajeti, mahesabu na ukaguzi wa mahesabu pamoja na taarifa ya utendaji ya mwaka. Aidha, Sehemu hii imeainisha kwamba taarifa ya mwaka ya utendaji wa Shirika itawasilishwa kwa Waziri ambaye ataiwasilisha Bungeni.

Sehemu ya Kumi inahusu makosa na adhabu. Baadhi ya makosa yaliyoainishwa ni matumizi ya ardhi ya dharura bila ridhaa ya Shirika, kuhatarisha usalama wa maisha ya watu wanaosafiri na treni au walio katika reli, kuweka au kutupa vitu hatarishi katika miundombinu ya reli kama vile mbao na mawe. Makosa mengine ni ulevi kazini, kugushi tiketi, kusafiri bila tiketi, kusafirisha bidhaa hatarishi kinyume na taratibu na wafanyakazi wanaohatarisha usalama wa huduma za reli. Aidha, kuna kifungu kinachotoa adhabu ya jumla kwa maeneo ambayo adhabu haijaainishwa.

Sehemu ya Kumi na Moja inahusu masuala ya jumla kama vile, mamlaka ya Waziri kutunga Kanuni, uwezo wa Waziri kuanzisha kampuni tanzu, Mamlaka ya Shirika kubadilisha uelekeo wa maji kwa ajili ya ujenzi na ulinzi wa miundombinu ya reli, ujenzi wa makutano ya reli na barabara, matumizi ya reli wakati wa ujenzi, utengaji wa ardhi kwa ajili ya matumizi ya reli wakati wa kuandaa Mpango Kamambe, utunzaji wa nyaraka za reli na kufutwa kwa Sheria ya Reli, 2002.

Vile vile Muswada umeainisha masuala ya wafanyakazi na stahili zao. Watumishi wa RAHCO na TRL wanaokidhi vigezo watahamishiwa katika Shirika jipya na wengine katika Wizara au taasisi mbalimbali za Umma. Aidha, watumishi ambao hawatahamishiwa katika Shirika jipya, Wizarani au taasisi nyingine za Umma ajira zao zitasitishwa na watalipwa stahiki zao zote kwa mujibu wa Sheria na kwa kuzingatia masharti na vigezo vya ajira zao.

Wafanyakazi ambao watahamishiwa katika Shirika jipya na walikuwa wanachangia katika mifuko mbalimbali ya hifadhi ya jamii wataendelea kuratibiwa na Sheria za Mifuko hiyo. Mali na madeni yote ya RAHCO na TRL yatahamishiwa katika Shirika jipya. Vile vile Muswada umeainisha kwamba mikataba, makubaliano, kanuni na nyaraka nyingine zilizoandaliwa na kutungwa kabla ya Sheria hii zitaendelea kutambulika mpaka zitakapoitishwa au zitakapobatilishwa.

Dodoma,
20 Agosti, 2017

MAKAME M. MBARAWA
Waziri wa Ujenzi, Uchukuji na Mawasiliano

NAIBU SPIKA: Waheshimiwa Wabunge, hoja imeungwa mkono, tunaendelea na sasa nimwite Mwenyekiti wa Kamati ya Kudumu ya Bunge ya Miundombinu, Makamu Mwenyekiti, Mheshimiwa Selemani Moshi Kakoso.

MHE. MOSHI M. KAKOSO – MAKAMU MWENYEKITI WA KAMATI YA KUDUMU YA BUNGE YA MIUNDOMBINU: Mheshimiwa Naibu Spika, ifuatayo ni Taarifa ya Maoni ya Ushauri wa Kamati wa Kamati ya Kudumu ya Bunge ya Miondombinu kuhusu Muswada wa Sheria ya Reli ya Tanzania ya mwaka 2017 (*The Railways Act, 2017*).

Mheshimiwa Naibu Spika, kwa mujibu wa Kanuni ya 86 (5) ya Kanuni za Kudumu za Bunge, Toleo la Januari 2016, napenda kutumia fursa hii kuwasilisha mbele ya Bunge lako Tukufu, maoni na ushauri wa Kamati kuhusu Muswada wa Sheria ya Reli ya Tanzania ya mwaka 2017 (*The Railways Act, 2017*).

Mheshimiwa Naibu Spika, Kamati inaanza kwa kutoa pongezi kubwa kwa Mheshimiwa Rais na Serikali kwa hatua kubwa zilizochukuliwa katika kuimarisha sekta ya reli nchini. Muswada huu ni ishara tosha ya kazi kubwa ambayo imefanyika katika muda mfupi.

Mheshimiwa Naibu Spika, Nyongeza ya Nane, Kifungu cha 7(1)(b) cha Kanuni za Kudumu za Bunge, Toleo la Januari 2016, inazipa Kamati za Bunge za Kisekta ikiwemo Kamati ya Miundombinu jukumu la kushughulikia miswada ya sheria na mikataba iliyo chini ya Wizara inazozisimamia.

Mheshimiwa Naibu Spika, muswada huu umeletwa kwa Hati ya Dharula na hivyo kuwa na siku chache za Kamati kuupitia na kuujadili. Tarehe 9 Septemba, 2017 Waziri wa Ujenzi, Uchukuzi na Mawasiliano, Mheshimiwa Profesa Makame Mbarawa, Mbunge, aliwasilisha mbele ya Kamati muswada huu, ambapo pamoja na maelezo mengine, alijulisha Kamati manufaa mbalimbali yatakayotokana na kupitishwa kwa sheria hii kwa maendeleo ya sekta ya reli nchini.

Mheshimiwa Naibu Spika, kutokana na muda ambao Kamati imepokea Muswada huu kuwa mfupi wadau mbalimbali walialikwa lakini hawakuweza kufika na kuwasilisha maoni yao mbele ya Kamati. Kamati inawashukuru sana Chama cha Wafanyakazi wa Reli Tanzania (*TRAWU*) kwa kufika na kutoa maoni yao mbele ya Kamati.

Mheshimiwa Naibu Spika, historia fupi ya reli nchini Tanzania; reli ilianza kujengwa na wakoloni Wakijerumani kuanzia Dar es Salaam kwenda Kigoma mwaka 1905 – 1914; wakati huo Shirika la Reli Tanzania lilianzishwa likiitwa Reli ya Tanganyika; ambalo lilikuwa likisimamia Reli ya Kati kutoka Dar es Salaam kwenda Kigoma kwenye Ziwa Tanganyika.

Mheshimiwa Naibu Spika, Wajerumani walipoondoka (1918) Tanganyika ilitawaliwa na Waingereza kama eneo la udhamini la Shirikisho la Mataifa ambalo kwa sasa linajulikana kama Umoja wa Mataifa na kupata Uhuru mwaka 1961, katika kipindi hicho, Reli ya Tanganyika iliongezwa njia ya kando kutoka Tabora hadi Mwanza.

Mheshimiwa Naibu Spika, mwaka 1948, huduma zote mbili, yaani reli na bandari ziliunganishwa na hivyo kuanzishwa kwa Shirika jipya la *East Africa Railways & Harbors* ambalo lilikuwa shirika jipya lililosimamia na kutekeleza kazi za reli, bandari za baharini pamoja na huduma za meli kwenye maziwa makubwa ya Victoria (Nyanza), Tanganyika na Nyasa. Shirika hilo jipya liliendelea kuongeza mtandao wa reli, kuboresha huduma za meli kwa kuleta meli mpya katika Ziwa Victoria ambapo mwaka 1967 Jumuiya ya nchi tatu kubwa za Afrika Mashariki ilianzishwa. Hata hivyo, kutokana na changamoto mbalimbali Jumuiya hiyo ilivunjika mwaka 1977. Kuvunjika kwa Jumuiya hii kulisababisha Shirika la Reli (*East Africa Railways*) kuvunjwa.

Mheshimiwa Naibu Spika, baada ya kuvunjika kwa umoja huo ndipo njia za reli, bandari na meli ziligawanywa kati ya nchi tatu zilizokuwa za umoja huo. Shirika la Reli Tanzania lilianzishwa likiwa na matawi ya Dar es Salaam -

Kigoma, Tabora - Mwanza na Kaliua - Mpanda. Kwa upande wa Kenya na Uganda zilianzisha mashirika yao.

Mheshimiwa Naibu Spika, Kuanzishwa kwa *RAHCO* na *TRL*; mwaka 2007 Shirika la Reli Tanzania lilivunjwa na lilianzishwa shirika lingine kwa ajili ya kumiliki miundombinu ya reli nchini (*Railways Holding Company – RAHCO*). Mwaka huo huo shughuli za uendeshaji wa usafiri wa reli zilihamishiwa kwa *Tanzania Railways Limited (TRL)* na Kampuni ya *rites* kutoka India iliyoingia ubia wa uendeshaji kwa makubaliano ya kuwa na hisa asilimia 49 kwa Tanzania na asilimia 51 kwa *rites*.

Mheshimiwa Naibu Spika, moja kati ya madhumuni ya Serikali kubinafsisha Shirika la Reli Tanzania ilikuwa ni kuweka mazingira ya kuwa na makampuni mengi ya usafirishaji kwa njia ya reli hivyo kurahisisha makampuni hayo kuweza kulipia huduma ya utumiaji wa njia na kubaki kushughulika na uendeshaji peke yake. Hata hivyo, ubinafsishaji huo haukuleta mafanikio yaliyokuwa yanatarajiwa na kusababisha mwaka 2011 Serikali ya Tanzania kuvunja mkataba wake na *rites* na kurejea umiliki na uendeshaji wa Shirika la Reli kwa asilimia 100.

Mheshimiwa Naibu Spika, changamoto kubwa ambayo imekuwa ikikabili uendeshaji wa reli pamoja na uchukuzi wa abiria na mizigo, ni kutokuwepo uwajibikaji wa pamoja kati ya haya mashirika mawili yaani *RAHCO* na *TRL*. Kwa mfano, panapotokea miundombinu ya reli imeharibika au kusombwa na maji, *TRL* imejikuta ikilazimika kugharamia matengenezo ya kipande cha reli husika ili iweze kuendelea kusafirisha abiria wake haraka iwezekanavyo na hivyo kupunguza usumbufu kwao na pia kuepuka kuingia gharama zaidi.

Mheshimiwa Naibu Spika, hivi karibuni, miongoni mwa malengo yaliyowekwa na Serikali kuhusu kuimarisha miundombinu ya reli nchini ni pamoja na kuendelea na ujenzi wa reli ya kati kwa kiwango cha *standard gauge* ambapo Serikali imewekeza kiasi kikubwa cha fedha. Kutokana na

uwekezaji huo mkubwa imeonekana ni muhimu kuunda chombo madhubuti kwa ajili ya usimamizi wa miundombinu hii ambayo inaligharimu Taifa fedha nyingi.

Mheshimiwa Naibu Spika, Muswada wa Sheria ya Reli wa 2017 unaanzisha Shirika jipya la Reli ambalo pamoja na mambo mengine litakuwa na jukumu la kusimamia, kuendeleza miundombinu ya reli na kutoa huduma za usafiri wa reli. Sheria hii itatumika Tanzania Bara pekee na haitatumika katika uendeshaji wa Mamlaka ya Reli ya Tanzania na Zambia (TAZARA).

Mheshimiwa Naibu Spika, malengo ya shirika hili yatakuwa ni kutoa huduma za usafiri wa reli, kujenga na kuendeleza miundombinu ya reli, kuhamasisha na kutunza miundombinu ya reli, kufanya matengenezo ya reli na kuhakikisha kunakuwa na ulinzi na usalama wa miundombinu ya reli pamoja na kuingia kwenye mikataba mbalimbali, ili kulinda masharti ya huduma ya usafirishaji kwa njia ya reli. Mikataba hiyo inaweza kuwa baina ya Serikali na watu binafsi kwa ajili ya kukasimisha madaraka yake ya kuendeleza na kutunza miundombinu ya reli.

Mheshimiwa Naibu Spika, kufuatia uchambuzi uliofanywa na Kamati, yafuatayo ni maoni na ushauri wake:-

(i) Kifungu cha 20(1) kinachoongelea Uteuzi wa Mkurugenzi Mtendaji. Kifungu kidogo cha (5) kimeongelea jukumu la Mkurugenzi Mtendaji. Kamati inaona kwamba kifungu hiki kihamie kwenye kifungu cha 21 kinachohusu majukumu ya Mkurugenzi Mtendaji.

(ii) Kifungu cha 21 kinachoeleza kazi na Majukumu ya Mkurugenzi Mtendaji, kitamke bayana kuwa Mamlaka yake na kazi zake zinatekelezwa chini ya uongozi na udhibiti wa Bodi kama ilivyoainishwa katika kifungu 20(5).

(iii) Kifungu cha 21(1)(b) kinachoongelea jukumu la Mkurugenzi Mtendaji wa Shirika kuandaa na kutekeleza Kanuni za Maadili kwa Watumishi. Muswada huu

haujabainisha ni nani anayetakiwa kupitisha Kanuni hizo za maadili kwa watumishi baada ya kuwa zimeandaliwa na Mkurugenzi Mtendaji. Kamati inashauri wajibu huo wa kupitisha Kanuni uwe ni jukumu la Bodi.

(iv) Kifungu cha 21(1)(k) kinaeleza kuhusu kuanzisha na kuendesha reli. Kamati inaona kuwa jukumu hili silo la Mkurugenzi Mtendaji badala yake jukumu hilo ni la Shirika hivyo ni ushauri wa Kamati jambo hili kupelekwa kwenye majukumu ya Shirika.

(v) Mheshimiwa Naibu Spika, kifungu cha 23(7) kinampa Mamlaka Mkurugenzi Mtendaji kutokuzingatia utaratibu wa kiushindani wakati wa kuteuwa watumishi, washauri wa kitaalam au wataalam endapo kuna uharaka wa uteuzi au mazingira mengine maalum. Kamati inashauri kifungu hiki kifanyiwe mabadiliko, hasa kwa upande wa uteuzi wa washauri wa kitaalam ambapo mchakato wake unatakiwa kupitia Sheria ya Manunuzi ya Umma na hivyo mamlaka yake yazingatie Sheria ya Manunuzi ya Umma ambayo kwenye kifungu cha 65 kinatoa utaratibu huo.

(vi) Mheshimiwa Naibu Spika, Kifungu cha 26 kinaongelea utafiti na ukaguzi. Afisa aliyeidhinishwa na Shirika anaweza kuingia kwenye nyumba au eneo la mwananchi yeyote na kufanya ukaguzi na utafiti kwa lengo la kutathmini kama eneo hilo linafaa kwa ajili ya ujenzi wa reli. Pamoja na kwamba anatakiwa kupata kibali cha mwenye nyumba au eneo husika, Kamati inashauri wakati wa ukaguzi huo, ikiwa eneo hilo ni mali ya Shirika la Reli, ni muhimu kuwepo Afisa wa Serikali ya Mtaa kwa ajili ya kujua kinachoendelea kwa wananchi wa mtaa wake. Ikiwa eneo hilo ni jipya, Kamati inashauri Waziri aweke Kanuni za kufuata katika utekelezaji wa jukumu hilo ili kuzingatia matakwa ya Sheria nyingine husika hususan Sheria ya Ardhi.

(vii) Kifungu cha 60 kinaongelea uanzishwaji wa Mamlaka ya Mdhibili. Kifungu hiki hakijaeleza kama mdhibiti huyo ni mtu binafsi au ni Kampuni. Hivyo Kamati inashauri kama ni mtu binafsi kifungu hiki kibaki kama kilivyo lakini

ikiwa ni Kampuni kifungu cha 60(3) kitumie neno "*its*" na si "*his*". Aidha, Kamati inashauri kutolewa tafsiri ya neno "*Regulator*" ili kuleta maana ya anayekusudiwa kutajwa katika Sheria hii.

Mheshimiwa Naibu Spika, mambo mengine ambayo Kamati inashauri ni kama yafuatayo:-

(a) Wakati Sheria hii inapitishwa Serikali inashauriwa kuangalia kwa umakini suala la mishahara kwa wafanyakazi kwani wafanyakazi wa *RAHCO* walikuwa na mishahara mikubwa ukilinganisha na wafanyakazi wa lililokuwa Shirika la Reli (*TRL*) ili kuweka usawa wa tofauti kubwa ya mishahara na kutosababisha matabaka kwa wafanyakazi kwani maelewano mazuri kazini ndiyo msingi wa kuongeza tija.

(b) Shirika jipya litakaloundwa kuweka mipaka na vigingi (*beacons*) vinavyoonekana kwenye maeneo yake ili kuzuia uvamizi unaofanywa na wananchi kwa kutokutambua umiliki wa maeneo hayo. Ikumbukwe kuwa walenzi wa mali za Shirika la Reli ni wananchi kwa hiyo panapokuwa na mahusiano mabaya hujuma huweza kufanyika dhidi ya miundombinu.

(c) Serikali kuweka utaratibu mzuri kwa mwananchi kuweza kupata haki zake pindi kunapokuwepo na matatizo ya kufutwa kwa safari, kuchelewa kwa gari moshi pamoja na kuharibika ili kuondoa usumbufu uliokuwa unajitokeza mara kwa mara kwa wananchi pindi Shirika la Reli linapokuwa limepata dharura na/au kuchelewa kwa gari moshi pasipo kujali haki za abiria.

(d) Serikali kuweka utaratibu mzuri wa wazi na haki utakaotumika kuhamisha wafanyakazi kwenda kwenye shirika jipya au wengine kwenda ofisi nyingine za Serikali hivyo kupunguza au kuondoa malalamiko.

(e) Shirika lipya kuisaidia Serikali katika kufanya utafiti wa kupanua matawi (*spurs*) ya Reli ya Kati kutoka Bandari kavu ya Isaka, Shinyanga hadi Rusumo Mkoani Kagera hivyo

kuwezesha mradi wa kuchimba madini ya *Nickel* huko Kabanga kutekelezeka. Vile vile Serikali ichunguze uwezekano wa kuweka tawi la reli sambamba na bomba la mafuta kutoka Uganda hadi Isaka ili kupanua uwekezaji katika viwanda katika ushoroba huo.

Mheshimiwa Naibu Spika, Kamati inashauri kuwa ubomoaji au uondolewaji wa wananchi waliomo kwenye maeneo ya Shirika la Reli uendele, isipokuwa wananchi waliomilikishwa maeneo yaliyokuwa ya Shirika la Reli kwa nia njema na kwa kufuata taratibu zote za kisheria wabainishwe na walipwe fidia.

Mheshimiwa Naibu Spika, baada ya kuwasilisha maoni na ushauri wa Kamati, sasa naomba kutambua Wajumbe wa Kamati hii walioshughulika na Muswada huu kwa namna moja au nyingine, tunawashukuru sana. Aidha, napenda kumshukuru Katibu wa Bunge Dkt. Thomas Kashillillah kwa kuiwezesha Kamati wakati wote ilipokuwa ikitekeleza majukumu yake.

Aidha, napenda kuishukuru Sekretarieti ya Kamati ikiongozwa na Mkurugenzi wa Idara ya Kamati za Bunge Ndugu Athumani Hussein, Makatibu wa Kamati Ndugu Hosiana John na Ndugu Richard Masuke pamoja na Washauri wa Sheria Ndugu Evelyne Shibandiko na Ndugu Mariam Mbaruku kwa kuihudumia Kamati hadi kukamilika kwa taarifa hii.

Mheshimiwa Naibu Spika, vile vile naomba niwashukuru sana Waziri wa Ujenzi, Uchukuzi na Mawasiliano Mheshimiwa Profesa Makame Mbarawa Mnyaa, Mbunge. Vilevile Katibu Mkuu Dkt. Leonard M. Chamuriho akisaidiana na watendaji wote wa Wizara kwa ushirikiano walioipatia Kamati wakati wote wa kutekeleza majukumu yake.

Mheshimiwa Naibu Spika, naunga mkono hoja, naomba kuwasilisha. (*Makofi*)

**MAONI NA USHAURI WA KAMATI YA KUDUMU YA BUNGE YA
MIUNDOBINU KUHUSU MUSWADA WA SHERIA YA RELI
TANZANIA YA MWAKA 2017 (*THE RAILWAYS ACT, 2017*) –
KAMA ILIVYOWASILISHWA MEZANI**

1.0 UTANGULIZI

1. **Mheshimiwa Spika**, kwa mujibu wa Kanuni ya 86 (5) ya Kanuni za Kudumu za Bunge, Toleo la Januari 2016, napenda kutumia fursa hii kuwasilisha mbele ya Bunge lako Tukufu, Maoni na Ushauri wa Kamati kuhusu Muswada wa Sheria ya Reli Tanzania ya Mwaka 2017 (*The Railways Act, 2017*).
2. **Mheshimiwa Spika**, Kamati inaanza kwa kutoa pongezi kubwa kwa Mheshimiwa Rais na Serikali kwa hatua kubwa zilizochukuliwa katika kuimarisha Sekta ya Reli nchini. Muswada huu ni ishara tosha ya kazi kubwa ambayo imefanyika katika mfupi.
3. **Mheshimiwa Spika**, Nyongeza ya Nane, Kifungu cha 7(1) (b) cha Kanuni za Kudumu za Bunge, Toleo la Januari 2016, inazipa Kamati za Bunge za Kisekta ikiwemo Kamati ya Miundombinu, jukumu la kushughulikia Miswada ya Sheria na Mikataba iliyo chini ya Wizara inazozisimamia.
4. **Mheshimiwa Spika**, Muswada huu umeletwa kwa hati ya dharula; na hivyo kuwa na siku chache za Kamati kuupitia na kuujadili. Tarehe 09 Septemba, 2017 Waziri wa Ujenzi, Uchukuzi na Mawasiliano Mheshimiwa Prof. Makame Mbarawa Mnyaa, (Mb) aliwasilisha mbele ya Kamati Muswada huu, ambapo pamoja na maelezo mengine, alijulisha Kamati manufaa mbalimbali yatakayotokana na kupitishwa kwa Sheria hii kwa maendeleo ya sekta ya reli nchini.
5. **Mheshimiwa Spika**, kutokana na muda ambao Kamati imepokea Muswada huu ulikuwa mfupi kwa hivyo wadau mbalimbali walialikwa lakini hawakuweza kufika na kuleta maoni yao mbele ya Kamati. Kamati inawashukuru

Chama cha Wafanyakazi Reli Tanzania-TRAWU kwa kufika na kutoa maoni yao mbele ya Kamati.

2.0 HISTORIA FUPI RELI NCHINI TANZANIA

6. **Mheshimiwa Spika**, reli ilianza kujengwa na wakoloni Wakijerumani kuanzia Dar es Salaam kwenda Kigoma mwaka 1905-1914. Wakati huo Shirika la Reli Tanzania lilianzishwa likiitwa Reli ya Tanganyika; ambalo lilikuwa likisimamia reli ya kati kutoka Dar es Salaam kwenda Kigoma kwenye Ziwa Tanganyika. Wajerumani walipoondoka (1918) Tanganyika ilitawaliwa na Waingereza kama eneo la kudhaminiwa la Shirikisho la Mataifa (ambalo sasa hujulikana kama Umoja wa Mataifa na kupata Uhuru mwaka 1961). Katika kipindi hicho, Reli ya Tanganyika iliongezwa njia ya kando kutoka Tabora hadi Mwanza.

7. **Mheshimiwa Spika**, mwaka 1948, huduma zote mbili, yaani reli na bandari ziliunganishwa; na hivyo kuanzishwa kwa Shirika jipya la (*East Africa Railways & Harbors-EAR&H*) ambalo lilikuwa shirika jipya lililosimamia na kutekeleza kazi za reli, bandari za baharini; pamoja na huduma za meli kwenye maziwa makubwa yaani, Victoria (Nyanza), Tanganyika na Nyasa.

Shirika hilo jipya liliendelea kuongeza mtandao wa reli, kuboresha huduma ya meli, kwa kuleta meli mpya katika Ziwa Victoria, ambapo mwaka 1967 Jumuiya ya nchi tatu kubwa za Afrika Mashariki ilianzishwa. Hata hivyo, kutokana na changamoto mbalimbali Jumuiya hii ilivunjika mwaka 1977. Kuvunjika kwa Jumuiya hii kulisababisha Shirika la Reli la (*East Africa railways & harbor-EAR&H*) kuvunjwa.

8. **Mheshimiwa Spika**, baada ya kuvunjika kwa umoja huu ndipo njia za reli, bandari na Meli ziligawanywa kati ya nchi tatu zilizokuwa za umoja huo. Shirika la Reli Tanzania lilianzishwa likiwa na matawi ya Dar es Salaam-Kigoma, Tabora-Mwanza na Kaliua- Mpanda. Kwa upande wa Kenya na Uganda zilianzishwa Shirika la Reli la Kenya na Shirika la Reli la Uganda.

2.1 Kuanzishwa kwa RAHCO na TRL

9. **Mheshimiwa Spika**, mwaka 2007, Shirika la Reli Tanzania lilivunjwa na lilianzishwa shirika lingine kwa ajili ya kumiliki miundombinu ya reli nchini (*Railways Holding Company-RAHCO*). Mwaka huo huo shughuli za uendeshaji wa usafiri wa reli ilihamishiwa kwa (*Tanzania Railways Limited-TRL*) na Kampuni ya RITES kutoka India iliyoingia ubia wa uendeshaji kwa makubaliano ya kuwa na hisa asilimia 49 kwa Tanzania na asilimia 51 kwa RITES.

10. **Mheshimiwa Spika**, moja kati ya madhumuni ya Serikali kubinafsisha Shirika la Reli Tanzania ilikuwa ni kuweka mazingira ya kuwa na Makampuni mengi ya usafirishaji kwa njia ya reli hivyo kurahisisha makampuni hayo kuweza kulipia huduma ya utumiaji wa njia na kubaki kushughulika na uendeshaji pekee. Hata hivyo, ubinafsishaji huo haukuleta mafanikio yaliyokuwa yanatarajiwa na kusababisha mwaka 2011, Serikali ya Tanzania kuvunja Mkataba wake na RITES na kurejesha umiliki na uendeshaji wa Shirika la Reli kwa asilimia 100.

11. **Mheshimiwa Spika**, changamoto kubwa ambayo imekuwa ikikabili uendeshaji wa reli pamoja na uchukuzi wa abiria na mizigo, ni kutokuwepo uwajibikaji wa pamoja kati ya haya mashirika mawili yaani RAHCO na TRL. Kwa mfano, panapotokea miundombinu ya reli imeharibika au kusombwa na maji, TRL imejikuta ikilazimika kugharamia matengenezo ya kipande cha reli husika ili iweze kuendelea kusafirisha abiria wake haraka iwezekanavyo na hivyo kupunguza usumbufu kwao, na pia kuepuka kuingia gharama zaidi.

12. **Mheshimiwa Spika**, hivi karibuni, miongoni mwa malengo yaliyowekwa na Serikali kuhusu kuimarisha miundombinu ya reli nchini; ni pamoja na kuendelea na ujenzi wa Reli ya Kati kwa kiwango cha *Standard Gauge* ambapo Serikali imewekeza kiasi kikubwa cha Fedha. Kutokana na uwekezaji huo mkubwa imeonekana ni muhimu kuunda chombo madhubuti kwa ajili ya usimamizi wa miundombinu hii ambayo inaligharimu Taifa fedha nyingi.

13. **Mheshimiwa Spika**, Muswada huu wa Sheria ya Reli, 2017, unaanzisha Shirika jipya la Reli ambalo pamoja na mambo mengine litakuwa na jukumu la kusimamia, kuendeleza miundombinu ya Reli na kutoa huduma za usafiri wa Reli. Sheria hii itatumika Tanzania Bara pekee na haitatumika katika uendeshaji wa Mamlaka ya Reli ya Tanzania na Zambia.

14. **Mheshimiwa Spika**, malengo ya Shirika hili yatakuwa ni kutoa huduma za usafiri wa reli, kujenga na kuendeleza miundombinu ya reli, kuhamasisha na kutunza miundombinu ya reli, kufanya matengenezo ya reli na kuhakikisha kunakuwa na ulinzi na usalama wa miundombinu ya reli pamoja na kuingia kwenye mikataba mbalimbali ili kulinda masharti ya huduma ya usafirishaji kwa njia ya reli. Mikataba hiyo inaweza kuwa baina ya Serikali na watu binafsi kwa ajili ya kukasimisha madaraka yake ya kuendeleza na kutunza miundombinu ya reli.

3.0 MAONI NA USHAURI WA KAMATI

15. **Mheshimiwa Spika**, kufuatia uchambuzi uliofanywa na Kamati; yafuatayo ni maoni na ushauri wake:-

I. **Kifungu cha 20 (1)** kinachoongelea Uteuzi wa Mkurugenzi Mtendaji. **Kifungu kidogo cha (5)** kimeongelea jukumu la Mkurugenzi Mtendaji. Kamati inaona kwamba kifungu hiki kihamie kwenye **kifungu cha 21** kinachohusu Majukumu ya Mkurugenzi Mtendaji.

II. **Kifungu cha 21** kinachoeleza kazi na Majukumu ya Mkurugenzi Mtendaji, kitamke bayana kuwa Mamlaka yake na kazi zake zinatekelezwa chini ya uongozi na udhibiti wa Bodi kama ilivyoainishwa katika **kifungu 20 (5)**.

III. **Kifungu cha 21 (1) (b)** kinachoongelea jukumu la Mkurugenzi Mtendaji wa Shirika kuandaa na kutekeleza Kanuni za Maadili kwa Watumishi. Muswada huu haujabainisha ni nani anayetakiwa kupitisha Kanuni hizo za maadili kwa Watumishi baada ya kuwa zimeandaliwa na

Mkurugenzi Mtendaji. Kamati inashauri wajibu huo wa kupitisha Kanuni uwe ni jukumu la Bodi.

IV. Kifungu cha 21 (1) (k) kinaeleza kuhusu kuanzisha na kuendesha reli. Kamati inaona kuwa jukumu hili silo la Mkurugenzi Mtendaji badala yake jukumu hilo ni la Shirika hivyo ni ushauri wa Kamati jambo hili kupelekwa kwenye majukumu ya Shirika.

V. Kifungu cha 23(7) kinampa Mamlaka Mkurugenzi Mtendaji kutokuzingatia utaratibu wa kiushindani wakati wa kuteuwa watumishi, washauri wa kitaalam au wataalam endapo kuna uharaka wa uteuzi au mazingira mengine maalum. Kamati inashauri kifungu huki kifanyiwe mabadiliko, hasa kwa upande wa uteuzi wa washauri wa kitaalam ambapo mchakato wake unatakiwa kupitia Sheria ya Manunuzi ya Umma. Hivyo mamlaka yake yazingatie Sheria ya Manunuzi ya Umma ambayo kwenye **kifungu cha 65** kinatoa utaratibu huo.

VI. Kifungu cha 26 kinaongelea utafiti na ukaguzi. Afisa aliyeidhinishwa na Shirika anaweza kuingia kwenye nyumba au eneo la mwananchi yeyote na kufanya ukaguzi na utafiti kwa lengo la kutathmini kama eneo hilo linafaa kwa ajili ya ujenzi wa reli. Pamoja na kwamba anatakiwa kupata kibali cha mwenye nyumba au eneo husika, Kamati inashauri wakati wa ukaguzi huo, ikiwa eneo hilo ni mali ya Shirika la Reli, ni muhimu kuwepo Afisa wa Serikali ya Mtaa kwa ajili ya kujua kinachoendelea kwa wananchi wa mtaa wake. Ikiwa eneo hilo ni jipya, Kamati inashauri Waziri aweke Kanuni za kufuata katika utekelezaji wa jukumu hilo ili kuzingatia matakwa ya Sheria nyingine husika hususan Sheria ya Ardh.

VII. Kifungu cha 60 kinaongelea uanzishwaji wa Mamlaka ya Mdhibili. Kifungu hiki hakijaeleza kama mdhibiti huyo ni mtu binafsi au ni Kampuni. Hivyo, Kamati inashauri kama ni mtu binafsi kifungu hiki kibaki kama kilivyo lakini ikiwa ni Kampuni kifungu cha 60(3) kitumie neno "its" na sio "his". Aidha, Kamati inashauri kutolewa tafsiri ya neno "*Regulator*"

ili kuleta maana ya anayekusudiwa kutajwa katika Sheria hii.

16. **Mheshimiwa Spika**, mambo mengine ambayo Kamati inashauri ni kama yafuatayo;-

a) Wakati Sheria hii inapitishwa Serikali inashauriwa kuangalia kwa umakini suala la mishahara kwa wafanyakazi kwani wafanyakazi wa RAHCO walikuwa na mishahara mikubwa ukilinganishwa na wafanyakazi wa lililokuwa Shirika la Reli Limited (TRL) ili kuweka usawa wa tofauti kubwa ya mishahara na kutosababisha matabaka kwa wafanyakazi kwani maelewano mazuri kazini ndiyo msingi wa kuongeza tija.

b) Shirika jipya litakaloundwa kuweka mipaka na vigingi (*beacons*) vinavyoonekana kwenye maeneo yake ili kuzuia uvamizi unaofanywa na wananchi kwa kutokutambua umiliki wa maeneo hayo. Ikumbukwe kuwa walenzi wa mali za Shirika la Reli ni wananchi kwa hiyo panapokuwa na mahusiano mabaya hujuma huweza kufanyika dhidi ya miundombinu.

c) Serikali kuweka utaratibu mzuri kwa mwananchi kuweza kupata haki zake pindi kunapokuwepo na matatizo ya kufutwa kwa safari, kuchelewa kwa gari moshi pamoja na kuharibika ili kuondoa usumbufu uliokuwa unajitokeza mara kwa mara kwa wananchi . Shirika la Reli limekuwa likifuta safari au kuchelewa kwa gari moshi pasipokujali haki za abiria.

d) Serikali kuweka utaratibu mzuri wa wazi na haki utakaotumika kuhamisha wafanyakazi kwenda kwenye shirika jipya au wengine kwenda ofisi nyingine za Serikali hivyo kupunguza au kuondoa malalamiko.

e) Shirika lipya kuisaidia Serikali katika kufanya utafiti wa kupanua matawi (*spurs*) ya reli ya kati kutoka Bandari kavu ya Isaka (Shinyanga) hadi Rusumo Mkoani Kagera, hivyo kuwezesha mradi wa kuchimba madini ya *Nickel* huko

Kabanga kutekelezeka. Vilevile, Serikali ichunguze uwezekano wa kuweka tawi la reli sambamba na bomba la mafuta kutoka Uganda hadi Isaka ili kupanua uwekezaji katika viwanda katika ushoroba huo.

17. **Mheshimiwa Spika**, Kamati inashauri kuwa ubomoaji au uondolewaji wa wananchi waliomo kwenye maeneo ya Shirika la Reli uendeleo isipokuwa, wananchi waliomilikishwa maeneo yaliyokuwa ya Shirika la Reli kwa nia njema na kwa kufuata taratibu zote za kisheria wabainishwe na walipwe fidia.

4. 0 HITIMISHO

18. **Mheshimiwa Spika**, baada ya kuwasilisha maoni na ushauri wa Kamati, sasa naomba kuwatambua Wajumbe wa Kamati hii walioshughulikia Muswada huu kama ifuatavyo:-

- 1.Mhe. Prof Norman A. Sigalla King, Mb – Mwenyekiti
- 2.Mhe. Moshi Seleman Kakoso, Mb - M/Mwenyekiti
- 3.Mhe. Asha Mshimba Jecha, Mb - Mjumbe
- 4.Mhe. Abbas Ali Hassan Mwinyi, Mb ..
- 5.Mhe. James Francis Mbatia, Mb ..
- 6.Mhe. Mansoor Shanif Hirani, Mb ..
- 7.Mhe. Anna Richard Lupembe, Mb ..
- 8.Mhe. Saul Henry Amon, Mb ..
- 9.Mhe. Ahmed Mabkhut Shabiby, Mb ..
- 10.Mhe. Quambalo Willy Qulwi, Mb ..
- 11.Mhe. Hawa Mchafu Chakoma, Mb ..
- 12.Mhe. Halima Abdallah Bulembo, Mb ..
- 13.Mhe. Dkt.Chuachua Mohamed Rashid, Mb ..
- 14.Mhe. Mery Deo Muro, Mb ..
- 15.Mhe. Ritta Enespher Kabati, Mb ..
- 16.Mhe. Zubeda Hassan Sakuru, Mb ..
- 17.Mhe. Bhagwanji Maganlal Meisuria, Mb ..
- 18.Mhe. Dua William Nkurua, Mb ..
- 19.Mhe. Musa Rashid Ntimizi, Mb ..
- 20.Mhe. Lathifah Hassan Chande, Mb ..
- 21.Mhe. Raphael Japhary Michael, Mb ..

naomba kuwasilisha maoni ya Kambi Rasmi ya Upinzani Bungeni kuhusu Muswada wa Sheria ya Reli ya mwaka 2017.

Mheshimiwa Naibu Spika, Muswada huu Namba 6 wa mwaka 2017 ulichapishwa kwenye Gazeti la Serikali tarehe 3 Septemba, 2017 na unaletwa Bungeni kwa Hati ya Dharura licha ya maangalizo mengi yaliyotolewa na Kambi Rasmi ya Upinzani Bungeni juu ya madhara ya kuleta miswada ya sheria inayohusu mambo nyeti kwa Hati za Dharura.

Mheshimiwa Naibu Spika, pamoja na kwamba Kambi Rasmi ya Upinzani Bungeni inaunga mkono masuala yote yanayohusu ujenzi, usimamizi na uboreshaji wa miundombinu mbalimbali ikiwemo reli, lakini tunataka masuala hayo yachambuliwe na kusimamiwa kwa umakini yasije yakaliingiza taifa katika hasara ambazo zingeweza kuepukwa kwa kuwa na muda wa kutosha ili kujiridhisha nayo.

Mheshimiwa Naibu Spika, kitendo cha kutunga sheria na baada ya miezi miwili kuifanyia marekebisho kinatoa taswira mbaya kwamba pengine Bunge halikuwa makini vya kutosha wakati wa kupitisha sheria hiyo. Hata hivyo ukweli ni kwamba kinachosababisha mambo kama hayo kutokea ni matumizi mabaya ya hati za dharura katika kupitisha sheria kuhusu mambo ambayo kwa asili yake si ya dharura.

Mheshimiwa Naibu Spika, Muswada huu unaanzisha Shirika jipya la Reli (*TRC*) pamoja na Bodi yake. Shirika hili linaweza kuonekana jipya lakini kihistoria Shirika la Reli si jipya kwa sababu Shirika hilo liliwahi kuwepo nchini kwa mujibu wa Sheria ya Shirika la Reli ya mwaka 1977 (*The Tanzania Railways Corporation Act, 1977*).

Mheshimiwa Naibu Spika, kilicholeta mabadiliko ambayo kimsingi yamechochea kuletwa kwa Muswada huu ni Sheria ya Reli (*The Railway Act*) ya mwaka 2002. Aidha, Sheria ya mwaka 2002 ilisababisha kuanzishwa kwa Kampuni ya Reli (*TRL*) ambayo iliendeshwa na Serikali kwa kushirikiana na sekta binafsi. Pia sheria hiyo hiyo ilianzisha *Rail Assets*

Holding Company Limited (RAHCO) ambayo ilikuwa na jukumu la kusimamia mali zote na miundombinu ya Reli ambayo ilikuwa inatumiwa na *TRL* kutoa huduma.

Mheshimiwa Naibu Spika, naomba ieleweke kuwa mwito wa kuunganisha Mashirika haya ya *TRL* na *RAHCO* ni wa muda mrefu ambapo Wabunge mbalimbali kwa mara kadhaa wamekuwa wakiishauri Serikali kuunganisha Mashirika haya ili kuleta ufanisi na kuboresha sekta uchukuzi kupitia reli.

Mheshimiwa Naibu Spika, changamoto zilizokuwa zinakabili mashirika haya zilisababisha kushindwa kutoa huduma ya uchukuzi wa mizigo na abiria na hivyo kusababisha matumizi makubwa kwenye barabara zetu, jambo ambalo lilisababisha barabara hizo kuharibika. Pamoja na mwito kutoka kwa Wabunge na wadau mbalimbali kufanya hivyo kwa miaka mingi Serikali haikuchukua hatua.

Mheshimiwa Naibu Spika, hatua ya kurudisha tena Shirika la Reli ni kubwa na ilichelewa kuletwa katika Bunge lako Tukufu. Wakati wa mjadala wa Bajeti ya mwaka wa fedha 2016/2017 mmoja wa Wabunge alisema yafuatayo, naomba kunukuu:-

“Mheshimiwa Mwenyekiti, nataka niongee suala la pili kuhusu TRL na RAHCO. Mpaka mwaka 2002, Shirika la Reli (TRC) lilikuwa na uwezo wa kufanya kazi yake vizuri. Mpaka mwaka 2002 Shirika la TRC lilikuwa na vichwa 68, mpaka mwaka 2002 Shirika la TRC lilikuwa na mabehewa 1,500, mpaka mwaka 2002 Shirika la TRC lilikuwa na uwezo wa kusafirisha tani 1,500,000; kwa hiyo, mgawanyiko kati ya TRC na RAHCO, ndio umeleta shida katika Shirika la Reli.”

“Mheshimiwa Mwenyekiti, inawezekana ni makosa ya Serikali kuingia kwenye mkataba ambao haukuwa mzuri, kati yake na kampuni ya wenzetu wa India, ndio uliosababisha hali hii iliyojitokeza. Sasa rai yangu kwa Serikali, ni lazima hapa leo tutoke na azimio katika Bunge lako Tukufu la kuunganisha

RAHCO na TRL, ni lazima tutoke na tamko hilo, vinginevyo maeneo mengi yaliyokuwa yakifanya vizuri kipindi cha TRC yatakuwa ni magofu."

"Mheshimiwa Mwenyekiti, TRC ilikuwa na karakana nzuri, ilikuwa inahudumia reli yake vizuri, lakini leo maeneo yote hayo hayafanyi vizuri kwa sababu ya TRL kunyimwa nguvu na Shirika la RAHCO ambalo ukiangalia kwa nini lipo hupati majibu yaliyokamilika. TRL haina uwezo wa kukopa kwa sababu haina dhamana, lakini TRL ndiyo inayoangalia mabehewa yake, vichwa vyake na reli kwa wakati mwingine. Naomba sana, muunganishe TRL na RAHCO." Mwisho wa kunukuu.

Mheshimiwa Naibu Spika, kwa kuwa sasa Shirika la Reli linarudishwa kwa kutumia Muswada huu, Kambi Rasmi ya Upinzani Bungeni inatoa rai kwa Serikali kuhakikisha inatatua changamoto zilizopo na kuhakikisha kuwa wahusika wote waliosababisha sekta ya Reli kufika ilipo leo kuchukuliwa hatua kwa mujibu wa Sheria. *(Makofi)*

Mheshimiwa Naibu Spika, kuhusu ushirikishwaji wa wadau, Kambi Rasmi ya Upinzani imestushwa na kitendo cha wadau kupewa wito wa muda mfupi kuja kuwasilisha maoni yao katika muswada huu. Ni vyema tukaendelea na utaratibu wetu wa siku zote ambao ni shirikishi ili Kamati na Bunge lako Tukufu lipate kwa undani maoni ya wadau wanaoguswa na mabadiliko makubwa yanayopendekezwa na Serikali. *(Makofi)*

Mheshimiwa Naibu Spika, si tu kwamba maoni yao yatasikilizwa na Wabunge na hivyo kufanyiwa kazi bali pia unawapa uhalali wadau hao kuisimamia na kuitekeleza Sheria kikamilifu pindi itakapoanza kutekelezwa baada ya kusainiwa na Rais na Kanuni kutungwa. *(Makofi)*

Mheshimiwa Naibu Spika, uchambuzi wa ujumla wa Muswada; Sakata la Bomoa bomoa la nyumba za wananchi. Hivi karibuni Mikoa ya Dar es Salaam, Tanga, Katavi, Tabora, Kigoma, Kilimanjaro na mikoa mingine nchini imekumbwa

na sakata la bomoa bomoa ambalo linadaiwa kuendeshwa na *RAHCO* kwa madai kuwa wananchi hao wamejenga karibu au kwenye maeneo ya reli. (*Makofi*)

Mheshimiwa Naibu Spika, ieleweke kuwa wananchi wengine wa maeneo ya Katavi, Tabora na Kigoma wametoa taarifa kuwa wameishi katika maeneo hayo kabla hata ya uhuru wa nchi yetu. Aidha, Shirika la Umeme pamoja na Mashirika/Jumuiya zinazotoa huduma ya maji yametoa huduma katika maeneo ambayo *RAHCO* wanadai ni maeneo ya Reli. Vile vile Serikali imejenga miundombinu ya shule, afya na barabara. (*Makofi*)

Mheshimiwa Naibu Spika, baadhi ya wananchi wamedai kuwa wanazo leseni za makazi au hati za kumiliki maeneo yao zilizotolewa na Mamlaka za Serikali za Mitaa au kutoka Wizara ya Ardhi lakini *RAHCO* haijazingatia mambo yote hayo na kuamua kuendelea kutoa noti za kubomoa makazi ya wananchi. (*Makofi*)

Mheshimiwa Naibu Spika, naomba ieleweke kuwa kwa mujibu wa Sheria ya Shirika la Reli ya mwaka 1977 vifungu vya 16 hadi 23 vilikuwa vinatoa mamlaka kwa shirika kuingia kwenye ardhi yoyote kwa ajili ya shughuli mbalimbali za miundombinu ya reli isipokuwa sheria ilitoa nafasi kwa Waziri anayehusika na ardhi kushauriana na shirika kwa ajili ya kuboresha ufanisi wa masuala hayo. (*Makofi*)

Mheshimiwa Naibu Spika, Sheria ya Reli ya mwaka 2002 kifungu cha 38 kinatengua utekelezaji wa Sheria ya Ardhi, Sheria ya Ardhi ya Vijiji ya mwaka 1999 pamoja na Sheria ya Mipango Miji. Aidha, muswada huu katika kifungu cha 28 kinarudia masharti ya kifungu cha 38 cha sheria ya mwaka 2002. (*Makofi*)

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani inaona kuwa uwepo wa kifungu cha 28 katika muswada huu ambacho kinarudia kifungu cha 38 cha sheria ya mwaka 2002 inayofutwa kina lengo la kufanya watakaoguswa na miradi ya reli kutolipwa fidia hata kama miundombinu ya

reli itatekelezwa katika ardhi ambayo imeendelezwa na wananchi bila ya kulipwa fidia. *(Makofi)*

Mheshimiwa Naibu Spika, katika mikoa ambayo nimeitaja katika hotuba hii hasa Mikoa ya Tabora, Kigoma na Katavi ni takribani nyumba na makazi ya wananchi 3,244 zitabomolewa. Hili si jambo dogo na la kupuuza hata kidogo. Kambi Rasmi ya Upinzani inaitaka Serikali kupitia upya uamuzi huu ambao hauendi kuwa baraka kwa wananchi bali utaleta kilio. Ikumbukwe kuwa baadhi ya wananchi kama nilivyoeleza wamekuwepo katika maeneo hayo kwa vizazi sasa lakini wanashangaa kuona kuwa sehemu ya bomoabomoa ambayo inafanya kwa usimamizi wa *RAHCO* inaendelea. *(Makofi)*

Mheshimiwa Naibu Spika, ieleweke pia kuwa wananchi walio wengi wamekiri na wamekubali kubomoa makazi yao ambayo yako ndani ya mita 30 kwa mujibu wa hifadhi ya ardhi ya reli, lakini cha kushangaza maeneo mengi ya Mikoa niliyoitaja hifadhi ya eneo la reli wananchi wanalalamika kuwa imeongezwa zaidi kuliko inavyotakiwa kuwa kwa mujibu wa Sheria ya mita 30 kwa 30. *(Makofi)*

Mheshimiwa Naibu Spika, kuletwa kwa sheria hii kwa hati ya dharura na mkanganyiko mkubwa wa bomobomoa inayoendelea, tunahitaji Serikali itupatie maelezo ya kina na ikiwezekana iagize zoezi hilo lisitishwe.

Aidha, wananchi walio wengi kama nilivyoeleza wameishi kwa muda mrefu kwenye maeneo hayo na hata sheria ya ukomo wa muda inatoa ruhusa kwa mtu ambaye amekuwa katika ardhi kwa muda wa miaka 12 bila usumbufu wa aina yoyote kutoka kwa anayedai kumiliki, basi atakuwa ndiye mmiliki halali wa eneo hilo.

Mheshimiwa Naibu Spika, katika hali ya kushangaza kifungu cha 26 cha muswada huu kinatoa mamlaka kwa afisa aliyeidhinishwa na shirika kuingia kwenye nyumba au eneo lolote kwa ajili ya kufanya utafiti na ukaguzi kama eneo husika litafaa kujungwa miundombinu ya reli.

Mheshimiwa Naibu Spika, Kambi Rasmi Upinzani inaona kuwa kifungu hiki cha 26 kitakuwa na madhara makubwa sana kwa ardhi ya wananchi. Pamoja na kifungu hicho kumtaka afisa wa Shirika la Reli kuomba ruhusa ya mwenye ardhi, ni vema wawakilishi wa wananchi (Wenyeviti wa Serikali za Mitaa, Vitongoji, Vijiji au Madiwani) wakapewa taarifa ili kuhakikisha wawakilishi hao wanakuwa na taarifa ya uwepo wa maafisa wa reli katika mitaa husika. *(Makofi)*

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani inapendekeza utaratibu mzima wa utwaaji wa ardhi kwa ajili ya shughuli za reli usjikite tu kuomba ruhusa ya mwenye eneo bali inatakiwa ifuate utaratibu wa utwaaji wa ardhi kwa mujibu Sheria za Ardhi pamoja na kuwa kifungu cha 28 kinazuia matumizi ya sheria husika. *(Makofi)*

Mheshimiwa Naibu Spika, Majukumu ya Mkurugenzi Mtendaji wa Shirika la Reli. kifungu cha 21 kinaainisha kwa kina majukumu na mamlaka ya Mkurugenzi Mtendaji wa Shirika la Reli, ikiwa ni pamoja na kutengeneza Kanuni za Maadili ya Shirika kwa mujibu wa kifungu cha 21(1)(b) cha muswada. Kambi Rasmi ya Upinzani Bungeni inaona kuwa huu ni utaratibu mpya kabisa kumpatia Mkurugenzi Mtendaji mamlaka ya kutengeneza Kanuni za Maadili ya Shirika la Reli.

Hata katika utaratibu ambao Bunge hili limekuwa likipitisha mamlaka ya kutunga kanuni hayapo kwa Mkurugenzi Mtendaji bali yapo kwa Waziri mwenye dhamana na sekta husika. Kambi Rasmi ya Upinzani Bungeni inaitaka Serikali kuhamisha majukumu haya kwa Waziri isipokuwa Waziri apokee maoni kutoka kwa Bodi ya Shirika kuliko kuyaacha kwa Mkurugenzi Mtendaji peke yake.

Mheshimiwa Naibu Spika, muswada huu unampa mamlaka mengine Mkurugenzi Mtendaji ambayo kimsingi yanaingiliana na mamlaka ya Shirika la Reli kwa ujumla. Kwa mfano, kifungu cha 21(1)(k) kinampa mamlaka Mkurugenzi Mtendaji wa Shirika la Reli ya kuanzisha na kuendesha reli. Kambi Rasmi ya Upinzani Bungeni inashauri jukumu hili liende kwenye Bodi.

Kambi Rasmi ya Upinzani inapendekeza kifungu cha 23(7) cha Muswada kifutwe kwa sababu kifungu hiki kitatoa mwanya ambao unaweza kusababisha kushindwa kuzingatiwa kwa utawala bora na hata kusababisha hasara kwa Shirika. Hii inatokana na mapendekezo ya Muswada huu kutoa ruhusa na kumpa mamlaka Mkurugenzi Mtendaji wa Shirika la Reli kutozingatia utaratibu wa kiutendaji wakati wa kuteua watendaji na wataalam endapo kutakuwa na dharura. Hii itatoa mwanya wa rushwa. Ni rai ya Kambi Rasmi ya Upinzani kuitaka Serikali kuhakikisha kuwa inafuta kifungu hiki na kuhakikisha kuwa katika wakati wote Sheria ya Manunuzi ya Umma inazingatiwa. *(Makofi)*

Mheshimiwa Naibu Spika, kuhusu abiria kurudishiwa nauli baada ya kuchelewa kwa gari moshi/treni; kifungu cha 38(2) cha Muswada kikibaki kama kilivyo kitaleta athari hasa kwa sekta binafsi. leleweke kuwa watu hawasafiri kwa matembezi au kutembelea ndugu na jamaa peke yake. Dunia ya leo ni ya kiushindani na ni ya kibiashara, kitendo cha kuchelewesha kurudisha nauli kwa saa 24 baada ya gari moshi/treni kuchelewesha safari kitalirudisha nyuma shirika na kushindwa kuingia kwenye ushindani. *(Makofi)*

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani inapendekeza muda wa kuwarudishia nauli abiria baada ya treni kuchelewa uwe masaa sita badala ya masaa 24 ili kuwafanya watendaji wa shirika kuwajibika ipasavyo. Hata hivyo, kama Serikali itaona ni vema muda ukabaki ule ule basi angalau kuwe na jukumu la shirika kuwapatia abiria ambao wamechelewesha chakula na malazi ili kuwapunguzia usumbufu. *(Makofi)*

Mheshimiwa Naibu Spika, faini kwa abiria ambao hawana tiketi; Kambi Rasmi ya Upinzani Bungeni imeshangazwa na matakwa ya kifungu cha 47(2) kumtoza abiria asilimia 100 ya nauli pale anapopanda bila kuwa na tiketi. Ni ukweli usiopingika kuwa abiria wengi wanatoka maeneo ya mbali na njia ya reli na hivyo wanaweza kujikuta hawajakata tiketi ya safari au mara kadhaa ofisi za kutolea tiketi huwa zinakuwa na foleni na pengine abiria ana

udharura. Kambi Rasmi ya Upinzani inashauri angalau abiria anayepanda gari moshi/treni bila kuwa tiketi atozwe angalau asilimia 50 zaidi ya nauli aliyotakiwa kutozwa.

Mheshimiwa Naibu Spika, hitimisho; kama nilivyosema hapo awali, Kambi Rasmi ya Upinzani Bungeni haipingi masuala yanayohusu ujenzi na uboreshaji wa miundombinu mbalimbali ikiwemo reli. Hata hivyo, masuala hayo hayana budi kufanywa kwa umakini ili kutoibua migogoro au hali ya kutoelewana kati ya wananchi na Serikali. *(Makofi)*

Mheshimiwa Naibu Spika, kwa sababu hiyo, Kambi Rasmi ya Upinzani Bungeni inaitaka Serikali kuhakikisha kwamba masuala yote yanayolalamikiwa na wananchi hususan ubomoaji wa nyumba zao na utwaaji wa maeneo yao kwa ajili ya ujenzi wa reli yanashughulikiwa ili Sheria hii mpya ya reli inayotungwa iweze kukubalika kwa wananchi na hivyo kuweza kutekelezwa vizuri. *(Makofi)*

Mheshimiwa Naibu Spika, malalamiko ya wananchi yasiposhughulikiwa ipasavyo na wananchi wakapata haki yao Sheria hii itashindwa kufanya kazi, na Bunge litakuwa limepoteza muda wake kutunga sheria ambayo itashindwa kutekelezwa vizuri na wananchi wote. *(Makofi)*

Mheshimiwa Naibu Spika, baada ya kusema hayo, naomba kuwasilisha, ahsante. *(Makofi)*

**HOTUBA YA MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI
BUNGENI KATIKA WIZARA YA UJENZI, UCHUKUZI NA
MAWASILIANO, MHESHIMIWA JAMES FRANCIS MBATIA
(MB), AKIWASILISHA BUNGENI MAONI YA KAMBI YA
UPINZANI KUHUSU MUSWADA WA RELI WA MWAKA 2017 -
KAMA ILIVYOWASILISHWA MEZANI**

1. UTANGULIZI NA MASUALA YA JUMLA KUHUSU MUSWADA

Mheshimiwa Spika, kwa mujibu wa Kanuni ya 86(6) ya Kanuni za Kudumu za Bunge, toleo la 2016, naomba kuwasilisha

maoni ya Kambi Rasmi ya Upinzani Bungeni kuhusu Muswada wa Sheria ya Reli ya mwaka 2017.

Mheshimiwa Spika, Muswada huu namba 06 wa mwaka 2017 ulichapishwa kwenye gazeti la Serikali tarehe 03 Septemba, 2017 na unaletwa Bungeni kwa hati ya dharura licha ya maangalizo mengi yaliyotolewa na Kambi Rasmi ya Upinzani Bungeni juu ya madhara ya kuleta miswada ya sheria inayohusu mambo nyeti kwa hati za dharura.

Mheshimiwa Spika, pamoja na kwamba Kambi Rasmi ya Upinzani Bungeni inaunga mkono masuala yote yanayohusu ujenzi, usimamizi na uboreshaji wa miundo mbinu mbalimbali ikiwemo Reli; lakini tunataka masuala hayo yachambuliwe na kusimamiwa kwa umakini yasije yakaliingiza taifa katika hasara ambazo zingeweza kuepukwa kwa kuwa na muda wa kutosha ili kujiridhisha nayo. Kitendo cha kutunga sheria na baada ya miezi miwili kuifanyia marekebisho kinatoa taswira mbaya kwamba pengine Bunge halikuwa makini vya kutosha wakati wa kupitisha sheria hiyo, lakini ukweli ni kwamba kinachopelekea mambo kama hayo kutokea ni matumizi mabaya ya hati ya dharura katika kupitisha Sheria kuhusu mambo ambayo kwa asili yake si ya dharura.

Mheshimiwa Spika, Muswada huu unaanzisha Shirika "jipya" la Reli (TRC) pamoja na Bodi yake. Shirika hili linaweza kuonekana jipya lakini kihistoria Shirika la Reli si jipya kwa sababu Shirika hilo liliwahi kuwepo nchini kwa mujibu wa Sheria ya Shirika la Reli ya mwaka 1977 (The Tanzania Railways Corporation Act, 1977).

Mheshimiwa Spika, kilicholeta mabadiliko ambayo kimsingi yamechochea kuletwa kwa Muswada huu ni Sheria ya Reli (The Railway Act) ya mwaka 2002. Aidha, Sheria ya mwaka 2002 ilipelekea kuanzishwa kwa Kampuni ya Reli (TRL) ambayo iliendeshwa na Serikali kwa kushirikiana na sekta binafsi. Pia Sheria hiyo iliyanzisha Reli Assets Holding Company Limited (RAHCO) ambayo ilikuwa na jukumu la kusimamia mali zote na miundombinu ya Reli ambayo ilikuwa inatumiwa na TRL kutoa huduma.

Mheshimiwa Spika, naomba ieleweke kuwa mwito wa kuunganisha Mashirika haya ya TRL na RAHCO ni wa muda mrefu ambapo Wabunge mbalimbali kwa mara kadhaa wamekuwa wakiishauri Serikali kuunganisha Mashirika haya ili kuleta ufanisi na kuboresha sekta uchukuzi kupitia reli.

Mheshimiwa Spika, Changamoto zilizokuwa zinakabili mashirika haya zilipelekea kushindwa kutoa huduma ya uchukuzi wa mizigo na abiria na hivyo kupelekea matumizi makubwa kwenye barabara zetu jambo ambalo lilipeleka barabara hizo kuharibika. Pamoja na mwito kutoka kwa Wabunge na wadau mbalimbali kufanya hivyo kwa miaka mingi serikali haikuchukua hatua.

Mheshimiwa Spika, hatua ya kurudisha tena Shirika la reli ni kubwa na ilichelewa kuletwa katika Bunge lako tukufu. Wakati wa Mjadala wa Bajeti ya mwaka wa fedha 2016/2017 mmoja wa wabunge alisema yafuatayo; naomba kunukuu,

“Mheshimiwa Mwenyekiti, nataka niongee suala la pili kuhusu TRL na RAHCO. Mpaka mwaka 2002, Shirika la Reli (TRC) lilikuwa na uwezo wa kufanya kazi yake vizuri. Mpaka mwaka 2002 Shirika la TRC lilikuwa na vichwa 68, mpaka mwaka 2002 Shirika la TRC lilikuwa na mabehewa 1,500 mpaka mwaka 2002 Shirika la TRC lilikuwa na uwezo wa kusafirisha tani 1,500,000; kwa hiyo, mgawanyiko kati ya TRC na RAHCO, ndiyo umeleta shida katika Shirika la Reli.

Mheshimiwa Mwenyekiti, inawezekana ni makosa ya Serikali kuingia kwenye mkataba ambao haukuwa mzuri, kati yake na kampuni ya wenzetu wa India, ndiyo uliosababisha hali hii iliyojitokeza. Sasa rai yangu kwa Serikali, ni lazima hapa leo tutoke na azimio katika Bunge lako Tukufu la kuunganisha RAHCO na TRL, ni lazima tutoke na tamko hilo, vinginevyo maeneo mengi yaliyokuwa yakifanya vizuri kipindi cha TRC yatakuwa ni magofu.

Mheshimiwa Mwenyekiti, TRC ilikuwa na karakana nzuri, ilikuwa inahudumia reli yake vizuri, lakini leo maeneo yote hayo hayafanyi vizuri kwa sababu ya

TRL kunyimwa nguvu na Shirika la RAHCO ambalo ukiangalia kwa nini lipo hupati majibu yaliyokamilika. TRL haina uwezo wa kukopa, kwa sababu haina dhamana, lakini TRL ndiyo inayoangalia mabehewa yake, vichwa vyake na reli kwa wakati mwingine, naomba sana, muunganishe TRL na RAHCO”.

Mheshimiwa Spika, kwa kuwa sasa Shirika la Reli linarudishwa kwa kutumia Muswada huu, Kambi Rasmi ya Upinzani Bungeni inatoa rai kwa Serikali kuhakikisha inatatua changamoto zilizopo na kuhakikisha kuwa wahusika wote waliosababisha sekta ya Reli kufika ilipo leo kuchukuliwa hatua kwa mujibu wa Sheria.

1.1. Ushirikishwaji wa Wadau

Mheshimiwa Spika, Kambi Rasmi ya Upinzani imestushwa na kitendo cha wadau kupewa wito wa muda mfupi kuja kuwasilisha maoni yao katika muswada huu. Ni vema tukaendelea na utaratibu wetu wa siku zote ambao ni shirikishi ili Kamati na Bunge lako tukufu lipate kwa undani maoni ya wadau wanaoguswa na mabadiliko makubwa yanayopendekezwa na Serikali.

Mheshimiwa Spika, sio tu kwamba maoni yao yatasikilizwa na Wabunge na hivyo kufanyiwa kazi bali pia unawapa uhalali wadau hao kuisimamia na kuitekeleza Sheria kikamilifu pindi itakapoanza kutekelezwa baada ya kusainiwa na Rais na Kanuni kutungwa.

2. UCHAMBUZI WA JUMLA WA MUSWADA

2.1 Sakata la Bomoabomoa la Nyumba za Wananchi

Mheshimiwa Spika, Hivi karibuni Mikoa ya Dar es Salaam, Tanga, Katavi, Tabora, Kigoma, Kilimanjaro na Mikoa mingine nchini imekumbwa na sakata la bomoabomoa ambalo linadaiwa kuendeshwa na RAHCO kwa madai kuwa wananchi hao wamejenga karibu au kwenye maeneo ya reli.

Mheshimiwa Spika, ieleweke kuwa wananchi wengine wa maeneo ya Katavi, Tabora na Kigoma wametoa taarifa kuwa wameishi katika maeneo hayo kabla hata ya uhuru wa nchi yetu. Aidha Shirika la Umeme pamoja na Mashirika/Jumuiya zinazotoa huduma ya maji yametoa huduma katika maeneo ambayo RAHCO wanadai ni maeneo ya Reli. Vile vile Serikali imejenga miundombinu ya shule, afya na barabara.

Mheshimiwa Spika, baadhi ya wananchi wamedai kuwa wanazo leseni za makazi au hati za kumiliki maeneo yao zilizotolewa na Mamlaka za Serikali za Mitaa au kutoka Wizara ya Ardhi lakini RAHCO haijazingatia mambo yote na kuamua kuendelea kutoa noti za kubomoa makazi ya Wananchi.

Mheshimiwa Spika, naomba ieleweke kuwa kwa mujibu wa Sheria ya Shirika la Reli ya mwaka 1977 vifungu vya 16 hadi 23 vilikuwa vinatoa mamlaka kwa Shirika kuingia kwenye ardhi yoyote kwa ajili ya shughuli mbalimbali za miundombinu ya Reli isipokuwa Sheria ilitoa nafasi kwa Waziri anayehusika na Ardhi kushauriana na Shirika kwa ajili ya kuboresha ufanisi wa masuala hayo.

Mheshimiwa Spika, Sheria ya Reli ya mwaka 2002 kifungu cha 38 kinatengua utekelezaji wa Sheria ya Ardhi, Sheria ya Ardhi ya Vijiji za mwaka 1999 pamoja na Sheria ya Mipango Miji. Aidha Muswada huu katika kifungu cha 28 kinarudia masharti ya kifungu cha 38 cha Sheria ya mwaka 2002.

Mheshimiwa Spika, Kambi Rasmi ya Upinzani inaona kuwa uwepo kifungu cha 28 katika Muswada huu ambacho kinarudia kifungu cha 38 cha Sheria ya mwaka 2002 inayofutwa, kina lengo la kufanya watakaoguswa na miradi ya reli kutolipwa fidia hata kama miundombinu ya reli itatekelezwa katika ardhi ambayo imeendelezwa na wananchi bila ya kulipwa fidia.

Mheshimiwa Spika, katika Mikoa ambayo nimeitaja katika hotuba hii hasa Mikoa ya Tabora, Kigoma na Katavi ni takribani nyumba na makazi ya wananchi 3,244

zitabomolewa. Hili sio jambo dogo na sio la kupuuza hata kidogo. Kambi Rasmi ya Upinzani inaitaka Serikali kupitia upya uamuzi huu ambao hauendi kuwa Baraka kwa wananchi bali utaleta kilio. Ikumbukwe kuwa baadhi ya wananchi kama nilivyoeleza wamekuwepo katika maeneo hayo kwa vizazi sasa lakini wanashangaa kuwa sehemu ya bomoabomoa ambayo inafanya kwa usimamizi wa RAHCO.

Mheshimiwa Spika, ieleweke pia kuwa wananchi walio wengi wamekiri na wamekubali kubomoa makazi yao ambayo yako ndani ya mita 30 kwa mujibu wa hifadhi ya ardhi ya reli, lakini cha kushangaza maeneo mengi ya Mikoa niliyoitaja hifadhi ya eneo la reli wananchi wanalalamika kuwa imeongezwa zaidi kuliko inavyotakiwa kuwa kwa mujibu wa Sheria.

Mheshimiwa Spika, kuletwa kwa Sheria hii kwa hati ya dharura na mkanganyiko mkubwa wa bomobomoa inayoendelea, tunahitaji Serikali itupatie maelezo ya kina na ikiwezekana iagize zoezi hilo lisitishwe. Aidha, wananchi walio wengi kama nilivyoeleza wameishi kwa muda mrefu kwenye maeneo hayo na hata Sheria ya ukomo wa muda inatoa ruhusa kwa mtu ambaye amekuwa katika ardhi kwa muda wa miaka 12 bila usumbufu wa aina yoyote kutoka kwa anayedai kumiliki, basi atakuwa ndiyo mmiliki halali wa eneo hilo.

Mheshimiwa Spika, katika hali ya kushangaza kifungu cha 26 cha Muswada huu kinatoa mamlaka kwa Afisa aliyeidhinishwa na Shirika kuingia kwenye nyumba au eneo lolote kwa ajili ya kufanya utafiti na ukaguzi kama eneo husika litafaa kujengwa miundombinu ya Reli.

Mheshimiwa Spika, Kambi Rasmi Upinzani inaona kuwa kifungu hiki cha 26 kitakuwa na madhara makubwa sana kwenye ardhi ya wananchi pamoja na kifungu hicho kumtaka Afisa wa Shirika la reli kuomba ruhusa ya mwenye ardhi, ni vema wawakilishi wa wananchi (Wenyeviti wa Serikali za Mitaa, Vitongoji, Vijiji au Madiwani) wakapewa

taarifa ili kuhakikisha wawakilishi hao wanakuwa na taarifa ya uwepo wa Maafisa wa Reli katika Mitaa husika.

Mheshimiwa Spika, Kambi Rasmi ya Upinzani inapendekeza utaratibu mzima wa utwaaji wa ardhi kwa ajili ya shughuli za Reli usijikite tu kuomba ruhusa ya mwenye eneo, bali inatakiwa ifuate utaratibu wa utwaaji wa ardhi kwa mujibu Sheria za Ardhi pamoja na kuwa kifungu cha 28 kinazuia matumizi ya Sheria husika.

2.2 Majukumu ya Mkurugenzi Mtendaji wa Shirika la Reli

Mheshimiwa Spika, kifungu cha 21 kinaainisha kwa kina majukumu na mamlaka ya Mkurugenzi Mtendaji wa Shirika la Reli ikiwa ni pamoja na kutengeneza Kanuni za Maadili ya Shirika kwa mujibu wa kifungu cha 21 (1)(b) cha Muswada. Kambi Rasmi ya Upinzani Bungeni inaona kuwa huu ni utaratibu mpya kabisa kumpatia Mkurugenzi Mtendaji mamlaka ya kutengeneza Kanuni za Maadili ya Shirika la Reli.

Mheshimiwa Spika, hata katika utaratibu ambao Bunge hili limekuwa likipitisha, mamlaka ya kutunga Kanuni hayapo kwa Mkurugenzi Mtendaji bali yapo kwa Waziri mwenye dhamana na sekta husika. Kambi Rasmi ya Upinzani Bungeni inaitaka Serikali kuhamisha majukumu haya kwa Waziri isipokuwa Waziri apokee maoni kutoka kwa Bodi ya Shirika kuliko kuyaacha kwa Mkurugenzi Mtendaji peke yake.

Mheshimiwa Spika, Muswada huu unampa mamlaka mengine Mkurugenzi Mtendaji ambayo kimsingi yanaingiliana na mamlaka ya Shirika la Reli kwa ujumla. Kwa mfano kifungu cha 21 (1)(k) kinampa mamlaka Mkurugenzi Mtendaji wa Shirika la Reli ya kuanzisha na kuendesha reli. Kambi Rasmi ya Upinzani Bungeni inashauri jukumu hili liende kwenye Bodi.

Mheshimiwa Spika, Kambi Rasmi ya Upinzani inapendekeza kifungu cha 23(7) cha Muswada kifutwe kwa sababu kifungu hiki kitatoa mwanya ambao unaweza kusababisha kushindwa kuzingatiwa kwa utawala bora na hata kusababisha hasara kwa Shirika. Hii inatokana na

mapendekezo ya Muswada huu kutoa ruhusa na kumpa mamlaka Mkurugenzi Mtendaji wa Shirika la Reli kutozingatia utaratibu wa kiutendaji wakati wa kuteua watendaji na wataalam endapo kutakuwa na dharura. Hii itatoa mwanya wa rushwa na ni rai ya Kambi Rasmi ya Upinzani kuitaka serikali kuhakikisha kuwa inafuta kifungu hiki na kuhakikisha kuwa katika wakati wote Sheria ya Manunuzi ya Umma inazingatiwa.

2.3 Kuhusu Abiria Kurudishiwa Nauli Baada ya Kuchelewa kwa Gari Moshi/Treni

Mheshimiwa Spika, kifungu cha 38(2) cha Muswada kikibaki kama kilivyo kitaleta athari hasa kwa sekta binafsi. Ieleweke kuwa watu hawasafiri kwa matembezi au kutembelea ndugu na jamaa peke yake. Dunia ya leo ni ya kiushindani na ni ya kibiashara. Kitendo cha kuchelewesha kurudisha nauli kwa masaa 24 baada ya Gari Moshi/Treni kuchelewesha safari kitalirudisha nyuma Shirika na kushindwa kuingia kwenye ushindani.

Mheshimiwa Spika, Kambi Rasmi ya Upinzani inapendekeza muda wa kuwarudishia nauli abiria baada ya Treni kuchelewa uwe masaa sita badala ya masaa 24 ili kufanywa watendaji wa Shirika kuwajibika ipasavyo. Hata hivyo, kama Serikali itaona ni vema muda ukabaki uleule basi angalau kuwe na jukumu la shirika kuwapatia abiria ambao wamecheleweshwa chakula na malazi ili kuwapunguzia usumbufu.

2.4 Faini kwa Abiria ambao hawana Tiketi

Mheshimiwa Spika, Kambi Rasmi ya Upinzani Bungeni imeshangazwa na matakwa ya kifungu cha 47(2) kumtoza abiria asilimia 100 ya nauli pale anapopanda bila kuwa na tiketi. Ni ukweli usiopingika kuwa abiria wengi wanatoka maeneo ya mbali na njia ya Reli na hivyo wanaweza kujikuta hawajakata tiketi ya safari au mara kadhaa ofisi za kutolea tiketi huwa zinakuwa na foleni na pengine abiria ana udharura. Kambi Rasmi ya Upinzani inashauri angalau abiria

anayepanda Gari Moshi/Treni bila kuwa tiketi atozwe angalau asilimia 50 zaidi ya nauli aliyotakiwa kutozwa.

3. HITIMISHO

Mheshimiwa Spika, kama nilivyosema hapo awali, Kambi Rasmi ya Upinzani Bungeni haipingi masuala yanayohusu ujenzi na uboreshaji wa miundombinu mbalimbali ikiwemo reli. Hata hivyo, masuala hayo hayana budi kufanywa kwa umakini ili kutoibua migogoro au hali ya kutoelewana kati ya wananchi na Serikali. Kwa sababu hiyo, Kambi Rasmi ya Upinzani Bungeni inaitaka Serikali kuhakikisha kwamba masuala yote yanayolalamikiwa na wananchi hususan ubomoaji wa nyumba zao na utwaaji wa maeneo yao kwa ajili ya ujenzi wa reli yanashughulikiwa ili Sheria hii mpya ya reli inayotungwa iweze kukubalika kwa wananchi na hivyo kuweza kutekelezwa vizuri.

Mheshimiwa Spika, malalamiko ya wananchi yasiposhughulikiwa ipasavyo na wananchi wakapata haki yao, Sheria hii itashindwa kufanya kazi, na Bunge litakuwa limepoteza muda wake kutunga Sheria ambayo itashindwa kutekelezwa vizuri na wananchi wote.

Mheshimiwa Spika, baada ya kusema hayo, naomba kuwasilisha.

.....
WILLY Q. QAMBALO (Mb)

**Kny. MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI
BUNGENI KATIKA WIZARA YA UJENZI, UCHUKUZI NA
MAWASILIANO**

13 Septemba, 2017

NAIBU SPIKA: Ahsante sana, Waheshimiwa Wabunge tumefika mwisho wa mawasilisho. Sasa ninayo majina ya upande mmoja tu, upande mmoja haujaleta majina, kwa hiyo, nitaanza na haya majina niliyonayo hapa mbele. Mheshimiwa Magdalena Sakaya, atafuatiwa na Mheshimiwa Japhary Michael.

MHE. MAGDALENA H. SAKAYA: Mheshimiwa Naibu Spika, nakushukuru kwa kunipa nafasi na mimi niweze kuchangia kidogo kwenye muswada uliopo mbele yetu.

Mheshimiwa Naibu Spika, nishukuru sana kwa namna ambavyo Serikali imeanza kuona umuhimu mkubwa wa kuboresha huduma za reli hapa nchini na hivyo kuweza kuja na muswada ambao utatunga sheria ya kuweza kusimamia masuala ua usafiri wa reli hapa nchi. Tukitambua kabisa kwamba reli ndio njia pekee ya uhakika ya usafiri wa mizigo hapa nchini lakini pia reli ndio njia pekee ya usafiri wa uhakika kwa wananchi wetu na hasa wale ambao ni maskini.

Mheshimiwa Naibu Spika, muswada huu ni muhimu sana, na kama ukitekelezwa vizuri nina imani kabisa utaenda kusaidia sana kwenye suala zima la usafiri hapa nchini.

Mheshimiwa Naibu Spika, tunaunganisha mashirika mawili sasa *RAHCO* pamoja na *TRL* tuweze kuwa na shirika moja kubwa. Ningependa kujua, kwanza wakati watumishi wa *TRL* wanahamia *RAHCO* wapo ambao mpaka leo hawajapata haki (stahiki) zao. Kwa hiyo, wakati mnaenda kuanzisha shirika jipya, je, stahiki za wale watumishi ambao walikuwa hawajalipwa mpaka leo wanaendelea kulalamika, zitalipwa kwa namna gani?

Mheshimiwa Naibu Spika, pia ukiangalia madhumuni ya muswada huu ni mazuri, moja wapo unaenda kulinda miundombinu lakini pia kwenda kuweka *demarcation* katika ya maeneo yetu. Tumekuwa na tatizo kubwa, na hapa niungane na Kamati pamoja na taarifa ambayo imesomwa na upande wa upinzani. (*Makofi*)

Mheshimiwa Naibu Spika, wananchi wengi sasa hivi wanalalamika sana, wamejenga kwenye maeneo ambayo kwa miaka mingi hawakujua kwamba ni maeneo ya *railway*. Wengine walipewa mpaka hati kwenye maeneo hayo lakini leo wanakwenda kubomolewa. Suala lingine ni yale maeneo yanatofautiana kati ya eneo na eneo. Ukiangalia Mkoa wa Tabora, eneo la Tabora Mjini, eneo ambalo wanaambiwa ni

hatua 80, ukija Kaliua ni hatua 120. Kwa hiyo, kiukweli ni wananchi wengi sana wataathirika. Tumekuwa tunauliza kwamba kwanini kuwepo na tofauti hii. Kama barabara ni mita 60 na tunategemea pia kuwa *railway* ambayo ni *standard gauge* lakini haiwezekani kutofautiana Tabora Mjini na Kaliua tofauti na Urambo tofauti.

Mheshimiwa Naibu Spika, pamoja na sheria hii inayokuja, tungependa tupate uhakika kwamba haswa upana wa reli ya *standard gauge* ambayo inategemewa kujengwa ni ya aina gani? Lakini pia wale wananchi ambao walikuwa wamejenga miaka mingi na leo wanaenda kubomolewa, nini watasaidiwa na Serikali?

Mheshimiwa Naibu Spika, hatukatai kuwepo na miundombinu hii lakini pia wananchi hawakatai pia kuhama yale maeneo lakini kiukweli kuna maeneo ambayo wengine wana hati na wanaambiwa kwamba wamejenga kwenye *railway*, ina maana hapo nyuma kulikuwepo na udhaifu mkubwa. Maeneo ya *railway* kwa kutokuwepo na alama za uhakika yaligawanywa na Wizara ya Ardhi, watu wakajenga lakini leo wananchi ambao ni *innocent*, walipewa hati wanakwenda kubomolewa. (*Makofi*)

Mheshimiwa Naibu Spika, kwa hiyo, pamoja na sheria hii tungependa Serikali iangalie wananchi ambao kiukweli si makosa yao na wakati huo kulikuwa hamna alama lakini leo wanakwenda kunyanyasika. Leo ukimbomolea mtu nyumba hana mahali pa kwenda, ndani ya Kaliua peke yake zaidi ya nyumba 200 zitabomolewa na wananchi ambao ni maskini hana uwezo hata wa kufanya chochote leo hapo alipo.

Mheshimiwa Naibu Spika, pia kwenye sheria ni ukweli kwamba Mkurugenzi tunaona anapewa mamlaka makubwa sana, kitu ambacho hakiwezekani, mpaka anaambiwa kwamba aweze kuteua kwa dharura na hivyo kutokufuata sheria za uteuzi wakati anapofanya kuweza kuteua mtu anaetakiwa kwenye nafasi maalum.

Mheshimiwa Naibu Spika, hapa tusiweke mwanya, lazima taratibu zifuatwe kwenye uteuzi, hakuna uharaka wa kumteua mtu ambaye anaenda kushughulikia suala ambalo ni la muhimu anakwenda kutumika kwenye kazi ambako ni husika kwa kutegemea dharura.

Mheshimiwa Naibu Spika, masuala ya dharura yamekuwa yanatumiza sana, kwa hiyo, tunaomba mamlaka makubwa aliyopewa mkurugenzi yaondoke yaende kwenye bodi. Vilevile linapotokea suala la uteuzi sheria zifuatwe na si kuteua hivi hivi, tutajikuta tumeondoka kwenye lengo halisi la muswada huu na kuja kuweka watu ambao ni dhaifu au ku-*create* mwanya ambao utaleta utendaji ambao ni utendaji mbovu. (*Makofi*)

Mheshimiwa Naibu Spika, lingine ni suala la nauli. Kwamba wamesema pia muswada utasimamia pia masuala ya nauli na masuala ya usafiri kwa ujumla. Sasa hivi tuna shida kubwa sana, na hii inatokana na kuwepo kwa uchache wa mabehewa. Tatizo la kuwepo kwa uchache wa mabehewa limesababisha wananchi wengi kushindwa kutumia usafiri wa reli.

Kwa hiyo ninaomba, pamoja muswada huu wa sheria pia suala la uwepo wa mabehewa ya kutosha liende sambamba, kwa sababu sasa hivi wananchi wengi wanalipa bei *double*. Kama nauli kutoka Kaliua kwenda Dar es Salaam shilingi 23,000 leo wanalipa mpaka shilingi 50,000 kutokana na kulinguliwa zile tiketi.

Kwa hiyo tunaomba kwanza mabehewa yawepo ya kutosha lakini pia utaratibu wa nauli uwe *standard*, ijulikane kabisakwamba nauli kutoka Kaliua kwenda Dodoma kiasi gani, kutoka Kaliua kwenda Dar es salaam ni kiasi gani ili kuondoa tabia za walanguzi kwenda kulangua tiketi na matokeo yake wananchi masikini wanaotaka kutumia barabara ya reli wanashindwa kutumia. (*Makofi*)

Mheshimiwa Naibu Spika, pia tulikuwa na maeneo ya magenge yaliyohusiana na suala la ulinzi wa barabara ya

reli. Bila kuwepo kwa ulinzi wa uhakika hii miundombinu haiwezi kulindwa. Mwanzoni tulikuwa na magenge barabarani kwa ajili ya kulinda miundombinu ya barabara ya reli, leo yale yote yamekufa hakuna anaeyaangalia, vile vyuma vimepotea na watumishi waliokuwepo kule kwanza hawakulipwa haki zao waliondolewa lakini pia hakuna anayeangalia miundombinu hiyo sasa hivi.

Mheshimiwa Naibu Spika, kwa hiyo sambamba na kuwepo kwa sheria hii pamoja na muswada huu, tunaomba pia wale wananchi ambao waliondolewa kwenye yale magenge, waliokuwa wanafanya kazi ya kulinda miundombinu ya reli na hawakulipwa na mpaka leo wapo mtaani kwanza wakapewe haki zao lakini pia magenge yale yaboreshwe ili miundombinu hii ambayo ni ya gharama kubwa sana iboreshwe na kulindwa ili iweze kuwepo leo, kesho na kesho kutwa.

Mheshimiwa Naibu Spika, nashukuru sana, naomba nirudie tena Serikali iangalie kwa namna ya pekee suala la wananchi ambao watabomolewa maeneo yao ili kupisha upanuzi wa barabara ya reli kwa kuwa wananchi wale kiukweli wana hali mbaya na vilio ni vingi.

Mheshimiwa Naibu Spika, kwa kweli kama wataachwa kama ilivyo sasa hivi watateseka sana na mwisho wake wengine wataishia kupoteza maisha kwa sababu hawana namna ya kufanya.

Mheshimiwa Naibu Spika, nakushukuru sana, ahsante.
(Makofi)

SPIKA: Ahsante sana, Mheshimiwa Japhary Michael atafuatiwa na Mheshimiwa Emanuel Mwakasaka, Mheshimiwa Anna Lupembe ajiandae.

MHE. RAPHAEL J. MICHAEL: Mheshimiwa Naibu Spika, nashukuru kwa kunipa nafasi hii ya kuchangia. Pamoja na hoja zangu nyingi kwamba zinaangua alipopita mchangiaji aliyetangulia.

Mheshimiwa Naibu Spika, la kwanza, ninaunga mkono hoja ya kuunganisha Shirika la *TRL* na *RAHCO*, jambo ambalo tumelipigia kelele kwa muda mrefu na nashukuru Mungu kwamba leo limetekelezwa; linaweza likachangia katika ubora wa huduma ya shirika la Reli lenyewe kwa maana ya iliyokuwa *TRL* lakini na kwa maana miundombinu ya reli yenyewe.

Mheshimiwa Naibu Spika, hoja yangu kubwa ambayo naiomba Serikali iangalie kwa makini ni hoja ya ubomoaji. Maeneo mengi wananchi wamekaa kwa muda mrefu, kama walivyotangulia kusema wengine, Serikali ikiwa inawaangalia, mamlaka mbalimbali zikiwa zinawaangalia. Pamoja na kwamba kuna sheria ambazo pia zinawaruhusu wanapokaa muda mrefu kuwa na haki hiyo ya kuwa katika maeneo hayo, lakini watumishi wa *RAHCO* walikuwepo, wameangalia watu wakijenga *structures* mbalimbali katika hifadhi ya reli lakini hawakuchukua hatua. Leo wananchi wale wanaadhibiwa kwa kuvunjiwa nyumba zao, wananchi maskini ambao hawana uwezo na Mtanzania kujenga nyumba sio jambo jepesi, leo anavunjiwa kirahisi, lakini wale waliosababisha hiyo adha hawajaonesha kuchukuliwa hatua yoyote.

Mheshimiwa Naibu Spika, sasa ni vizuri Serikali ikatazama kwanza namna gani inaweza ikatumia busara kuwasaidia hawa wananchi waliojenga hizo nyumba angalau kwa kufikiri kuwapa fidia ili waweze kukabiliana na changamoto za maisha mbele ya safari. Ni ukweli kwamba ni lazima maeneo hayo ya hifadhi ya reli yabaki yakiwa wazi, lakini wananchi waliojenga kwa sababu waliachiwa wakajenga, basi wafikiriwe jinsi ya kutoa fidia.

Mheshimiwa Naibu Spika, lakini hata wale maafisa wa Serikali ambao hawakutimiza wajibu wao basi wachukuliwa hatua stahili ili angalau mambo haya yasijirudie tena. Kama tutaacha kuwachukulia hatua maana yake wataendelea kuona ni jambo la kawaida na yatakuwa ni maisha ya kawaida kwa watumishi wengine ambao wapo.

Mheshimiwa Naibu Spika, kubwa zaidi ni kwamba kuna watu ambao wako kwenye maeneo tayari kihalali kwa sababu wana hatimiliki na wamepitia mchakato wote wa kubadilisha maeneo hayo. Pale Moshi kuna eneo ambalo sasa hivi ninavyoongea kuna vurugu iko pale, watu 48 wameathirika, wamewekewa alama ya "X" eneo ambalo haliko kwenye hifadhi ya reli, lakini inasemekana huko nyuma ilikuwa ni eneo la reli, miaka zaidi ya sabini iliyopita. Mamlaka ya Serikali za Mitaa ilishaomba mabadiliko ya matumizi ya eneo lile na wakakubaliwa na Wizara ya Ardhi, watu wamepimiwa, wamepewa vibali vya ujenzi, leo hivi wanaambiwa kwamba hata eneo ambalo lilikuwa la halmashauri, ina hatimiliki, nalo limewekwa alama ya "X" , ni la kuvunjwa. (Makofi)

Mheshimiwa Naibu Spika, sasa unajaribu kujiuliza Serikali inafanyaje kazi? Mimi naamini kabisa kwamba Wizara ya Ardhi ina *records* za ardhi za maeneo yote, ramani zote, haiwezi kutoa kibali cha mabadiliko ya matumizi ya eneo kama eneo hilo lina hati nyingine mpaka libatilishe ile hati. Sasa ilikuaje watu wapewe hati juu ya hati nyingine kama hali iko hivyo?

Kwa hiyo, nadhani Serikali ina haja ya kujitathmini kwa kuyaangalia maeneo na kuyavunja kwa vigezo mbalimbali si kwa kigezo kimoja. Kwamba kila mtu aangaliwe ni namna gani aliingia katika eneo na namna gani anapaswa kusaidiwa ili angalau wananchi wasipate sana hasara kutokana na uamuzi huu wa Serikali wa kuvunja maeneo ambayo yalikuwa ni maeneo ya reli na mojawapo naomba Mheshimiwa Waziri anisaidie sana eneo la Mji wa Moshi kwa sababu mji ule wanaovunjiwa hawapo kwenye hifadhi ya reli.

Mheshimiwa Naibu Spika, suala la abiria ambao bahati mbaya wanakuwa wamecheleweshewa safari yao na Shirika la Reli ni lazima liangaliwe. Kama tunataka kuliingiza shirika hili kwenye ushindani ni lazima liwe tayari kuwafidia abiria ambao kwa uzembe wao ndio wamewachelewesha. Kama abiria wanapaswa kusafiri saa

tano asubuhi, wasafiri, na kama hawasafiri kwa sababu wamecheleweshwa na Shirika la Reli basi wafidiwe. Wafidiwe gharama ya malazi, wafidiwe gharama ya chakula, kwa sababu huo ni uzembe wa Shirika la Reli.

Mheshimiwa Naibu Spika, sasa wananchi wanapokuwa wamecheleweshwa halafu wakapata adhabu ni kulidumaza Shirika la Reli na kuliacha lisiwe katika ushindani. Ni lazima shirika hili liwe la kibiashara na liingie katika ushindani kama mashirika mengine. Na shirika hili hatutegemei abiria wake wawe ni watu wa ndani tu, hata wa nje wanaweza wakasafiri, watalii wanaweza wakatamia reli kusafiri. Sasa kama hatuna sheria za kimataifa za namna ya kuwahudumia abiria maana yake tutakuwa hatuko kibiashara na shirika linaweza likapata pia shida ya kufa tena mbele ya safari. Kwa hiyo ni vizuri tujitahidi tutoe huduma nzuri na ya kutosha kwa abiria.

Mheshimiwa Naibu Spika, suala la tiketi; tiketi wanasema kwamba kama umepakia treni sehemu ambayo siyo bila tiketi unapaswa kulipa *penalt* ya asilimia 100. Lakini lazima tuangalie jiografia ya nchi yetu; maeneo mengi inapopita treni ni maeneo ya vijijini sana ambako ni mbali kutoka kwenye stesheni zetu.

Sasa kama mwananchi anataka kusafiri na eneo analotakiwa aende akakate tiketi ni mbali sana ambapo gharama yake ni kubwa na akapanda kwenye treni ambapo ameweza kupanda, kumpiga faini ya asilimia 100 ni kuwaumiza wananchi wa Tanzania ambao ni maskini, na wanaopanda treni ni watu wa vijijini. Ni vizuri tuangalie hiyo, kwamba kwa nini isiwe asilimia 50 ili iwe *affordable* kwa wananchi wetu. (*Makofi*)

Mheshimiwa Naibu Spika, la mwisho ni suala la haki ya wafanyakazi. Kuna malalamiko kama wenzangu walivyosema, ya iliyokuwa *TRC* huko nyuma mpaka leo hayajafanyiwa kazi vizuri, tunabadilisha sasa hivi hapa tunarudi tena kwenye *TRC*, sasa tuangalie namna gani tunakabiliana na suala la wafanyakazi ili lisije likawa na shida.

Mheshimiwa Naibu Spika, baada ya kusema hayo, nashukuru sana, naomba kuwasilisha. (*Makofi*)

NAIBU SPIKA: Ahsante sana, Mheshimiwa Emanuel Mwakasaka atafuatiwa na Mheshimiwa Anna Lupembe na Mheshimiwa Frank Mwakajoka ajiandae.

MHE. EMANUEL A. MWAKASAKA: Mheshimiwa Naibu Spika, ahsante kwa kunipa nafasi hii nami kuweza kuchangia hoja iliyopo mbele yetu.

Mheshimiwa Naibu Spika, nianze kwa kusema naipongeza sana Serikali kwa kuleta Muswada huu wa Sheria ya Reli wa mwaka 2017. Sheria hii tumekuwa tukizungumza muda mrefu sana namna gani mashirika haya mawili yaani *RAHCO* na *TRL* wanaweza kuungana kwa ajili ya ufanisi wa Shirika letu la Reli. Naipongeza Serikali kwa kutuletea muswada huu na ninaunga mkono hoja ya muswada huu kwa asilimia mia moja.

Mheshimiwa Naibu Spika, hata hivyo ninayo machache ya kuongelea kwenye muswada huu, Naomba nianze na suala hili la wafanyakazi wa lililokuwa Shirika la Reli (*TRC*) baadaye likaenda *RAHCO* na sasa tunarudi tena kwenye *TRC*. Wenzangu wameshaongelea lakini na mimi ninapenda tu kuwekea mkazo kwamba sasa hii inakuwa kama ni danadana, hawa wametoka *TRC*, wale wafanyakazi wengi bado hawajapata haki zao, lakini wamekuja *TRL* na sasa Serikali wanatuambia kwamba madeni haya yote yatahamishiwa tena kwenye shirika jipya. Sasa ifike mahali Serikali iwe *serious* na jambo hili kwa sababu wafanyakazi wanapokuwa hawajaridhika huwa kunatokea matatizo mengi yakiwemo haya ya hujuma mbalimbali ambazo zinarudisha nyuma uendeshaji wa shirika hili.

Mheshimiwa Naibu Spika, kuna matatizo yalitokea mengi, kwa nini shirika lililokuwa *TRC* lilivunjika. Moja ya matatizo hayo yaliletwa na wafanyakazi wenyewe, lakini pia na baadhi ya sheria ambazo hazikuwa nzuri ambazo sasa nyingine zinafanyiwa marekebisho madogo. Kwa mfano

udhibiti wa tiketi za abiria kwenye ile *TRC* haukuwa mzuri sana kiasi ambacho kilipelekea shirika kupata hasara nyingi. Pia udhibiti wa wizi wa mafuta, shirika lilikuwa likipoteza sana mafuta kwa sababu ya wizi ambao ulikuwa unafanyika na baadhi ya wafanyakazi ambao walikuwa si waaminifu wa Shirika hilo la Reli lililopita. Sasa ninamuomba Mheshimiwa Waziri pamoja na wale ambao watakuwa wanamsaidia waweke uzito mkubwa katika jambo hili kwa sababu ni moja ya vitu vilivyosababisha kuanguka kwa iliyokuwa *TRC*.

Mheshimiwa Naibu Spika, ninaomba na mimi niende kwenye suala hili ambalo sasa limekuwa ni kama janga, na ni janga kwa wananchi, hasa hili la bomoabomoa. Niseme mimi Tabora Mjini ni mmoja wa wahanga wakubwa wa bomoabomoa. Tabora Mjini wako wananchi ambao wamejenga ndani ya maeneo ya reli, yaani nikisema mita 30 kwa 30, maeneo yale ya kawaida, lakini pale stesheni 75 kwa 75, wapo wananchi ambao walijenga ndani ya maeneo ya reli.

Mheshimiwa Naibu Spika, naomba niseme mimi kama Mbunge wa Tabora Mjini, lakini pia kama Mjumbe wa Kamati ya Miundombinu, nampongeza sana Mheshimiwa Rais kwa kusimamia ujenzi huu wa *standard gauge*, pamoja na Mheshimiwa Profesa Makame Mbarawa kwa kutuletea ujenzi huu, tunahitaji sana maendeleo. Tunahitaji maendeleo kwa ajili ya kupata hii *standard gauge*, lakini maendeleo wakati mwingine yanakuja na vilio, vilio hivi ni pamoja na hii bomoabomoa. Pale Tabora Mjini hivi ninavyoongea wale ambao wamejenga ndani ya maeneo ya reli wengi wameanza wenyewe wananchi kubomoa na kuondoka, nawapongeza sana wananchi wale.

Mheshimiwa Naibu Spika, lakini kuna suala la sintofahamu kwa wale ambao wamepimiwa maeneo yale na mamlaka ambazo nazo zimesajiliwa na Serikali. Kwa mfano ambao wamepewa maeneo kuanzia maafisa mipango miji wa manispaa walipima wakapitisha ramani zao na zikawa *approved* Wizara ya Ardhi na wakapewa hati, wananchi hawa ni wengi sana na wamekumbwa na zoezi

hili, na ni kweli wengine ukipima wanakuwa ndani ya maeneo ya reli sasa hivi kwa sababu kuna ramani ya reli na ramani iliyopo sasa. (*Makofi*)

Mheshimiwa Naibu Spika, sasa hawa waliowapimia ambao ni manispaa, wananchi hawa ni *very innocent* hawajui chochote. Ninaiomba Serikali ione namna gani itawafikiria wananchi hawa. Naelewa Mheshimiwa Rais ana huruma, tumewahi kuona wamachinga wakionewa huruma pamoja na kwamba sehemu nyingine hawakupaswa kuwepo lakini walipewa sehemu nyingine ya kwenda kujihifadhi. Sasa wananchi hawa kwa kuwa walipewa na vyombo halali, na wengine wako mpaka mita 500 nje ya reli, ninaomba Serikali ione itafanyaje kuhusu wananchi hawa kwa sababu kwa kweli wengi ni maskini, kama walivyosema wenzangu na ni wengi mno na hawajui pa kwenda baada ya hapa.

Mheshimiwa Naibu Spika, hizi mamlaka zilizowapa, mbona Dar es Salaam kule nakumbuka kuna baadhi ya watendaji ambao waligawa maeneo sehemu mbalimbali lakini Serikali ilizungumza kwamba wale ambao waliwapa hawa na wao wawajibike. Kwa eneo hili la bomobomoa, tunapenda pia Serikali itufahamisha kwamba wale ambao wamewagawia wananchi hawa maeneo hayo na bado wapo na hawajasema chochote, sijui inakuaje? Vilevile kwa kuwa wamegawiwa na manisapaa, pale ambapo Serikali haiwezi kutenga fedha kwa ajili ya kuwafidia hawa, basi manispaa zile ziwajibike kulipa fidia kwa wananchi ambao walitoa ile ardhi na mpaka wananchi wakapewa hati.

Mheshimiwa Naibu Spika, baada ya kusema haya, na mimi niseme kile kifungu namba 26 pamoja na vifungu vingine ambavyo vimependekezwa na Kamati yetu ya Miundombinu, basi Serikali iweze kuzingatia kwa sababu vifungu vingine vina mapungufu makubwa, na hasa hiki kifungu namba 26 ambacho kinamruhusu Mdhibiti wa *TRL* au wa Shirika la Reli kwenda kukagua peke yake bila kuishirikisha Serikali, ile ni hatari.

Mheshimiwa Naibu Spika, pia ile *reserve* ya reli iweze kuongelewa vizuri kisheria, *reserve* ya reli imekaaje, iweze kuwa sawasawa na barabara, barabara kuna *beacon*. Anaonekana kabisa mtu hata akitaka kuvamia anaona zile alama kwamba hili sasa ni eneo la barabara katika reli haiko hivyo. Sasa ninamuomba Mheshimiwa Waziri kwamba hili waliwekee kipaumbele kwa sababu ni kweli, leo unaweza ukawa unabomoa huku kesho ulikobomoa mwingine anajenga...

(Hapa kengele illia kuashiria kuisha kwa muda wa mzungumzaji)

NAIBU SPIKA: Mheshimiwa Mwakasaka muda wako umemalizika.

MHE. EMANUEL A. MWAKASAKA: Mheshimiwa Naibu Spika, naomba kuunga mkono hoja, ahsante. *(Makofi)*

NAIBU SPIKA: Ahsante sana, Mheshimiwa Anna Lupembe atafuatiwa na Mheshimiwa Frank Mwakajoka na Mheshimiwa Hussein Mohamed Bashe ajiandae.

MHE. ANNA R. LUPEMBE: Mheshimiwa Naibu Spika, ninaomba nikushukuru kwa kunipa nafasi ya kuweza kuchangia muswada huu muhimu sana kwa ajili ya wananchi wa Tanzania. Naomba nimshukuru Mungu ambaye ametupa uzima na uhai, tuko mahali hapa kwa mara nyingine tena. *(Makofi)*

Mheshimiwa Naibu Spika, ninaomba niipongeze sana Serikali kwa kazi kubwa ambayo wameifanya kwa kuunganisha *TRL* pamoja na *RAHCO* kwa sababu tulikuwa tunaipigania sana kwa sababu tulijua shirika hili likiwa pamoja litakuwa shirika kubwa kwa ajili ya wananchi wa Tanzania na tukiangalia Shirika la Reli ambalo lilikuwa linaitwa *TRC* zamani lilifanya kazi kubwa na shughuli zao zilikuwa nzuri; sasa tulivyogawanyika pale kazi zilikuwa haziendi vizuri kwa sababu *TRL* walikuwa peke yao na *RAHCO* walikuwa peke yao, lakini leo tunazungumzia kuunda shirika lingine tena jipya

ambalo litafaya kazi vizuri kutokana na sheria hii ambayo tumeileta leo hapa Bungeni.

Mheshimiwa Naibu Spika, nianze kama wenzangu walivyosema; sisi watu wa Mpanda tunahusika sana na reli hii kwa sababu reli hii ndiyo tegemeo kubwa la wananchi wa Mpanda kwa ajili ya kupitia mizigo na abiria. Ndani ya Wilaya ya Mpanda kuna maeneo makubwa sana ambayo wananchi wa Mpanda watabomolewa nyumba zao. Hili jambo ni kilio kikubwa sana kwa wananchi wa Mpanda kwa sababu ukiangalia pale Mpanda Mjini kuna maeneo ya Tambuka Reli na Ugala wananchi wote watabomolewa nyumba.

Mheshimiwa Naibu Spika, ninaomba tu tusesitize kama sisi Waheshimiwa Wabunge. kwa sababu tunatetea wananchi wetu, Wabunge wengi wamesema kwa ajili ya bomoabomoa hii tunaomba kwa sababu hawa wananchi ni maskini, wengine hawana uwezo kabisa wa kujenga nyumba nyingine. *(Makofi)*

Mheshimiwa Naibu Spika, tunaomba Serikali waliangalie upya wale ambao wapo mbali kidogo wawaache kwa sababu ni tatizo. Sisi Wabunge tunavyorudi huko majimboni, tulirudi kipindi hiki cha nyuma kidogo ilikuwa shida, kila mwananchi anakuja kukulilia tutakwenda wapi tunabomolewa.

Mheshimiwa Naibu Spika, tunaomba Serikali yetu ya Chama cha Mapinduzi, ni sikivu, basi waliangalie upya zile mita ambazo wale ambao wako mita mbali kidogo wawaache kwa sababu hii itatuletea shida kidogo kwa sababu wananchi wengi ambao wako katika mguso huu wa kubomolewa nyumba ni maskini sana. Tunaomba Serikali ipitie upya ili tuweze kuwasamehe ambao wapo mbali kidogo wasibomolewe nyumba zao.

Mheshimiwa Naibu Spika, vile vile shirika hili lilikuwa lina wafanyakazi; wafanyakazi wa *RAHCO* na *TRL*, kama wenzangu walivyosema, wengine bado wanadai haki zao.

Basi tunaomba Serikali, tunasisitiza walipwe ili hili shirika liweze kwenda vizuri. Vilevile tunampongeza sana Mkurugenzi aliyepewa dhamana ya shirika hili, kulishika *TRL* na sasa linaingia kwenye *TRC*, Ndugu Masanja, anafanya kazi vizuri tunaona. Sasa hivi treni yetu inatembea kwa wakati na muda kamili, lakini kuna tatizo kidogo sisi watu wa Mpanda mmetuletea mabehewa machache sana. (*Makofi*)

Mheshimiwa Naibu Spika, wananchi wa Mpanda wanategemea sana treni. Sasa hivi watu wanaotaka kuunganisha treni kutoka Mpanda mpaka Dar es Salaam wanachaguliwa wanawake 15 na wanaume 15. Hii imekuwa kero wananchi wa Mpanda wanaamka saa 10 za usiku, wanaenda kukaa foleni kusubiri tiketi, mlinzi akitoka pale anawapa wanawake 15 na wanaume 15, hii ni kero kubwa sana. (*Makofi*)

Mheshimiwa Naibu Spika, naomba kwa sababu hili shirika sasa linaundwa upya, nafikiri mipango na mikakati yake itakuwa mizuri sana. Mpanda kuna abiria wengi sana, tunaomba muitazame Mpanda kwa jicho la huruma; badala ya kutuletea behewa moja, tuleteeni mabahewa hata matatu kwa sababu wananchi wa Mpanda wanapanda sana treni. Sasa hii wanavyopewa wanawake 15 na wanaume 15 inakuwa ni kero na ni shida.

Tunaomba sana mtusaidie kwa hilo kwa sababu shirika hili linaimarishwa upya. Tunaomba basi kuimarisha reli. Sasa kwa sababu shirika hili linakuwa shirika moja, kuna maeneo ambayo *RAHCO* walikuwa hawajayapitia sasa reli haikuwa nzuri, ilikuwa inadengadenga (inasuasua). Basi sasa kwa sababu shirika ni moja, tunaomba uimarishaji wa reli kutoka Mpanda mpaka Tabora uwe mzuri.

Mheshimiwa Naibu Spika, mwenzangu amezungumzia kuhusu magenge. Haya magenge yalikuwa yanasaidia sana kwa sababu kutoka genge moja mpaka genge lingine kama hakuna uangalizi, kuna watu majangili ambao wanakwenda kung'oa reli, wanang'oa reli treni ikifika pale inaweza kudondoka.

Mheshimiwa Naibu Spika, mimi hii nina mfano nayo kabisa, kuna siku moja nilikuwa nasafiri kutoka Katumba kuelekea Ugala, hapo katikati kulikuwa na magenge yamefungwa. Sasa kuna majangili walienda kung'oa zile reli, bahati nzuri kulikuwa kuna mwehu akaisimamisha treni na yule dereva alikuwa mtiifu akasema huyu mwehu anaisimamisha hii treni acha nisimamisha; alivyosimamisha yule mwehu akamwambia usipite huko wameng'oa mataluma, yule dereva alimsikiliza yule mwehu, kweli kushuka kwenda kuangalia akakuta mataluma 10 yametolewa.

Mheshimiwa Naibu Spika, sasa huyu dereva asingekuwa msikivu yale mabehewa ya ile treni yangeanguka na watu wangepata ajali na wengine wangepoteza maisha.

Mheshimiwa Naibu Spika, haya magenge yalikuwa yanasaidia kwa sababu wale maafisa magenge kule vijijini walikuwa wanapita kuisafisha, ile reli, ilikuwa inakuwa imara treni ikija inapita kwa usalama na wananchi wanakuwa wako katika hali ya usalama zaidi.

Mheshimiwa Naibu Spika, TRC ilikuwa ina majengo makubwa sana, shirika hili lilikuwa kubwa, lilikuwa na mtazamo mpana, walikuwa wana Mahoteli kama *Railway Hotel, Iringa Hotel*, walikuwa wana mabasi, shirika hili lilikuwa kubwa sana. Sasa kutokana na kuingia kwenye ubia yela majengo yote yakagawanyika, yakauzwa na mengine yakatelekezwa maana yake mengine yamekuwa kama vile magofu. Ninaomba kupitia hili Shirika jipya ambalo tunaliunda upya, yale ambayo yaliyokuwa yanafanywa wakati ule, walikuwa wana magari ya mafuta, walikuwa wana mabasi, viimarishwe zaidi kwa ajili ya wananchi ili waweze kupata usafiri wao kwa urahisi na wepesi.

(Hapa kengele ililia kuashiria kuisha wa muda wa Mzungumzaji)

NAIBU SPIKA: Ahsante sana Mheshimiwa Anna Lupembe muda wako umekwisha.

MHE. ANNA R. LUPEMBE: Mheshimiwa Naibu Spika, Ahsante naunga mkono hoja asilimia mia moja. *(Makofi)*

NAIBU SPIKA: Mheshimiwa Frank Mwakajoka atafuatiwa na Mheshimiwa Hussein Mohamed Bashe na Mheshimiwa Mussa Ntimizi ajiandae.

MHE. FRANK G. MWAKAJOKA: Mheshimiwa Naibu Spika, ahsante.

Mheshimiwa Naibu Spika, nitumie fursa hii kwanza kushukuru sana hotuba ya Kambi Rasmi ya Upinzani, imeandaliwa vizuri na kama ushauri huu uliotolewa kwenye hotuba hii utazingatiwa unaweza ukaboresha zaidi sheria hizi na tukafanya vizuri zaidi kwenye Shirika letu la Reli. *(Makofi)*

Mheshimiwa Naibu Spika, kikubwa ambacho ninataka kukizungumza ni kwamba Shirika hili la Reli lilikuwepo huko nyuma baadae likafutwa na sasa limerejeshwa upya na hiki ni kilio cha Wabunge wengi ambao walikuwa wakidai kwamba tunatakiwa kuliunda upya shirika hili, lakini kikubwa tu ni kwamba ni vizuri sana Serikali iwe inafanya utafiti wakati inataka kuanzisha mashirika mbalimbali au kubadilisha sheria mbalimbali kwa ajili ya kuanzisha mashirika ili kuleta tija katika nchi hii.

Mheshimiwa Naibu Spika, imeonekana kabisa katika nchi hii, kitengo cha utafiti kimeonekana kabisa kwamba hakihudumiwi ipasavyo na hakifanyi kazi zinazotakiwa na ndiyo maana tunaona kila kinachoanzishwa kinaanzishwa halafu baadae kinakufa na tunarudi kuja kuanzisha kingine. Hii inaonyesha ni jinsi gani ambavyo tumekuwa na Hati za Dharura nyingi sana katika Bunge hili ambazo zinaletwa na Serikali. Tunafikiri kitengo cha utafiti kiimarishwe zaidi ili waweze kufanya utafiti ukiwa ni wa kiwango cha juu na ambao tukianzisha uwekezaji wowote uwekezaji ule unapata tija zaidi.

Mheshimiwa Naibu Spika, kikubwa nataka nizungumzie kuhusiana na bomoabomoa ambayo

inaendelea katika maeneo mbalimbali hasa kwenye maeneo ambayo reli inakwenda kujengwa na reli inakopita. Wananchi wanalalamika sana na takwimu zilizopo sasa hivi ni kwamba karibuni nyumba 3,244 (makazi ya wananchi) yatakwenda kubomolewa wakati wa ujenzi wa reli na hao wananchi wote asilimia kubwa ni wananchi ambao wanaonesha kabisa kwamba wako kwenye mipango miji. Wengi wamepimiwa nyumba/viwanja vyao na wakapewa na Serikali lakini leo hakuna ufafanuzi wowote unaotolewa kwa wananchi hawa ni jinsi gani ambavyo wanaweza wakalipwa fidia.

Mheshimiwa Naibu Spika, na jambo hili linaleta chuki kubwa sana kwa wananchi na linaathiri sana ustawi wa maisha ya wananchi wenyewe. Tunafikiri kazi ya Serikali ni kuhakikisha kwamba ustawi wa wananchi unakuwa vizuri na siyo kuharibu ustawi wa wananchi.

Mheshimiwa Naibu Spika, kwa hiyo, ni vizuri Serikali ingekuwa inatoa mwelekeo kwamba hawa wananchi wote ambao tayari wako kihalali na wamepewa ardhi hizo na Serikali na wamejenga, wamewekeza katika maeneo hayo Serikali ina mpango gani kuhakikisha kwamba inawafidia wananchi hawa ili waendelee kuishi katika maisha yao ya kawaida.

Mheshimiwa Naibu Spika, jambo lingine wananchi hawa wamekuwa wakienda Mahakamani mara kwa mara na Mahakama imekuwa ikitoa *stop order* ya utekelezaji wa uvunjaji wa nyumba cha kushangaza ni kwamba, unakuta Serikali inaendelea na uvunjaji wa nyumba pamoja na *stop order*. Tunafikiria sana kwamba Serikali inaleta miswada mbalimbali ya sheria hapa na sheria hizi zinakuwa zinatumiwa katika nchi hii lakini wananchi wakifuata sheria bado Serikali haitaki kufuata sheria na kuona Mhimili wa Mahakama una wajibu wa kuhakikisha kwamba unawasaidia wananchi hawa na badala yake inaonekana kwamba Serikali ina dharau Mhimili wa Mahakama, inaendelea kuvunja, wananchi wanaendelea kulalamika na hawajui waende wapi.

Mheshimiwa Naibu Spika, kwa hiyo lazima Serikali pia ijue kwamba Mhimili wa Mahakama ni muhimu sana na Serikali ndiyo inatakiwa kuwa ni ya kwanza kabisa kutekeleza Sheria za Nchi lakini inaonekana kwamba Serikali imeshindwa kutekeleza sheria za nchi, wananchi wamekwenda Mahakamani Serikali inaendelea kuvunja wakati Mahakama imeshazua, sasa jambo hili kwa kweli linasumbua sana.

Mheshimiwa Naibu Spika, tumeona pia kumekuwa na tatizo kubwa sana, sheria ambayo imeletwa leo hasa kwenye kifungu cha 28 ambacho huko nyuma kilikuwepo, kilikuwa ni kifungu cha 32 kwenye Sheria ya mwaka 2002, bado kimerajeshwa kama kilivyo. Kinaendelea kutoa haki kwa mwananchi kama reli ikipita kwenye nyumba yangu hakuna majadiliano, wanachokifanya wao ni kuangalia hili eneo linaweza likapitishwa reli basi, mimi ni mtu wa kuondoka hakuna ufafanuzi wowote uliotolewa kwenye sheria hii, kwamba nini ambacho kitaendelea baada ya kuona ya kwamba lile eneo reli itapita, mwananchi atafaidika namna gani.

Mheshimiwa Naibu Spika, hata ile Sheria ya Fidia inaonekana kwamba kwenye Sheria ya Reli haitumiki kabisa, kwa maana hiyo wakiamua kupitisha kwenye eneo lako, kwenye shamba lako au wakiamua kupitisha kwenye nyumba yako ina maana kwamba hiyo reli itapita pale na hakuna fidia yoyote itakayotolewa kwako. Jambo hili linaonesha kabisa kwamba Serikali ni namna gani inajipanga kutokutekeleza ile sheria ambayo imeleta yenyewe na imeitunga yenyewe kuonesha kwamba mwananchi yeyote ana haki ya kumiliki ardhi na kwa sababu ni mtu anayeendeleza ile ardhi kama kuna jambo lolote linakwenda kufanyika pale au kutekelezwa katika eneo lile basi atalipwa fidia, jambo hili halionekani kabisa. *(Makofi)*

Mheshimiwa Naibu Spika, jambo lingine ni pamoja na hawa wananchi ambao tumesema 3,233, hawa wananchi ni wengi sana na katika nchi hii imekuwa ni tatizo kubwa, bomoa bomoa kila maeneo. Ukienda kwenye barabara bomoa bomoa inaonesha kabisa Wizara ya Ujenzi

haiko makini ni kwa nini imeshindwa kuweka alama katika maeneo yake yote, ukianza barabara lakini pia ukienda kwenye reli na maeneo mengine, imeshindwa kuweka alama ambazo zinaonyesha kwamba wananchi wanapokuwa wapo kwenye maeneo yao au wanapotaka kujenga wawe wanajua kwamba haya maeneo ni maeneo ya reli au ni maeneo ya barabara, Wizara imeshindwa kutekeleza wajibu wake. Tunataka tujue Serikali sasa hivi ina mpango gani kuhakikisha kwamba inaweka alama hizo ili wananchi hawa wasiendelee kupata matatizo ya namna hiyo siku hadi siku.

Mheshimiwa Naibu Spika, Serikali lazima ikubaliane nasi kwamba kitendo cha kumvunjia mwananchi wake nyumba ni kumrudisha nyuma na kurudisha maendeleo nyuma ya wananchi. Kwa hiyo, ni lazima Serikali ijpange kama inataka kufanya maendelezo sehemu yoyote ni lazima ikubali kwamba kama kuna wananchi wako pale basi wananchi wale wafidiwe na baada ya kufidiwa basi wakajenge makazi mengine katika maeneo ambayo wanaweza wakaishi na familia zao.

Mheshimiwa Naibu Spika, Watanzania wanapata shida ukienda kwenye barabara Watanzania wanalala nje, leo kwenye reli hawa wananchi nani atawahifadhi wananchi wote hawa.

Mheshimiwa Naibu Spika, Serikali haijaweka hata utaratibu ni namna gani wananchi hawa itakwenda kuwahifadhi, wanawaona kama ni watu ambao hawakustahili kabisa kuwepo pale wakati Serikali pia ilikuwepo kwa nini haikuweza kusimamia haya ambayo yalikuwa yanafanyika kipindi hicho? *(Makofi)*

Mheshimiwa Naibu Spika, kwa hiyo, wananchi wapewe nafasi kubwa ya kusikilizwa na pia wahakikishe kwamba wanapewa maeneo ya kujihifadhi kwa kipindi hiki ambacho tayari Serikali inataka kuwaondoa katika maeneo hayo. *(Makofi)*

Mheshimiwa Naibu Spika, kingine ni pamoja na sheria

hii ukiangalia Kifungu cha 16 mpaka 23 Mamlaka ya Reli yule mtu anayesimamia yale maeneo anaweza akaenda kwenye kijiji au kwenye makazi ta mtu na akaanza kufanya tathmini ni namna gani wanaweza wakapitisha reli hapa.

Mheshimiwa Naibu Spika, sasa yale maeneo wako viongozi wa Serikali za Mitaa, wako viongozi wa vijiji, wako Viongozi wa vitongoji na Waheshimiwa Madiwa wakashirikishwa katika yale maeneo nini ambacho kinaendelea pale na watoe ushauri wao na ikiwezekana wawe na nafasi kwenye sheria hii ni namna gani ushauri wao pia unaweza ukachukuliwa na kwenda kufanyiwa kazi.

Mheshimiwa Naibu Spika, ahsante sana. (*Makofi*)

NAIBU SPIKA: Ahsante sana. Mheshimiwa Hussein Mohamed Bashe atafuatiwa na Mheshimiwa Mussa Ntimizi, tutamalizia na Mheshimiwa Margaret Sitta.

MHE. HUSSEIN M. BASHE: Mheshimiwa Naibu Spika, nashukuru kwa kunipa fursa ya kuchangia. Moja niipongeze Serikali kwa dhati kabisa kwa kuunganisha mashirika haya mawili na kuwa shirika moja na kuifuta *RAHCO*.

Mheshimiwa Naibu Spika, mchango wangu utakuwa katika mitazamo miwili, moja *specific* kwenye sheria lakini mwingine utakuwa ni mchango wa jumla. Nikichukua sheria hii iliyoletwa na Serikali, ukienda *page number eight*, kifungu namba tano kwenye *objects of corporation, there is no anywhere* kwenye *objective* za shirika zimesema *specifically* kwamba tunaanzisha shirika hili kwa ajili ya *commercial interest* na kutengeneza faida, hakuna. Ukitazama *objective* na kila kitu kilichooneshwa hapa *it is pure service delivery and not profit making organization*, na hili ni tatizo *from the day one*.

Mheshimiwa Naibu Spika, kwa hiyo ningeshauri, katika kipengele namba tano tungeongeza kifungu, tunasema kwamba; *“to invest and generate profit for the United Republic of Tanzania”* ili *management* inapoingia madarakani ijue

jukumu lake la kwanza ni kutengeneza fedha kwa ajili ya Serikali, hilo jambo la kwanza. (*Makofi*)

Mheshimiwa Naibu Spika, jambo la pili nikienda *page number ten* kwenye *composition of Board*, ningeshauri tungekuwa *specific* katika aina ya watu tunaowaweka katika *board* na mmojawapo wa wawakilishi akawepo wa kutoka *private sector* kwamba katika *board members* watakaokuwa wanatengeneza *board* ya shirika hili mmojawapo atoke katika sekta binafsi, kwa sababu shirika hili linatarajia kufanya biashara na umma ili huyu mtu wa sekta binafsi angalau apeleke *the mindset, the perception* ya kufanya biashara katika *board*.

Mheshimiwa Naibu Spika, huu ni ushauri wangu kwamba tunapotengeneza *composition* tuseme *specifically* kwamba kutakuwa na uwakilishi wa mtu kutoka katika sekta binafsi ili tusitoe *room* unaweza wakashangaa wakachangukiwa Makatibu Wakuu wa Serikalini tupu humu ndani, halafu tukarudi kule tulikotoka kwa sababu tuna *bad experience*.

Mheshimiwa Naibu Spika, kwenye *functions of the board page number eleven*, kifungu namba 13. Tugesema moja ya *function* ya *board* ni ku-*approve annual strategic plans* na ku-*evaluate monthly performance* ya *management*, ili kui-*commit management* kuwa ina-*provide monthly report* ya *performance* ya shirika halafu kila *quarter board* ina-*evaluate* hizi *performance* za kila mwezi ili tuweze ku-*take corrective measures* mapema badala ya kusubiri muda mrefu. (*Makofi*)

Mheshimiwa Naibu Spika, eneo jingine nilitaka niende *page number 33* na hapa nataka niishauri Serikali kwamba kwenye *financial provisions*, kwenye *Finance Bill* tuliyopitisha hivi karibuni tuliweka *exemptions* ya *levy*, ningeomba kifungu namba 69(4) ambacho kinasema; "*The provision of subsection 3(c) shall not apply to exemption provided under the East African Community Custom Management Act.*"

Mheshimiwa Naibu spika, hapa tungeongeza *exemption* tulizotoa kwenye *levy* ambayo tulikuwa tuna-charge 1.5 percent kwenye mafuta ya ndege, kama mtakumbuka kwenye *Finance Bill* tulifuta tozo hii ya reli kwenye mafuta ya ndege ili kufanya viwanja vyetu vya ndege kuwa *competitive*. Tusipofanya hii *exemption* kipengele hiki kinaenda ku-over rule maamuzi tuliyoyapitisha kwenye *Finance Bill* and this will be a problem. (Makofi)

Mheshimiwa naibu Spika, ningeshauri kwenye *liability* za *TRC* nilitaka niishauri Serikali; tunajenga *standard gauge railway system* kwenye nchi yetu, *we will be competing* na watu wengine. Ukisoma *liability*, shirika limejiwekea *protection* isiyokuwa na vipimo. Twende *page numbe 22* kifungu namba 38 *“The Corporation shall not be liable for any loss arising from the delay cause by the failure of any train to start on or complete any journey within set time”* nani anaye-determine hii *set time*? ni shirika lenyewe.

Mheshimiwa Naibu Spika, hii ni *loophole* na nataka niwaambie Waheshimiwa Wabunge, *the bottom line* ya *railway business* siyo kusafirisha abiria ni mizigo, sasa tuta-compete na wenzetu *if this protection* tuliyojiwekea haitokuwa *competitive* na wengine, *investment* tunayofanya kama nchi itakuwa *waste*. Tukae tufikirie kwamba kuna *another Northern Corridor* ina hiyo *standard gauge railway system* ya Kenya ambayo inaenda hadi Kigali na *our objectives* ni kwenda ku-save market ya Congo, ku-save market ya Kigali na maeneo ya namna hiyo. Kwa hiyo, ukitazama hiki kipengele tumejifunga sana. (Makofi)

Mheshimiwa Naibu Spika, kipengele namba 40 kinasema hivi naomba Waheshimiwa Wabunge mnisikie:

“The liability of the corporation in respect of any animal, shall not in any case exceed the appropriate amount set out in the tariff book unless at the time of acceptance of such animal by the corporation.” Kwa nini tuiseme; *“as per the market rate”* ili ku-provide confidence ya mtu anayekuja kuchukua huduma kwamba mkinisababishia hasara mimi

nitakuwa *determined* na soko siyo *tariff book* uliyotengeneza wewe, *this is not competitive*, nataka niiambie Serikali hapa na Mkurugenzi wa *TRL* yuko hapa ametoka kwenye *private sector*, *he should not get the disease of magonjwa ya Serikalini*. **[Maneno Haya Siyo Sehemu ya Taarifa Rasmi za Bunge]**

He is running the organization ambayo tunatarajia kwenda kutengeneza fedha. Lazima iwe *more competitive*, sheria hizi tukae tukijua wafanyabiashara wataangalia sheria yetu ya shirika, wataangalia sheria ya mashirika *competitive*, haya ni ya upande wa kisheria. (Makofi)

Mheshimiwa Naibu Spika, nataka niseme mambo ya jumla wenzangu Waheshimiwa Wabunge wameongelea sana suala la bomoa bomoa. Tabora ni moja ya eneo *affected*. Zinabomolewa kaya zaidi ya 500 Tabora, miongoni mwao ni watu waliojenga zaidi ya miaka 50, 60, 70, 80 wapo watu waliojenga katika maeneo hayo. Kuna bibi anavunjiwa nyumba ana umri wa miaka 80 hana familia yuko peke yake, alipewa hati na Serikali, alikuwa analipa kodi za Serikali anafanya nini. Ningeomba Waziri pamoja na kuwa hatujaja kujadili, tunajadili sheria, *give us a statement of hope* kwenye hili jambo *because tuna-represent* watu. (Makofi)

Mheshimiwa Naibu Spika, lingine Serikali inajenga *standard gauge* na ningeomba kwa heshima Serikali na *TRL* sasa tumeipatia *assets* za kutosha, jamani hatuwezi kujenga *standard gauge* kwa fedha zetu za ndani, *this will be a dream which we will never be realized*. Niishauri Serikali sasa mmruhusu *TRL* aende kwenye dunia kutafuta fedha za ku-*invest* kwenye *standard gauge*, hatuwezi kufanya kila kitu kwa fedha zetu za ndani. (Makofi)

Mheshimiwa Naibu Spika, tunajenga reli kwa hela yetu ya ndani, tunajenga *megawatts 2100* za umeme kwa hela yetu ya ndani, tunanunua ndege kwa hela yetu ya ndani, *we are going to suffocate this economy*, huu ni ushauri. Iruhusuni *TRL* ikakope ijiendeshe na nimshauri Mkurugenzi wa *TRL* na Waziri, *it is uneconomical* kujenga reli kwenda Mwanza

kwanza, twendeni Kigoma, twendeni Kalemii, twendeni Uvinza, twende Msongati halafu jengeni Mwanza. Niitahadharishe Serikali msiweke fedha za wananchi *for political reasons.* (Makofi)

Mheshimiwa Naibu Spika, mimi natoka ukanda huo ningependa nipande Bukene *standard gauge*, lakini *it is not going to pay*. Fanyeni *cost benefit analysis*, wapi tunapeleka, tukienda Lake Tanganyika tutahudumia *part of Congo*, tukienda Kalemii tutahudumia *the Western part of Congo*, tukienda Uvinza tukaenda Msongati tutabeba mzigo wa Nikel siku ya mwisho reli hii itajiendesha kibiashara. Niitahadharishe tena Serikali kwa heshima...

(Hapa kengele illia kuashiria kuisha kwa muda wa mzungumzaji)

NAIBU SPIKA: Ahsante sana Mheshimiwa Bashe muda wako umekwisha. Kabla hujakaa umezungumza kwamba Mkurugenzi ambaye yuko maeneo haya asije akaugua ugonjwa wa Serikali. Hebu futa hiyo kauli kwamba Serikalini kuna ugonjwa.

MHE. HUSSEIN M. BASHE: Mheshimiwa Naibu Spika, nafuta. (Makofi)

NABU SPIKA: Ahsante sana. Mheshimiwa Musa Ntimizi, atafuatiwa na Mheshimiwa Margaret Sitta, Mheshimiwa Mwanasheria Mkuu wa Serikali ajjandae.

MHE. MUSA R. NTIMIZI: Mheshimiwa Naibu Spika, nashukuru kwa kupata nafasi ya kuchangia kidogo katika Muswada huu wa Reli.

Kwanza kabisa binafsi nina furaha leo kuiona Serikali imepokea mawazo na ushauri wetu tuliokuwa tunatoa siku nyingi kuhusiana na kuunganisha *RAHCO* na *TRL*. Tulikuwa tunatoa mawazo hayo kwa sababu tulikuwa tunahitaji tupate shirika ambalo litaisaidia nchi na litasaidia wananchi wetu katika kupata huduma za usafiri. Leo tunashuhudia

Serikali imekubali wazo letu na sasa tunaelekea kuyaunganisha mashirika mawili ya *TRL* na *RAHCO* kuunda shirika jipya la *TRC*. (*Makofi*)

Mheshimiwa Naibu Spika, baadhi ya watu wanasema tunarudi kule kule lakini kwa muswada ulivyo, tunaunda shirika jipya la *TRC* baada ya kuunganisha *TRL* na *RAHCO*. Naunga mkono muswada huu kwa asilimia mia moja, lakini mimi pia ni Mjumbe wa Kamati ya Bunge ya Miundombinu. Tumeishauri Serikali kwa kiwango kikubwa sana lakini yapo ambayo pia ningengezea kama mchango kwa niaba ya wananchi wa Igalula. (*Makofi*)

Mheshimiwa Naibu Spika, tunaposema tunaunda sasa Shirika la *TRC* lakini pia Serikali yetu sasa iko katika mkakati mkubwa wa kujenga reli ya *standard gauge* kuanzia Dar es Salaam kuelekea Tabora. Na mimi kabla sijafika mbali niungane na wazo la Mheshimiwa Hussein Bashe la kuangalia faida ya *standard gauge* kuipeleka Kigoma kabla ya kuipeleka Mwanza, kiuchumi itatusaidia zaidi kuliko hili wazo la sasa la kuipeleka kwanza Mwanza. (*Makofi*)

Mheshimiwa Naibu Spika, reli inapoboreshwa, tutakapojengewa *standard gauge* sisi kama nchi tutapata faida kwa maana ya kwanza tutasafirisha mizigo yetu mingi na mizito kupitia reli yetu. Tutatunza barabara zetu ambazo tunatumia gharama kubwa sana kuzijenga kwa kodi ya wananchi, nina hakika kabisa tukiitengeneza reli ikawa bora ikasafirisha mizigo mingi hela zile tunazotengeneza barabara zitaenda kwenye maeneo mengine ya uchumi wa nchi yetu. (*Makofi*)

Mheshimiwa Naibu Spika, vilevile tutachangia Pato la Taifa, Tutasafirisha mizigo mingi, maana yake sasa Serikali itapata kodi nyingi, itapata pesa nyingi shirika letu la reli sasa litaweza kuchangia katika Pato la Taifa badala ya sasa Shirika la Reli linaendeshwa na ruzuku kutoka Serikali Kuu. (*Makofi*)

Mheshimiwa Naibu Spika, wananchi wa Igalula reli ni usafiri tunaoutegemea sana. Kata ya Tura, Kizengi, Kata ya

Goweko na Kata ya Igalula kwa asilimia mia moja wanategemea usafiri wa reli. Kuimarika kwa shirika hili kutasaidia usafiri wa mazao yao, kutasafirisha asali yao, kutasafirisha wananchi wao na vilevile kupunguza shida kubwa ya usafiri. *(Makofi)*

Mheshimiwa Naibu Spika, Muswada unaanzisha Shirika jipya la *TRC* na Bodi ya Wakurugenzi, kifungu namba nne cha muswada, tunaitaka bodi sasa iwe na muono wa kibiashara wa shirika hili. Tuondokane na kule ambako tulikuwa tunaliendesha shirika hili kama kutoa huduma ya usafiri tu, lakini sasa shirika na bodi inayoundwa ikaangalie namna ya shirika hili kujiendesha kibiashara. Tuondokane na mazoea. Shirika hili lilivyokuwa mwanzo lilikuwa linaendeshwa kwa mazoea, lakini sasa tunataka kwa sababu tunaanzisha shirika jipya, liwe jipya sio kwa kubadilisha jina lakini liwe jipya kwa huduma zitakazotolewa, tuwe na mabehewa ya kutosha ya kusafirisha mizigo na abiria. *(Makofi)*

Mheshimiwa Naibu Spika, zamani kulikuwa na wizi mkubwa wa mafuta na vipuri udhibitiwe, pia huduma za ndani ya treni zilikuwa haziridhishi. Mabehewa mengine yalikuwa mpaka yana kunguni na chawa ndani. Hatuwezi kufanya biashara kwa mazoea. Vilevile tuboreshe mtandao wa reli, reli ilikuwa inapata ajali mara kwa mara kwa sababu mtandao wa reli ulikuwa umeshachoka kwa kiasi kikubwa sana. Pia tujali muda, muda wa safari treli mara nyingi ukikata tiketi, unaweza ukakata tiketi kuondoka saa 12 lakini ukakaa stesheni mpaka saa 12 kesho yake safari bado haijaanza. Tunaomba sasa shirika hili linalokuja liangalie yote haya. *(Makofi)*

Mheshimiwa Naibu Spika, tunapotaka kuanzisha shirika hili jipya tuangalie maslahi ya wafanyakazi wetu. Tuliingia mgogoro mkubwa sana wakati tunaanzisha *RITES* na *RAHCO*, wafanyakazi wakaenda Mahakamani wanadai haki zao. Kudai haki zao wafanyakazi wetu wana nafasi ya kuhujumu shirika kwa namna moja au nyingine. Mimi nashauri wakati tunaanzisha mchakato huu maslahi ya wafanyakazi

yashughulikiwe kwanza, walipwe madai yao kwanza ndiyo sasa tuhame *a fresh* kwenye shirika jipya la TRC. (*Makofi*)

Mheshimiwa Naibu Spika, kifungu namba tano cha Muswada kinazungumzia majukumu ya shirika. Kinazungumzia uendeshaji wa reli ndani ya mtandao na miundombinu yake. Kuhakikisha ulinzi na usalama wa mazingira ya reli. Hapa nataka nisemee suala ambalo Wabunge wamelisemea sana, kuhusiana na bomoabomoa sasa. Kama shirika hili lingeendelea kutunza mipaka na maeneo yake kwa muda mrefu, haya matatizo ambayo tumeingia sasa yasingekuweko. Wananchi wamejenga kwa zaidi ya miaka 40 katika maeneo haya, leo wanakuja kuambiwa wanavunjiwa. Shirika lilikuwa wapi? Mamlaka zilikuwa wapi? Lakini tunachokiomba sasa wananchi wetu wanataka *standard gauge*, wanataka reli iliyo bora. Wale waliokuwa katika zile mita za reli wako radhi kuondoka, lakini kuna mgogoro mkubwa wa wananchi wetu ambao walijenga yanayosemekana ni maeneo ya reli. (*Makofi*)

Mheshimiwa Naibu Spika, tunaomba wananchi hawa Serikali iwaangalie na ikiwezekana mamlaka zilizohusika katika kufanya haya waweze kuchukuliwa hatua ili wananchi wetu waweze kupata haki yao.

Mheshimiwa Naibu Spika, naunga mkono hoja, ahsante sana. (*Makofi*)

NAIBU SPIKA: Ahsante sana. Mheshimiwa Margaret Sitta, atafuatiwa na Mheshimiwa Profesa Makame Mbarawa.

MHE. MARGARET S. SITTA: Mheshimiwa Naibu Spika, nakushukuru kwa kunipa nafasi na mimi nichangie hoja iliyoko mezani inayohusu uanzishaji wa shirika jipya la reli.

Mheshimiwa Naibu Spika, awali ya yote naipongeza sana Serikali, mimi natoka Mkoa wa Tabora Wilaya ya Urambo, kwa miaka yote tumetegemea usafiri wa reli, kwa hiyo, katika mambo ambayo naipongeza Serikali ya awamu hii hasa ni uamuzi wa kujenga reli hii kwa *standard gauge*.

Hongera sana Serikali, endeleeni kuimarisha reli inayotarajiwa kujengwa. (Makofi)

Mheshimiwa Naibu Spika, yafuatayo ni maombi na ushauri wakati huo huo; sisi kama wananchi wa Urambo tunategemea sana *station* ya Urambo, natoa ombi maalum kwa Serikali kwamba *station* ya Urambo iimarishwe kwa sababu huwa inakuwa na wasafiri wengi sana wanaoshuka pale. Lakini wakati huohuo sio kuimarishwa *station* tu lakini pia iwekewe ulinzi kwa sababu mara nyingi kama ratiba itabadilika, ikiwa treni inapita usiku ni jambo la hatari sana. Kwa hiyo, naomba ulinzi uimarishwe.

Mheshimiwa Naibu Spika, pili katika Wilaya ya Urambo tuna *check line* mahali ambao wananchi wanavuka reli. Tunaomba zile *check line* ziendeele kuwepo na ziimarishwe, zikiwemo za Usoke, Sipungu, Ulasa, Urambo nakuomba pia Kata ya Vumilia haina *check line*, tunaomba iwekewe pale kwa sababu kuna kijiji watu wanaishi upande wa kaskazini ambayo inawapa shida sana kuvuka reli. Tunaomba *check line* iwepo katika Kata ya Vumilia.

Mheshimiwa Naibu Spika, pia naishauri Serikali, magenge yaliyokuwepo yarudishwe, yaimarishwe, yalikuwa yanasaidia kuimarisha ulinzi wa reli. Wakati huo huo, zamani kulikuwa na wakaguzi wa reli, tunaomba wakaguzi wa reli waendeele kuwepo kwa sababu walikuwa wanasaidia kukagua reli kila siku badala ya kusubiri ajali itokee. Walikuwa wanatambua sehemu zenye matatizo kabla reli haijafika.

Mheshimiwa Naibu Spika, pia kumekuwa na matukio mabaya sana ya uhalifu ndani ya mabehewa. Naomba pia ndani ya mabehewa kuwe na ulinzi hasa wanaposhuka usiku au wanapopanda usiku tunaomba ulinzi uwepo ndani ya mabehewa wanayosafiria wananchi.

Mheshimiwa Naibu Spika, pia tunatoa wito kwa Serikali kuwalipa wafanyakazi waliokuwa katika shirika ambalo sasa linaisha muda wake ambalo limeunganisha kwenda kwenye hili shirika jipya la reli TRC. Tunaomba

wafanyakzi wote kabla hawajahamia huko wawe wamelipwa fedha zao kuondoa usumbufu. *(Makofi)*

Mheshimiwa Naibu Spika, nataka kuiambia Serikali kwamba suala hili ni la biashara, litatusaidia wananchi kwa usafiri wetu wenyewe na mizigo ikiwemo tumbaku ambayo mizigo hii ilikuwa inaharibu sana barabara zetu ambazo zimejengwa kwa gharama kubwa. Kwa hiyo mizigo hii mikubwa itasaidia kuokoa barabara zetu. Pia tutapata fedha nyingi kutokana na mizigo inayotoka Congo, Uganda, Rwanda na nchi nyingine za jirani, kwa hiyo itasaidia pia kuimarisha uchumi wa nchi hii.

Mheshimiwa Naibu Spika, nimaliziae kwa kusema kwamba wananchi wa Urambo na Tabora kwa ujumla tunakaribisha sana Serikali ijenge hii reli haraka iwezekanavyo ili itusaidie, ulikuwa ni utaratibu wetu kutegemea zaidi reli kuliko barabara. Baada ya kusema hayo naendelea kuipongeza Serikali, tunaomba reli ijengwe haraka iwezekanavyo ili tuondokane wa njia zingine za usafiri ambazo pia zimekuwa ghali kwa wananchi wenye uwezo mdogo kifedha.

Mheshimiwa Naibu Spika, ahsante sana. *(Makofi)*

NAIBU SIKA: Ahsante sana. Mheshimiwa Waziri wa Ujenzi, Uchukuzi na Mawasiliano, Mheshimiwa Profesa Makame Mbarawa.

WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO: Mheshimiwa Naibu Spika, awali ya yote ninapenda kuchukua fursa hii kukushukuru sana, pamoja na kuwashukuru Waheshimiwa Wabunge wote ambao wamechangia kwenye Muswada huu. Pia napenda kuishukuru sana Kamati yetu ya Kudumu ya Miundombinu, ni Kamati ambayo nafikiri leo wamefurahia sana kwa sababu kwa kipindi chote hicho walikuwa wamesimamia kwa makini kwamba *TRL* na *RAHCO* lazima iwe kampuni moja. Nafikiri walikuwa wanafanya hivyo kwa sababu walikuwa wanajua hasa changamoto zilizopo katika kampuni yetu ya *TRL*. *(Makofi)*

Mheshimiwa Naibu Spika, kuna sababu za msingi ambazo zimesababisha tuweze kuunganisha *TRL* na *RAHCO*. Kwanza kabisa kiutendaji, *TRL* ina wafanyakazi takribani 1,900 wakati *RAHCO* ina wafanyakazi 38. *TRL* kazi yake kubwa ni kuendesha usafiri wa treni, *RAHCO* kazi yake kubwa ilikuwa ni kujenga miundombinu. Sasa hizi kazi kikawaida zinatakiwa zifanywe pamoja lakini kulikuwa na changamoto kubwa hapo zamani. Kwa mfano, kukitokea tatizo kwenye barabara na *RAHCO* kama hawako tayari kwenda kutengeneza barabara hiyo au reli ina maana *TRL* wanashindwa kufanya kazi. Kwa vile ilikuwa siku zote *TRL* inategemea sana *RAHCO* na *RAHCO* wakati mwingine hawako tayari kufanya kazi yao ya kufanya ukarabati wa njia za reli.

Mheshimiwa Naibu Spika, hii ilisababisha kwanza kushuka kwa kiasi kikubwa cha mapato ya *TRL* pia kwa upande mwingine ilisababisha vilevile utendaji wa bandari yetu. Pia ilisababisha vilevile uharibifu wa barabara kwa sababu mizigo mingi sana ilianza kuhamia kwenye barabara. Kwa bahati nzuri tulliona kama Serikali na Kamati yetu ya Bunge waliliona wakalisimamia na leo hii tumefanikiwa kuleta Muswada huo. Tunawashukuru sana wale ambao walisimamia jambo hili. (*Makofi*)

Mheshimiwa Naibu Spika, kwa kipekee vile vile napenda nimshukuru Mwanasheria Mkuu wa Serikali, amesimamia sana sana utengenezaji wa muswada huu kwa ajili ya sheria hii ambayo leo tunataka tuipitisha. (*Makofi*)

Mheshimiwa Naibu Spika, kwa kweli muswada huu umekuja wakati muafaka kwa sababu sasa hivi nchi yetu iko katika ujenzi wa *standard gauge*. Tuna mpango ambao tunajenga *standard gauge* kwa awamu, sasa tumeanza awamu ya kwanza kutoka Dar es Salaam mpaka Morogoro ambayo ni takribani kilometa 215 ujenzi umeanza, ukijumlisha na zile barabara za kupishana, takribani kilometa 300. Ujenzi huu umegharimu takribani dola za Kimarekani bilioni 1.219.

Mheshimiwa Naibu Spika, awamu ya pili itaanza Morogoro mpaka Makutupora. Sasa hivi tumeshampata

Mkandarasi na mazungumzo yanaendelea baina ya Serikali na Mkandarasi huyo kuhakikisha kwamba kazi hiyo inaanza kujengwa mara moja.

Mheshimiwa Naibu Spika, awamu ya pili itakuwa ni Makutupora mpaka Tabora, Tabora – Isaka – Mwanza. Vilevile kutoka Tabora kwenda Kigoma halafu kutoka Tabora kwenda Mpanda – kazi hiyo inafanywa na tunajipanga na tunafanya kila linalowezekana ili kazi hiyo ianze mara moja.

Mheshimiwa Naibu Spika, kulikuwa na mambo mengi Waheshimiwa Wabunge wamechangia. Kwanza tunashukuru sana kwa sababu Waheshimiwa Wabunge wote wameukubali muswada huu asilimia mia moja. Tunawashukuru sana kwa sababu wanajua muswada huu una manufaa makubwa kwa Taifa.

Mheshimiwa Naibu Spika, kulikuwa na maoni mawili, matatu ambayo nitajaribu kuyagusia moja baada ya lingine. Kwanza kulikuwa na suala la *ticket* kwamba faini kubwa kwa ajili ya tiketi wale waliokuwa hawana tiketi tumeweka faini asilimia moa moja. Ni kweli tumeweka faini hii kwa sababu tunataka watu sasa wachukue dhamana, wawe na *responsibility*. Mtu hawezi tu kupanda treni bila ya kulipia tiketi, haiwezekani! Lazima Watanzania sasa tubadilike.

Mheshimiwa Naibu Spika, vilevile kuna changamoto. Kuna baadhi ya maeneo ambayo kweli hayana vituo vya kukatia tiketi. Kwenye sheria hii ukienda kwenye kifungu cha 47(3) imezungumzia kuhusu maeneo ambayo hayana vituo vya kukatia tiketi. Sasa hili limeangaliwa vizuri kwenye sheria hii na katika maeneo hayo mtu ataruhusiwa kupanda kwenye treni na atakata tiketi mle ndani ya treni. Lakini maeneo yote ambayo mtu anapanda treni bila tiketi atalipa faini asilimia moa moja. *Otherwise* lazima tubadilike na tuhakikishe kwamba tunasimamia sheria.

Mheshimiwa Naibu Spika, tunavyokwenda utaratibu mwingi sasa tutakwenda kwenye *electronic ticket*. Hutahitajika hata kwenda kwenye kituo cha kukata tiketi,

kwenye simu yako, kama unaponunua vocha, unapolipia maji, kama unapolipia umeme wa luku na tiketi itakuwa hivyo hivyo.

Kwa hiyo, nawaomba Watanzania wenzangu, nawaomba Waheshimiwa Wabunge muelewe sasa lazima kwa wale ambao hawatalipa tiketi au hawatanunua tiketi lazima walipe faini asilimia mia moja, vinginevyo tukifanya hivyo hii biashara haitaenda vizuri.

Mheshimiwa Naibu Spika, kulikuwa na suala la magenge. Ni kweli magenge ni muhimu sana katika uendeshaji wa reli na hapo katikati tulipokuwa na *TRL* mambo ya magenge yamekufa lakini sasa tunaanza upya na tutahakikisha kwamba tunaimarisha magenge sehemu zote ambazo njia za reli zinapita. Tukifanya hivyo tunaamini hata utendaji, usalama wa reli sasa utaimarika zaidi kwa vile hili ni jambo zuri na tunaendelea kulisimamia. (*Makofi*)

Mheshimiwa Naibu Spika, kulikuwa na suala ambalo limezungumzwa sana na kila Mheshimiwa Mbunge aliyesimama hapa kuhusu wafanyakazi.

Mheshimiwa Naibu Spika, wafanyakazi waliokuwa *TRC* ambao walihamia *TRL* ajira zao ziliendelezwa kwa masharti ya ajira waliyokuwa nayo. Wote ambao walitokea *TRC* tuliwapeleka *TRL* na *RAHCO* na ajira zao ziliendelezwa kama mikataba yao ilivyosema na malimbikizo yao ya madeni yote yalilipwa.

Kwa vile Waheshimiwa Wabunge, wale wote ambao walikuwepo *TRC* (*Tanzania Railway Corporation*) ya zamani wote tumewalipa na maslahi yao na haki zao zote za utaratibu wa kazi tulizingatia.

Mheshimiwa Naibu Spika, wafanyakazi waliokuwa *East African Railways Corporation* nao vilevile stahili zao zote walilipwa. Ni utaratibu wa Serikali unapomhamisha mtu kutoka sehemu moja kwenda sehemu nyingine stahili zake na haki zake zote zinalipwa kwa mujibu wa sheria.

Mheshimiwa Naibu Spika, kwa sasa wafanyakazi wa *TRL* na *RAHCO* watakaohamishiwa kwenye shirika jipya hili, stahili zao zitalipwa. Ukienda kwenye muswada huu, kuanzia kwenye kifungu cha 115 mpaka 118 tunazungumza haki za wafanyakazi wa *RAHCO* na *TRL*. Wote ambao watahamishwa haki zao zitaangaliwa na wale ambao watapelekwa Serikali, haki zao zitaangaliwa; na wale ambao watapelekwa kwenye taasisi mbalimbali, haki zao zitaangaliwa; na wale ambao wataachishwa kazi haki zao zitaangaliwa na watalipwa.

Mheshimiwa Naibu Spika, naomba niwahakikishie Wabunge kwamba sheria hii imeangalia mambo yote hayo, na sisi kama Serikali tumejipanga vizuri. Kulikuwa na suala lingine kuhusu utaratibu wa ufanyaji kazi kwenye sehemu za reli kuhusu *survey and inspection*. Ukienda kwenye kifungu cha 26 - *Surveys and Inspection*, tumesema pale; "*an authorized officer of the Corporation may, on the production of evidence of such authorization if required to do so enter on any land or a dwelling house,*" anaweza kuingia popote. Hicho ni cha kwanza.

Mheshimiwa Naibu Spika, ukienda tena kifungu cha 26(2) inasema; "*Before an authorized officer enters any land or a dwelling house he shall obtain consent of the owner or occupier of the land or dwelling house.*" Kwa hiyo, hawawezi tu kwenda kuingia isipokuwa lazima wafuate utaratibu huo ambao tumeueleza na hiyo tumeeleza vizuri sana.

Mheshimiwa Naibu Spika, kuna suala la fidia. Serikalini tunapomhamisha mtu, kwa mfano kama barabara imemfuata mwananchi, Serikali inalipa fidia, lakini kama mwananchi au raia yeyote amevamia barabara, hatuwezi kulipa fidia, na sisi tunasimamia sheria. Ukiangalia kwenye muswada huu tumeeleza *very clearly* kuhusu mambo ya fidia.

Mheshimiwa Naibu Spika, ukienda kwenye kifungu cha 34(4); "*Acquisition of land and property right during the railway works,*" tumeongea *very clear*. "*A railway order should contain such provision as a Corporation considered necessary or experience for the purpose of the order.*" Then ukienda zaidi

ukisoma mwisho pale namba nne; *“the Corporation should pay compensation equivalent to the value of the land or the other property rights acquired.”* Kwa vile iko *very clear* kwenye Muswada huu tutalipa kutokana na mali iliyoko pale na ndiyo tunavyofanya siku zote Serikalini. Kwenye barabara tunafanya hivyo hivyo na kwenye reli tunafanya hivyo hivyo.

Mheshimiwa Naibu Spika, naomba niwahakikishie Waheshimiwa Wabunge, kwamba tukiandika hizi sheria tunaangalia zaidi maslahi ya nchi. Hatuangalii leo tu, lakini tunaangalia hata miaka kumi mbele kwa sababu *technology* inabadilika na kila kitu kinabadilika, ndiyo maana tunaenda mbele. Kwa hiyo, hilo jambo limeangaliwa vizuri na ninaomba ndugu wananchi na Waheshimiwa Wabunge msiwe na wasiwasi na jambo hilo, liko vizuri sana. *(Makofi)*

Mheshimiwa Naibu Spika, kulikuwa na swali kwamba tuweke kwenye madhumuni ya shirika kwamba ionekane kama ni shirika la kufanya biashara. Wakati wote ukitengeneza shirika, madhumuni makubwa ya shirika ni kufanya biashara. Kufanya biashara maana yake ni faida, vinginevyo hakuna maana ya kutengeneza shirika lolote. Madhumuni yaliyoandikwa kwenye muswada huu tunamini kabisa italifanya *TRA* kutengeneza faida. Jambo tunalotakiwa sisi kama Serikali ni kulisimamia lifanye kazi kutokana na sheria ambayo tunaipendekeza.

Mheshimiwa Naibu Spika, vilevile muswada huu umetoa maelezo au vifungu mbalimbali vinazungumzia jinsi ya kulipa uwezo shirika linalokuja kuchukua mkopo. Shirika ambalo lilikuwepo zamani ilikuwa haliwezi kufanya mkopo, lakini shirika jipya hili leo litakuwa na uwezo wa kuchukua mkopo.

Mheshimiwa Naibu Spika, ukienda kwenye kifungu cha 6(1)(n) imeeleza *very clear* na kinasema: *“enter into any arrangement with any person or any relevant entity which, in opinion of the Board, shall promote or secure the provision, or improved provision or any service or facility which may separate provide and without prejudice to the generality any*

of the other function.” Ninazungumza kwamba wanaweza kuingia mkopo.

Mheshimiwa Naibu Spika, vilevile ukienda *section 14*, iko *very clear* zaidi. *Section 14(b)* ya muswada huu; “*subject to any other directions which may be given by the Minister the Board may: (b) approve the proposal to borrow money for the purpose of the Corporation.*” Limeruhusiwa au litaruhusiwa kuchukua mkopo kwa ajili ya uendeshaji, kwa ajili ya ujenzi wa miundmbinu. Kwa vile mambo haya yote tumeangalia vizuri na kama Serikali, na yako vizuri sana. (Makofi)

Mheshimiwa Naibu Spika, naomba nizungumzie kuhusu jina *TRC*. Kwa nini tuliamua tuite *Tanzania Railway Corporation (TRC)*? Zamani kulikuwa na *TRC* na watu wote ambao wanakaa Kanda ya Ziwa walikuwa wanasafiri na Shirika hilo la Reli.

Mheshimiwa Naibu Spika, Shirika hilo lilifanya kazi vizuri sana na kila Mtanzania alikuwa ameona kazi iliyokuwa ikifanywa na *TRC*. Baadaye katikati hapo tukaunganisha baina ya *TRC* na kampuni ile ya Wahindi. Bahati mbaya sana ndiyo tukapata *TRL*, lakini kazi iliyofanywa na *TRL* ilikuwa mbaya sana, hairidhishi. Kila mtu siku zote aliyekuwa anakumbuka *TRC*; sisi kama Serikali kwa kuangalia *brand name* nzuri, tukaona hili shirika letu Watanzania wengi bado wanatamani *TRC*, tukaamua tuite *TRC as brand name*. Hii ni *brand name*, tunafanya *marketing*. Tunaamini Watanzania wengi leo wakisikia *TRC* watakupa *TRC* ya zamani. (Makofi)

Mheshimiwa Naibu Spika, tukifanya hivyo, tunaamini *TRC* yetu mpya itaweza kufanya kazi kwa ufanisi na itafanya kazi vizuri zaidi kuliko *TRC* ya zamani. Kwa vile *TRC* hii ni mpya kabisa, ina mambo mapya, inakuja na *standard gauge*, inakuja na treni ambayo itakwenda kwa kilometa 160 kwa saa, Watanzania hawajawahi kuona. (Makofi)

Mheshimiwa Naibu Spika, baada ya maelezo hayo machache, sasa naomba kutoa hoja.

WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA:
Mheshimiwa Naibu Spika, naafiki.

NAIBU SPIKA: Waheshimiwa Wabunge, hoja imeungwa mkono. Tutaendelea na utaratibu wetu. Katibu.

NDG. LAWRENCE MAKIGI - KATIBU MEZANI:

KAMATI YA BUNGE ZIMA

MISWADA YA SHERIA YA SERIKALI

Muswada wa Sheria ya Reli wa Mwaka 2017
[The Railways Bill, 2017]

Ibara ya 1

Ibara ya 2

(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)

Ibara ya 3

Ibara ya 4

(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho yake)

Ibara ya 5

(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)

Ibara ya 6

(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho yake)

Ibara ya 7

Ibara ya 8

(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)

Ibara ya 9
Ibara ya 10
Ibara ya 11

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya
Bunge Zima pamoja na marekebisho yake)*

Ibara ya 12

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

Ibara ya 13
Ibara ya 14

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya
Bunge Zima pamoja na marekebisho yake)*

Ibara ya 15
Ibara ya 16
Ibara ya 17
Ibara ya 18
Ibara ya 19

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

Ibara ya 20
Ibara ya 21

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya
Bunge Zima pamoja na marekebisho yake)*

Ibara Mpya ya 22

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya
Bunge Zima pamoja na marekebisho yake)*

Ibara Mpya ya 23
Ibara Mpya ya 24

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

Ibara Mpya ya 25

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya
Bunge Zima pamoja na marekebisho yake)*

Ibara Mpya ya 26

Ibara Mpya ya 27

Ibara Mpya ya 28

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

Ibara Mpya ya 29

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya
Bunge Zima pamoja na marekebisho yake)*

Ibara Mpya ya 30

Ibara Mpya ya 31

Ibara Mpya ya 32

Ibara Mpya ya 33

Ibara Mpya ya 34

Ibara Mpya ya 35

Ibara Mpya ya 36

Ibara Mpya ya 37

Ibara Mpya ya 38

Ibara Mpya ya 39

Ibara Mpya ya 40

Ibara Mpya ya 41

Ibara Mpya ya 42

Ibara Mpya ya 43

Ibara Mpya ya 44

Ibara Mpya ya 45

Ibara Mpya ya 46

Ibara Mpya ya 47

Ibara Mpya ya 48

Ibara Mpya ya 49

Ibara Mpya ya 50

Ibara Mpya ya 51

Ibara Mpya ya 52

Ibara Mpya ya 53
Ibara Mpya ya 54
Ibara Mpya ya 55
Ibara Mpya ya 56
Ibara Mpya ya 57
Ibara Mpya ya 58

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

Ibara Mpya ya 59

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya
Bunge zima pamoja na marekebisho yake)*

Ibara Mpya ya 60
Ibara Mpya ya 61
Ibara Mpya ya 62
Ibara Mpya ya 63
Ibara Mpya ya 64
Ibara Mpya ya 65
Ibara Mpya ya 66
Ibara Mpya ya 67

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

Ibara Mpya ya 68

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya
Bunge zima pamoja na marekebisho yake)*

Ibara Mpya ya 69
Ibara Mpya ya 70
Ibara Mpya ya 71
Ibara Mpya ya 72
Ibara Mpya ya 73
Ibara Mpya ya 74
Ibara Mpya ya 75
Ibara Mpya ya 76

Ibara Mpya ya 77
Ibara Mpya ya 78
Ibara Mpya ya 79
Ibara Mpya ya 80
Ibara Mpya ya 81
Ibara Mpya ya 82
Ibara Mpya ya 83
Ibara Mpya ya 84
Ibara Mpya ya 85
Ibara Mpya ya 86
Ibara Mpya ya 87
Ibara Mpya ya 88
Ibara Mpya ya 89
Ibara Mpya ya 90
Ibara Mpya ya 91
Ibara Mpya ya 92

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

Ibara Mpya ya 93

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya
Bunge Zima pamoja na marekebisho yake)*

Ibara Mpya ya 94
Ibara Mpya ya 96
Ibara Mpya ya 97
Ibara Mpya ya 98
Ibara Mpya ya 99
Ibara Mpya ya 100
Ibara Mpya ya 101
Ibara Mpya ya 102
Ibara Mpya ya 103
Ibara Mpya ya 104
Ibara Mpya ya 105
Ibara Mpya ya 106
Ibara Mpya ya 107

Ibara Mpya ya 108
Ibara Mpya ya 109

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

Ibara Mpya ya 110
Ibara Mpya ya 111
Ibara Mpya ya 112
Ibara Mpya ya 113
Ibara Mpya ya 114
Ibara Mpya ya 115
Ibara Mpya ya 116
Ibara Mpya ya 117

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya
Bunge Zima bila ya mabadiliko yoyote)*

Jedwali la 1

*(Jedwali lililotajwa hapo juu lilipitishwa na Kamati ya
Bunge Zima pamoja na marekebisho yake)*

Jedwali la 2
Jedwali la 3

*(Majedwali yaliyotajwa hapo juu yalipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

NDG. JOSHUA CHAMWELA- KATIBU MEZANI:
Mheshimiwa Mwenyekiti, Kamati ya Bunge Zima imemaliza
kazi yake.

(Bunge lilirudia)

NAIBU SPIKA: Tukae.

Waheshimiwa Wabunge, kwa mujibu wa Kanuni ya
28(2) nakusudia kuongeza nusu saa ili tuweze kumaliza kazi
iliyoko mbele yetu. Sasa nitawahoji.

(Hoja ilitolewa iamuliwe)
(Hoja iliamuliwa na Kuafikiwa)

NAIBU SPIKA: Waliofiki wameshinda, kwa hiyo, tunaendele. Mtoa Hoja, Taarifa.

T A A R I F A

WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO: Mheshimiwa Naibu Spika, napenda kutoa Taarifa kwamba Kamati ya Bunge Zima imepitia Muswada Ibara kwa Ibara na imeukubali pamoja na marekebisho yaliyofanyika.

Mheshimiwa Naibu Spika, naomba kutoa hoja kwamba Muswada wa Sheria ya Reli ya mwaka 2017 sasa ukubaliwe.

Mheshimiwa Naibu Spika, naomba kutoa hoja.
(Makofi)

WAZIRI WA VIWANDA, BIASHARA NA UWEKEZAJI: Mheshimiwa Naibu Spika, naafiki.

NAIBU SPIKA: Haja imeungwa mkono. Sasa nitawahoji Waheshimiwa Wabunge. Katibu.

(Hoja ilitolewa iamuliwe)
(Hoja iliamuliwa na Kuafikiwa)

NAIBU SPIKA: Walioafiki wameshinda. Kwa hiyo tunaendelea, Katibu.

NDG. LAWRENCE MAKIGI - KATIBU MEZANI:

Muswada wa Sheria kwa ajili ya kuanzisha Shirika la Reli Tanzania, kuainisha madhumuni na majukumu yake ikiwemo kusimamia miundombinu ya reli, kutoa huduma za usafiri wa reli pamoja na mambo yanahusiana na hayo *(A bill for an Act to establish the Tanzania Railways Corporation to make better provision for development, maintenance and*

promotion of rail infrastructure, rail transport services and to provide for other related matter).

(Kusomwa Mara ya Tatu)

(Muswada wa Sheria ya Reli Tanzania wa mwaka 2017 (The Railways Bill, 2017) Ulipitishwa na Bunge

NAIBU SPIKA: Waheshimiwa Wabunge, kwa upande wetu kama Bunge tumekamilisha hii kazi. Nichukue fursa hii kumpongeza sana Mheshimiwa Waziri pamoja na timu yake walioifanya hii kazi kwa weledi mkubwa na kuweza kuhakikisha kwamba shirika letu linaweza sasa kuanza upya ili litusaidie sisi wananchi na tunayo matumaini makubwa sana.

Nichukue pia fursa hii kuwapongeza sana Waheshimiwa Wabunge kwa kazi kubwa na nzuri mliyoifanya hasa Kamati ya Miundombinu kwa kuweza kupitia muswada huu kwa uangalifu na kuweza kutupa maoni yao ya kuona namna bora ya kwenda nalo hili jambo. Serikali imefanya marekebisho kwenye maeneo kadhaa kwa kupitia mawazo ya Waheshimiwa Wabunge waliyokuwa wameyatao. *(Makofi)*

Kwa hiyo, tunawashukuru sana Wajumbe wa Kamati ya Miundombinu. Tuwatakie kila la heri upande wa Serikali kwenye utekelezaji wa sheria hii pale ambapo itakuwa imeshapata Kibali cha Mheshimiwa Rais kwa mujibu wa Katiba yetu Ibara ya 97.

Kwa hiyo, Waheshimiwa Wabunge muswada huu umeshapitishwa leo na Bunge, Muswada wa Sheria ya Reli ya mwaka 2017 *(The Railways Bill, 2017)*. *(Makofi)*

Sasa kabla sijaahirisha Bunge, Waheshimiwa Wabunge nina maneno machache kuhusu miswada ya dharura. Jambo hili limekuwa likijirudia kila wakati, sasa ni vizuri hata kama tunazungumza tuwe tunazungumza tukiwa wote tuko kwenye uelewa ulio sawasawa.

Kanuni zetu zinaweka utaratibu wa kutumia Hati ya Dharura, lakini Kanuni hizo hizo zimeweka masharti ya matumizi ya Hati ya Dharura. Sasa mimi naamini Bunge lilitumia hekima kwa kuona kwamba kuna wakati Waheshimiwa Wabunge watatakiwa kuangalia Miswada kwa hali ya dharura na masharti yamewekwa ili isiwe kila jambo litahesabiwa kwamba ni la dharura.

Sasa inatokea kila wakati tunalizungumzia hili jambo kana kwamba huwa linatolewa mahali na kuletwa kwetu na sisi tunaenda nalo tu namna hiyo, hapana. Kanuni yetu ya 80 imeweka utaratibu na masharti. Sasa masharti hayo yakitimizwa, sisi Wabunge tukionekana tena tunalalamikia, basi tulalamikie Kanuni zetu, ili tuzitengeneze zikae sawa. Kwa sababu tukiwa tunalalamika, ni sisi wenyewe tulioweka haya masharti na tumeweka haya masharti kwa kuangalia mazingira tuliyonayo.

Sasa kwa kifupi, ili tuwe tunaenda wote sawasawa hata tunapotaka kuleta hoja hii ni kwamba masharti ya msingi yako matatu. Moja ni kwamba hati ni lazima isainiwe na Mheshimiwa Rais. Hati ya Dharura lazima isainiwe na Mheshimiwa Rais. Ikishasainiwa na Mheshimiwa Rais, inaenda kwanza Kamati ya Uongozi ili Kamati ya Uongozi ijiridhishe.

Sasa Kamati ya Uongozi siyo ya Serikali, ni ya Bunge hili, kwa sababu ni viongozi wale ambao tumewachagua wenyewe kwa kuwaamini kwamba wakakae katika Kamati ya Uongozi, ndio wanaokaa huko na wako viongozi wa pande zote zilizoko humu Bungeni.

Kwa hiyo, tunapolizungumzia hili jambo la dharura, siyo kwamba linakuja tu. Sasa Kamati ya Uongozi ina maamuzi, siyo lazima ikubaliane na ile Hati ya Dharura, inaweza ikaridhia ama ikakataa. Sasa ile Kamati ikiridhia, lile jambo linafuata sasa yale masharti ambayo yamewekwa katika Kanuni ya 93.

Sasa tusiwe tunalizungumza hili jambo mpaka wananchi wetu wakawa watushangaa kwamba hawa

Wabunge siku hizi huwa wanafanyaje kazi? Kwa hiyo, utaratibu wa Hati ya Dharura ni kwamba Muswada utaangaliwa kwa kipindi hicho hicho cha Bunge ambalo Hati imeletwa, lakini itafuata utaratibu wote. Isipokuwa hausomwi tu katika vipindi vya Bunge tofauti. Kwenye Bunge hilo hilo, lakini utaratibu lazima ufanywe, ndiyo maana Kamati zinasoma taarifa hapa kwa maana ya kwamba zilipewa hiyo kazi, zimeifanyia kazi na zimeleta hilo jambo.

Kwa hiyo, hata sisi tunapotaka kulieleza katika taarifa zetu, lazima tulieleze kwa namna hiyo, kwa sababu, sisi ni Wawakilishi wa wananchi na wananchi wanatuamini kwamba tunafanya kazi ya kutunga sheria. Kama tunataka kuonesha kana kwamba hatutungi sheria kwa sababu jambo limeletwa kwa Hati ya Dharura, hapana. Sisi wenyewe ndio tulioruhusu Hati ya Dharura kwa kutumia Kanuni zetu. Kwa hivyo, kama sisi wenyewe ndio tulioruhusu, basi tumeona umuhimu wa jambo hilo.

Jambo la tatu ni kwamba Kamati ya Bunge lazima iifanyie kazi hiyo sheria hata kama imekuja kwa Hati ya Dharura. Kwa hiyo, mambo haya tunapoyazungumza kwenye ripoti zetu upande wa Kamati, lakini pia upande wa Kamati Rasmi ya Upinzani tuwe tunaangalia muktadha wa Kanuni zetu namna zinavyosema. Tukianza kuzilalamikia sisi wenyewe, sisi ndio tuliotengeneza na sisi ndio wenye uwezo wa kuzibadilisha pale tunapoona zinasumbua.

Waheshimiwa Wabunge, baada ya kusema hayo, naahirisha shughuli za Bunge hadi kesho Alhamisi, tarehe 14 Septemba, 2017 Saa Tatu Asubuhi.

(Saa 7.00 Mchana Bunge liliahirishwa hadi Siku ya Alhamisi, Tarehe 14 Septemba, 2017, Saa Tatu Asubuhi)