

**BUNGE LA TANZANIA**

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**MAJADILIANO YA BUNGE**

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**MKUTANO WA KUMI NA NNE**

**Kikao cha Tatu - Tarehe 31 Januari, 2019**

*(Bunge Lilianza Saa Tatu Asubuhi)*

**D U A**

*Spika (Mhe. Job Y. Ndugai) Alisoma Dua*

**SPIKA:** Tukae. Katibu.

**NDG. BAKARI KISHOMA-KATIBU MEZANI:**

**HATI ZILIZOWASILISHWA MEZANI**

Hati zifuatazo ziliwasilishwa Mezani na:-

**NAIBU WAZIRI WA MAJI NA UMWAGILIAJI:**

Maelezo ya Waziri wa Maji na Umwagiliaji kuhusu Muswada wa Sheria ya Huduma za Maji na Usafi wa Mazingira wa Mwaka 2018 *(The Water Supply and Sanitation Bill, 20180)*.

**MHE. KHADIJA HASSAN ABOUD (K.n.y. MWENYEKITI WA KAMATI YA KILIMO, MIFUGO NA MAJI):**

Maoni ya Kamati ya Kudumu ya Kilimo, Mifugo na Maji kuhusu Muswada wa Sheria ya Huduma za Maji na Usafi wa Mazingira wa mwaka 2018 *(The Water Supply and Sanitation Bill, 2018)*.

**MHE. SUSAN L. KIWANGA - K.n.y. MSEMAMI MKUU WA KAMBI RASMI YA UPINZANI KWA WIZARA YA MAJI NA UMWAGILIAJI:**

Maoni ya Msemaji Mkuu wa Kambi Rasmi ya Upinzani juu ya Wizara ya maji na Umwagiliaji kuhusu Muswada wa Sheria ya Huduma za Maji na Usafi wa Mazingira wa mwaka 2018 (*The Water Supply and Sanitation Bill, 2018*).

**MWANASHERIA MKUU WA SERIKALI:**

Maelezo ya Mwanasheria Mkuu wa Serikali kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali (Na. 4) wa mwaka 2018 (*The Written Laws (Miscellaneous Amendments) (No.) Bill, 2018*).

**MHE. ASHA MSHIMBA JECHA K.n.y. MWENYEKITI WA KAMATI YA KUDUMU YA BUNGE YA KATIBA NA SHERIA)**

Maoni ya Kamati ya Kudumu ya Katiba na Sheria kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali (Na. 4) wa mwaka 2018 (*The Witten Law (Miscellaneous Amendments) (No. 4) Bill, 2018*).

**MHE. LATHIFAH H. CHANDE - K.n.y. MSEMAMI MKUU WA KAMBI RASMI YA UPINZANI KUHUSU WIZARA YA KATIBA NA SHERIA:**

Maoni ya Msemaji Mkuu wa Kambi Rasmi ya Upinzani juu ya Wizara ya Katiba na Sheria kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali (Na. 4) wa mwaka 2018 (*The Written Law (Miscellaneous Amendments) (No. 4) Bill, 2018*).

**SPIKA:** Ahsantenisana. Katibu.

**NDG. BAKARI KISHOMA - KATIBU MEZANI:**

## MASWALI NA MAJIBU

**SPIKA:** Swali la kwanza tunalielekeza Ofisi ya Waziri Mkuu linaulizwa na Mheshimiwa Cecilia Daniel Parezzo Mbunge wa Viti Maalum.

Na. 26

### Mchakato wa kuboresha Daftari la Wapiga Kura Nchini

**MHE. CECILIA D. PAREZZO** aliuliza:-

Kwa kuwa tumebakiza mwaka mmoja kuelekea Uchaguzi Mkuu 2020 na ili Watanzania waliokidhi vigezo wapate haki ya kupiga kura, uboreshaji wa daftari la kupiga kura ni jambo lisiloepukika:-

Je, ni lini Serikali itaanzisha mchakato wa kuboresha daftari la wapiga kura?

**NAIBU WAZIRI, OFISI YA WAZIRI MKUU (SERA, KAZI, AJIRA NA VIJANA)** alijibu:-

Mheshimiwa Spika, kwa niaba ya Mheshimiwa Waziri Mkuu, napenda kujibu swali la Mheshimiwa Cecilia Daniel Parezzo, Mbunge wa Viti Maalum, kama ifuatavyo:-

Mheshimiwa Spika, mchakato wa kuboresha Daftari la Wapigakura ulianza mwezi Agosti, 2018 kwa kufanya maandalizi yafuatayo:-

(i) Kuhuisha kanzidata ya Daftari la Kudumu la Wapiga kura; na

(ii) Kuboresha mifumo ya uandikishaji na utunzaji wa kumbukumbu za Daftari

Mheshimiwa Spika, kwa mujibu wa kifungu cha 15(5) cha Sheria ya Uchaguzi, Sura ya 343, Tume ya Taifa ya Uchuguzi ipo katika hatua za mwisho za maandalizi ya

Uboreshaji wa Daftari la Kudumu la Wapiga Kura kwa mara ya kwanza na uandikishaji wa majaribio kwa baadhi ya mikoa ili kuona ufanisi au changamoto zinazoweza kujitokeza unatarajiwa kuanza hivi karibuni.

**SPIKA:** Mheshimiwa Cecilia umeambiwa Daftari linaanza hivi karibuni. Haya swali la nyongeza.

**MHE. CECILIA D. PARESSO:** Mheshimiwa Spika, ahsante kwa kunipa nafasi. Naomba kuuliza maswali madogo mawili ya nyongeza; kwa kuwa Serikali inakiri kwamba zoezi hili litaanza siku za hivi karibuni na ni ukweli kwamba tumebakiza muda mchache kuelekea uchaguzi mkuu na kwa kuzingatia tumekuwa na utaratibu wa kuandikisha kupata vitambulisho vya Taifa kupitia *NIDA*, kumekuwa na changamoto nyingi na watu wengi kukosa na vitu kama hivyo.

Kwa muda huu mchache uliobaki na kwa ukubwa na jioografia ya nchi hii na kwakweli kuna uhitaji wa watu wengi kuandikishwa ili wapate fursa ya kupiga kura, je, Serikali kweli inania ya dhati ya kuanzisha zoezi hili na kuhakikisha watu wote wenye vigezo na sifa wanapata fursa hiyo?

Mheshimiwa Spika, swali la pili, mara ya mwisho tulivyofanya maboresho haya ya Daftari ya kupiga kura kabla ya uchaguzi mkuu wa mwaka 2015 kulikuwa na changamoto nyingi za ubovu au uhafifu wa vifaa vya uandikishaji, mfano zile mashine za *finger print* zilikuwa wakati fulani hazifanyi kazi kwa ufanisi na kamera zilikuwa hazifanyi kazi kwa ufanisi.

Je, Serikali ipo tayari sasa kupitia changamoto zilizotokea huko nyuma kuwa na vifaa vya uhakika na vya kisasa kuhakikisha kwamba changamoto zilizojitokeza haziwezi kutokea tena ili kila Mtanzania mwenye fursa aweze kupata fursa hiyo ya kuingia kwenye maboresho ya Daftari ya kupiga kura na kuingia kwenye uchaguzi mkuu? (*Makofi*)

**SPIKA:** Majibu ya maswali hayo Mheshimiwa Naibu Waziri, Ofisi ya Waziri Mkuu.

**NAIBU WAZIRI, OFISI YA WAZIRI MKUU, KAZI, VIJANA NA AJIRA (MHE. ANTONY P. MAVUNDE):** Mheshimiwa Spika, nikianza na swali lake la kwanza la hofu yake juu ya ukubwa na jiografia ya nchi yetu na muda uliopo, kwa mujibu wa Sheria kifungu cha 15(5) kinazungumza kwamba Tume ya taifa ya uchaguzi itafanya maboresho ya Daftari mara mbili kabla uchaguzi mwingine kwa maana kwamba kabla ya *nomination day*.

Mheshimiwa Spika, jambo ambalo nataka lieleweke kwa Mheshimiwa Mbunge kwanza kabisa, ni haki ya kikatiba ya kila Mtanzania kushiriki kwenye uchaguzi na kama Serikali tutahakikisha kwamba kila Mtanzania mwenye sifa ya kushiriki kwenye uchaguzi anashiriki kwenye uchaguzi.

Mheshimiwa Spika, pia kuhusu hofu ya kwamba watu ni wengi sana, tumefanya hivi kwa sababu ya changamoto zilizotokea wakati uliopita, tuliona ni vyema kwanza tukaboresha miundombinu na mifumo ya ndani ili changamoto zilizojitokeza wakati uliopita, hivi sasa tuweze kuzitatua na moja wapo ilikuwa ni kuanzisha kanzidata maalum ambayo itatupa nafasi ya kuweza kuwafikia watu kwa urahisi.

Mheshimiwa Spika, katika eneo hili pia si kwamba tutakwenda kuwaandikisha watu upya tunakwenda kuboresha wale ambao wanasifa kwa wakati huo. Kwahiyo, tunategemea kwa mwaka 2019 huo kuandikisha zaidi ya wapiga kura milioni nne wapya wenye sifa na wale ambao wanapata changamoto kwa wakati uliopita na pia mapema mwakani mwaka 2020 tutafanya marejeo tena kwa kwa ajili ya kuwapa watu wenye sifa.

Mheshimiwa Spika, la pili kuhusu vifaa, nimwondoe hofu Mheshimiwa Mbunge, Serikali inafahamu kwamba ni lazima kila mtu mwenye sifa ya kushiriki uchaguzi ashiriki uchaguzi. Kwa hiyo, moja kati ya maandalizi ambayo tunayafanya ni kuhakikisha kwamba tutakuwa na vifaa bora na vya kisasa ili kila Mtanzania aweze kushiriki haki yake ya kimsingi na yakikatiba.

**SPIKA:** Tunaendelea na Ofisi ya Rais, Tawala za Mikoa na Serikali za Mitaa, swali la Daniel Edward Mtuka, Mbunge wa Manyoni Mashariki.

Na. 27

**Serikali Kutengeneza Barabara ya Chikuyu- Chibumagwa – Majiri Ikasi**

**MHE. DANIEL E. MTUKA** aliuliza:-

Barabara ya Surungaji inayoanzia Chikuyu - Chibumagwa - Majiri – Ikasi (Kilomita 76.2) ni barabara muhimu sana inayohudumia wakazi wa bonde la ufa katika Jimbo la Manyoni Mashariki kwa kusafirisha chumvi, samaki, ufuta na alizeti:-

Je, ni lini Serikali itaanza ujenzi wa barabara hii pamoja na daraja katika Mto Nkonjigwe.

**NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. JOSEPHAT S. KANDEGE)** alijibu:-

Mheshimiwa Spika, kwa niaba ya Waziri wa Nchi, Ofisi ya Rais, TAMISEMI, naomba kujibu swali la Mheshimiwa Daniel Edward Mtuka, Mbunge wa Manyoni Mashariki, kama ifuatavyo:-

Mheshimiwa Spika, barabara ya Chikuyu- Chibumagwa –Majiri-Ikasi yenye urefu wa Kilomita 76.2 inahudumiwa na Wakala wa Barabara za Vijijini na Mijini (TARURA) Halmashauri ya Wilaya ya Manyoni. Katika kilomita 76.2 ni kilomita 32 tu zinazopitika majira yote ya mwaka (kilomita 14.8 ni za changarawe na kilomita 18.8 ni za udongo), kilomita 4.2 ambazo ni kutoka majirimpaka Ikasi hupitika wakati wa kiangazi pekee.

Mheshimiwa Spika, barabara ya Chibumagwa-Majiri-Ikasi ilitengewa kiasi cha Sh.29,500,000.00 kwa mwaka wa fedha 2017/2018 ambapo jumla ya kilomita tisa zilifanyiwa

matengeneza (sehemu korofi kilomita saba na ya kawaida kilomita mbili) kuanzia Chikuyu-Chibumagwa na kwa mwaka wa fedha 2018/2019 kiasi cha Sh.11,600,000.00 kimetumika kujenga makalavati (*line culvert*)mbili katika eneo la Mpandagani kwenye barabara hiyo.

Mheshimiwa Spika, katika mwaka wa fedha 2019/20 TARURA inatarajia kufanya usanifu wa Daraja la Mto Nkonjigwe lenye urefu wa mita 35 na kina cha mita sita lililopo barabara ya Chikuyu-Chibumagwa-Majiri-Ikasi. Fedha za ujenzi zitatengwa kwenye bajeti baada ya usanifu ili tuweze kujua gharama halisi.

**SPIKA:** Mheshimiwa Mtuka.

**MHE. DANIEL E. MTUKA:** Mheshimiwa Spika,ahsante kwa kunipa muda niweze kuuliza maswali ya nyongeza. Kwanza niipongeze sana Serikali na majibu imejibu vizuri, imepeleka faraja kwa wananchi wa Jimbo la Manyoni hasa Manyoni Mashariki, niombe kuuliza swali dogo la nyongeza. Barabara hii tunayoizungumzia ya Chikuyu Majiri-Ikasi, kipande kile cha mwisho kabisa cha kilometa 40kwa maana ya Majiri kwenda Ikasi, ni miaka zaidi ya 40 hakijapata fedha ya matengenezo ya mara kwa mara.

Naomba tu kuhakikishiwa na kuwahakikishia wananchi wangu wa Manyoni ni lini au ni bajeti ya mwaka huu watatoa fedha ya kutengeneza barabara hii maana ni miaka zaidi ya 40? Ahsante.

**SPIKA:**Majibu ya swali hilo Mheshimiwa Naibu Waziri, Ofisi ya Rais, Tawala za Mikoa na Serikali za Mitaa, majibu ya Mheshimiwa Mtuka, kama nilivyowaambia siku moja Mtuka ni neno la Kigogo maana yake ni motokari, Mtuka ni gari, Mheshimiwa majibu tafadhali.

**NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. JOSEPHAT S. KANDEGE)** Mheshimiwa Spika, naomba nijibu swali la nyongeza la Mheshimiwa Mtuka Motokari kama ifuatavyo:-

Mheshimiwa Spika, katika swali lake la nyongeza anasema miaka zaidi ya 40 barabara hii haijatengewa fedha yoyote, wakati mwingine mipango ya Mwenyezi Mungu inakuwepo ili mtu fulani aweke alama, naomba nimhakikishie Mheshimiwa Mtuka Iaiti barabara hiyo ingekuwa imetengenezwa isingekuwa kwake yeye rahisi kuacha alama, naomba nimhakikishie ni azma ya Serikali kuhakikisha kwamba barabara hii inatengenezwa na hasa baada ya kujua gharama ya daraja ambalo ndiyo kubwa zaidi na yeye atakuwa ameacha alama muhimu sana kwa wananchi ambao miaka zaidi ya 40 ilikuwa haipitiki.

**SPIKA:** Nimekuona Mheshimiwa Justin Monko.

**MHE. JUSTIN J. MONKO:** Mheshimiwa Spika, nakushukuru kwa kunipa nafasi ya kuuliza swali dogo la nyongeza. Barabara ya kutoka Singida – Kinyeto - Mahojoa - Sagara yenye urefu wa kilomita 42 ambao tuliomba kwa Mheshimiwa Rais kujengwa kwa kiwango cha lami kwa kweli kwa sasa imeharibika kwa kiwango kikubwa sana. Je, Serikali ipo tayari sasa kutenga fedha za ziada za dharura katika kuhakikisha kwamba madaraja yaliyovunjika katika msimu huuna barabara yanarekebishwa?

Mheshimiwa Spika, ahsante.

**SPIKA:** Majibu ya swali hilo, Mheshimiwa Naibu Waziri wa Tawala za Mkoa na Serikali za Mitaa, Mheshimiwa Josephat Kandege.

**NAIBU WAZIRI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (MHE. JOSEPHAT S. KANDEGE)** Mheshimiwa Spika, Mheshimiwa Monko anakiri kwamba barabara hiyo ilikuwa imejengwa kwa kiwango cha lami na mvua imenyeshwa madaraja yameanza kubomoka. Tukubaliane kwamba kila neema wakati mwingine inakuja na adha yake, kama ambavyo ilikuwa nia ya Serikali kuhakikisha kwamba barabara hii inapitika, ni vizuri tukaenda tukajua uharibifu uliotokea na gharama zinazohitajika ili kuirudisha barabara



katika hali yake ya kuweza kupitika kama tunavyotarajia kwa wananchi wetu.

**SPIKA:** Waheshimiwa tuendelee na swali linalofuata la Wizara ya Fedha na Mipango, swali la Mheshimiwa Catherine Valentine Magige.

Na. 28

### **Deni la Wafanyakazi wa Kiltex**

**MHE. CHATHEINE V. MAGIGE** aliuliza:-

Je, ni lini Serikali itawalipa wafanyakazi 545 wa *KILTEX* – Arusha ambao bado wanadai pensheni toka kiwanda hicho kilipofungwa baada ya Mwajiri wao kutowasilisha michango yao kwenye Mfuko wa Kijamii wa *PPF*?

**NAIBU WAZIRI WA FEDHA NA MIPANGO** alijibu:-

Mheshimiwa Spika, kwa niaba ya Waziri wa Fedha na Mipango, napenda kujibu swali la Mheshimiwa Catherine Valentine Magige, Mbunge Viti Maalum, kama ifuatavyo:-

Mheshimiwa Spika, Kiwanda cha Nguo cha *KILTEX*, kilisimamisha shughuli za uzalishaji mwaka 1994 na kuwekwa chini ya ufilisi na *PSRC* mwaka 1995, kutokana na tatizo la ukosefu wa mtaji na malimbikizo ya madeni. Kwa mujibu wa ripoti ya Mfilisi, kiwanda kilishindwa kutekeleza takwa la kisheria la kuwasilisha mchango wa mwajiri na waajiriwa kwenye Mfuko wa Pensheni wa *PPF* kati ya mwaka 1986 na 1994 na hivyo kusababisha *PPF* kushindwa kuandaa malipo ya mafao ya wafanyakazi kulingana na matakwa ya kisheria mara baada ya kiwanda kufungwa na kufilisiwa.

Mheshimiwa Spika, kwa mujibu wa kumbukumbu na nyaraka za ufilisi zilizopo, taratibu za ufilisi zilikamilika na wafanyakazi wa *KILTEX* walilipwa stahili zao. Hata hivyo, baadhi ya wafanyakazi walilipwa mafao ya kiinua mgongo kwa mkupuo na wengine walirejeshewa michango yao kwa

kadri walivyochangia. Utaratibu huu wa malipo ulifanyika baada ya Mfilisi kushindwa kulipa riba, adhabu na malimbikizo ya michango kwenye Mfuko wa Pensheni wa PPF. Uamuzi huo ulifikia kutokana na ukweli kwamba mauzo ya mali za kiwanda yalikuwa kidogo ikilinganishwa na jumla ya madai na gharama halisi za ufilisi.

Mheshimiwa Spika, napenda kulitaarifu Bunge lako Tukufu kwamba watumishi wa Kiwanda cha KILTEX walilipwa stahili zao kwa mujibu wa Sheria ya Makampuni Na. 46 ya mwaka 1931 ambayo ilitumika kufilisi kiwanda mwaka 1995. Kwa mujibu wa sheria hiyo, Mfilisi alitakiwa kuuza mali za kiwanda na kutumia fedha za mauzo kulipa madai mbalimbali ikiwa ni pamoja na stahili za watumishi ndani ya muda maalum kulingana na tangazo la ufilisi. Kufuatia tangazo la Mfilisi kwenye vyombo vya habari, wadai waliwasilisha madai yao na Mfilisi alilipa madeni hayo kulingana na fedha mauzo zilizopatikana.

**SPIKA:** Mheshimiwa Magige, swali la nyongeza tafadhali.

**MHE. CATHERINE V. MAGIGE:** Mheshimiwa Spika, pamoja na majibu ya Mheshimiwa Waziri, nina maswali mawili ya nyongeza, kama ifuatavyo:-

Mheshimiwa Spika, kwa kuwa wafanyakazi hawa hawakulipwa kama ambavyo jibu linasema lakini walikuwa wakikatwa mishahara yao kila mwezi na pesa hazikuwasilishwa kwenye Mifuko ya Hifadhi ya Jamii kinyume na utaratibu wa kisheria na ni wajibu wa Serikali kuhakikisha makato ya wafanyakazi yanawasilishwa kwenye mifuko na si wajibu wa wafanyakazi. Je, Serikali inatoa tamko gani?

Mheshimiwa Spika, swali la pili, kwa kuwa madai ya wafanyakazi ambao wamekuwa wakidai mafao yao yamekuwa mengi sana ikiwepo hata iliyokuwa Hoteli ya Sabasaba ya Mkoani Arusha mpaka leo hawajaliwa mafao yao na nimekuwa nikifuatilia kwa mrefu sana. Je, nini tamko la Serikali? (*Makofi*)

**SPIKA:** Majibu, Mheshimiwa Waziri wa Nchi, Ofisi ya Waziri Mkuu, tafadhali.

**WAZIRI WA NCHI, OFISI YA WAZIRI MKUU (SERA, BUNGE, KAZI, AJIRA, VIJANA NA WENYE ULEMAVU):** Mheshimiwa Spika, kwanza naomba nimpongeze Mheshimiwa Naibu Waziri kwa majibu mazuri ya swali hilo lakini naomba nichukue nafasi hii kujibu swali la nyongeza la Mheshimiwa Catherine Magige, kama ifuatavyo:-

Mheshimiwa Spika, Mheshimiwa Catherine Magige katika maswali yote mawili ya nyongeza amelihakikishia Bunge hili kwamba bado lipo tatizo kwanza la kulipwa kwa pensheni kwa wafanyakazi hao lakini lipo tatizo la mwajiri kutopeleka michango ya wafanyakazi katika mifuko iliyokuwa inachangiwa na hao wafanyakazi. Naomba nitumie nafasi hii kuagiza viongozi watendaji wa Mifuko iliyokuwa inahusika na wafanyakazi wa taasisi zote hizi mbili na kwa mujibu sheria mpya tuliyonayo ni wajibu wa Mfuko wenyewe kuhakikisha michango ya mwajiri inapelekwa kwenye mifuko husika, hivyo basi mifuko hiyo ifanye haraka kukutana na wafanyakazi hao na zilizokuwa taasisi zinazosimamia mafao ya wafanyakazi hao ili tuweze kujua nini kilichojiri na kama wanazo stahili zao kwa mujibu wa sheria waweze kulipwa mapema sana na kuweza kuondoa adha kwa wafanyakazi wote katika Taifa letu.

**SPIKA:** Mheshimiwa Manyinyi, Mbunge wa Musoma Mjini.

**MHE. VEDASTUS M. MANYINYI:** Mheshimiwa Spika, ahsante kwa kunipa nafasi ya kuuliza swali la nyongeza, kama ifuatavyo:-

Mheshimiwa Spika, nadhani Mheshimiwa Naibu Waziri analifahamu vizuri suala hili la Kiwanda cha Nguo cha MUTEX, wale watumishi ajira yao ilikoma toka mwaka 1984 na baadhi yao mafao waliyopaswa kulipwa ilikuwa ni zaidi ya Sh.400,000 ambazo wao walizikaa kwamba hayo mafao yalikuwa ni madogo. Tumehangaika na suala hilo kwa kusaidiana na

Mheshimiwa Waziri na hatimaye Desemba mafao yao yakatoka badala ya kulipwa zaidi ya Sh.400,000 wamelipwa chini ya Sh.100,000. Kwa sababu suala hili limechukua muda mrefu sasa, je, Mheshimiwa Naibu Waziri sasa yupo tayari kufuatana nami twende tukakae na hawa watumishi ili hilo suala liweze kuisha?

**SPIKA:** Majibu ya swali hilo, Mheshimiwa Naibu Waziri wa Fedha, tafadhali.

**NAIBU WAZIRI WA FEDHA NA MIPANGO:** Mheshimiwa Spika, naomba kujibu swali moja la Mheshimiwa Manyinyi, Mbunge wa Musoma Mjini, kama ifuatavyo:-

Mheshimiwa Spika, ameomba kuogozana nami kwenda Musoma Mjini, naomba nimwambie baada ya Bunge hili kuahirishwa ziara yangu ya kwanza ni kwenda Msoma Mjini kukutana na wastaafu hawa. *(Makofi)*

**SPIKA:** Nimekuona Mheshimiwa Susane Kiwanga.

**MHE. SUSAN L. KIWANGA:** Mheshimiwa Spika, ahsante sana. Swali langu linafafana na yaliyopita, kwa kuwa waliokuwa wafanyakazi wa TAZARA mwaka 2005 na mwaka 2009 wa miaka 55 walistaafishwa kwa lazima idadi yao ni 11,075. Ni lini wastaafu hao wa TAZARA watapewa mafao yao kwani mpaka sasa bado wanahangaika hapa Tanzania?

**SPIKA:** Majibu ya swali hilo muhimu Naibu wa Waziri Fedha na Mipango, Mheshimiwa Dkt. Ashantu Kijaji, wafanyakazi wa TAZARA lini watalipwa mafao yao?

**NAIBU WAZIRI WA FEDHA NA MIPANGO:** Mheshimiwa Spika, naomba kujibu swali moja la Mheshimiwa Susan Kiwanga, kama ifuatavyo:-

Mheshimiwa Spika, kwanza nimpongeze nimeongea naye kuhusiana na jambo hili siku mbili zilizopita na baada ya kuongea naye nimelifuatilia jambo hili na naomba kuweka takwimu sahihi. Kwa takwimu tulizonazo ndani ya Ofisi ya

Mhajili wa Hazina, wastaafu waliostaafishwa kwa lazima miaka 55 ni 271 na wala siyo 11,075 kama Mheshimiwa alivyosema. Hao ndiyo wastaafu tunaowajua ndani ya Wizara ya Fedha na Mipango na sasa hivi faili lao liko mezani kwangu Mheshimiwa Mbunge tangu nimeongea nawe tumeanza kufuatilia ili malipo yao yaweze kulipwa kwa wakati.

**SPIKA:** Ahsante. Waheshimiwa Wabunge, tuendeleo na swali linalofuata ambalo linaelekea Wizara ya Maliasili na Utalii, linaulizwa na Mheshimiwa Rashid Abdallah Shangazi, Mbunge wa Mlalo. Mheshimiwa Shangazi, tafadhali.

Na. 29

### **Ahadi ya Kujenga Geti - Hifadhi ya Mkomazi**

**MHE. RASHID A. SHANGAZI** aliuliza:-

Je, ni lini Serikali itatekeleza ahadi yake ya kujenga geti la kuingilia Hifadhi ya Mkomazi katika Kijiji cha Kivingo?

**SPIKA:** Majibu ya swali hilo, Mheshimiwa Naibu Waziri wa Maliasili na Utalii, Mheshimiwa Constatine John Kanyasu, tafadhali.

**NAIBU WAZIRI WA MALIASILI NA UTALII** aljibu:-

Mheshimiwa Spika, kwa niaba ya Waziri wa Maliasili na Utalii, napenda kujibu swali la Mheshimiwa Rashid Abdallah Shangazi, Mbunge wa Jimbo la Mlalo, kama ifuatavyo:-

Mheshimiwa Spika, Hifadhi ya Taifa Mkomazi ipo Wilaya za Same, Mwanga, Lushoto, Korogwe na Mkinga. Kwa sasa wageni wote wanaotembelea hifadhi hii hutumia lango la Zange lililopo katika Wilaya ya Same.

Mheshimiwa Spika, katika mpango na bajeti wa mwaka fedha 2019/2020, Shirika la Hifadhi za Taifa (*TANAPA*) limetenga fedha kwa ajili ya ujenzi wa lango la wageni katika

eneo la Kamakota, jirani na Kijiji cha Kivingo Wilayani Lushoto. Lango hilo limetengewa kuhudumia wageni wanaotumia barabara ya Tanga – Lushoto - Mlalo - Kihurio na Same.

Mheshimiwa Spika, sanjari na ujenzi wa lango la wageni eneo la Kamakota, Shirika la Hifadhi za Taifa limeweka kwenye mpango wake maeneo yanyotarajiwa kuwekewa malango ambayo ni Njiro (Wilaya ya Same), Ndea (Wilaya ya Mwanza) na Umba (Wilaya ya Mkinga).

**SPIKA:** Mheshimiwa Shangazi, tafadhali.

**MHE. RASHID A. SHANGAZI:** Mheshimiwa Spika, ahsante. Pamoja na majibu ya Serikali yenye kutia matumaini, nina maswali mawili madogo ya nyongeza, kama ifuatavyo:-

Mheshimiwa Spika, swali la kwanza, kwa kuwa eneo hili la Mkomazi lina barabara ambayo inaunganisha utalii wa ukanda wa juu na ukanda wa chini kwa maana ya barabara ya Hekicho – Kwekanda - Lugulua, je, Wizara hii iko tayari kukaa na wenzetu wa TAMISEMI kupitia TARURA ili waweze kuboresha miundombinu wageni waweze kufika kwa urahisi katika geti hili ambalo tunakusudia kulifungua?

Mheshimiwa Spika, kwa kuwa Wilaya Lushoto ina vivutio vingi vya utalii na vingi bado havijatambulika ikiwemo utalii wa maliasili lakini pia na utamaduni ikiwemo makazi yale ya Chifu Kimweri, Waziri uko tayari kuongozana nami kwenda Lushoto ili angalau waweze kuvibaini vivutio hivi viweze kugeuka kuwa fursa ya kiuchumi kwa wananchi wa Lushoto?

**SPIKA:** Mheshimiwa Naibu Waziri, majibu ya maswali hayo, tafadhali.

**NAIBU WAZIRI WA MALIASILI NA UTALII:** Mheshimiwa Spika, naomba kujibu maswali mawili ya nyongeza ya Mheshimiwa Rashid Abdallah Shangazi, kama ifuatavyo:-

Mheshimiwa Spika, baada ya kuwahakikishia ufunguzi wa lango hili, TANAPA watashirikiana na TAMISEMI kuona

namna kurekebisha barabara hii ambayo Mheshimiwa Mbunge anaomba kutoka Hekicho kwenda Kwekanda ili kuweza kufungua pia lango la utalii kwenye maeneo haya ya misitu.

Mheshimiwa Spika, swali lake la pili kuhusu kuvitambua vivutio vya utalii ambavyo bado havijatambuliwa, niko tayari kuongozana na Mheshimiwa Mbunge kwenda kuangalia vivutio hivi na kuviweka kwenye *package* ya pamoja kuhamisha watu wa *TANAPA* waweze kuvitangaza.

**SPIKA:** Kule nyuma nilikuona Dkt. Kiruswa, swali la nyongeza, tafadhali.

**MHE. DKT. STEVEN L. KIRUSWA:** Mheshimiwa Spika, nashukuru sana kwa kunipa nafasi ya niweze kuuliza swali la nyongeza kwa Waziri wa Maliasili na Utalii.

Mheshimiwa Spika, kwa kuwa wananchi wa Wilaya ya Longido wanaoishi katika vijiji 32 vilivyopo Ukanda wa Magharibi unaokwenda mpaka Ziwa Natron waliungana wakatenga eneo la Hifadhi la Wanyamapori ambalo wameliita *Lake Natron Wildlife Management Area*, wakapita mchakato mzima na hatua zote za usajili ikabaki kipengele kimoja tu ambacho kipo katika dhamana ya Waziri ya kuwapatia *user right* yaani haki ya matumizi ya rasilimali ya wanyama pori katika eneo hili. Jumuiya hii imetumia rasilimali nyingi kupitia mchakato ambao wote mnaujua siyo wa bei nafuu na umetumia fedha za wafadhili na za Serikali, ni lini sasa Jumuiya hii itapewa *user right* wawe kuanza kulisimamia na kutumia rasilimali ya eneo hilo?

**SPIKA:** Majibu ya swali hilo endapo utakuwa unalifahamua Mheshimiwa Naibu Waziri maana lime-*deviate* kidogo.

**NAIBU WAZIRI WA MALIASILI NA UTALII:** Mheshimiwa Spika, naomba kujibu swali Dkt. Kiruswa, Mbunge wa Longido, kama ifuatavyo:-

Mheshimiwa Spika, kuna mchakato mrefu sana wa kusajili *WMA* na kama Mheshimiwa Mbunge ananihakikishia kwamba taratibu zote za awali zimekwishatimia, nitakwenda kufuatilia na kuona kama kipengele kilichobaki kinamhusu Waziri peke yake basi nitamshauri Mheshimiwa Waziri kutoa hiyo *user right*.

**SPIKA:** Waheshimiwa Wabunge, tunaendelea na Wizara ya Mambo ya Nje na Ushirikiano wa Afrika Mashariki, swali linaulizwa na Mheshimiwa Othman Omar Haji, Mbunge wa Gando.

Na. 30

### Sera ya Mambo ya Nje

**MHE. OTHMAN OMAR HAJI** aliuliza:-

Moja kati ya malego makuu ya Wizara ya Mambo ya Nje na Ushirikiano wa Afrika Mashariki ya Mwaka 2017/2018 ilikuwa ni kukamilisha kuandaa Sera mpya ya Mambo ya Nje:-

(a) Je, mpango huo umefikia wapi?

(b) Je, ni maeneo gani mapya kiseru?

**SPIKA:** Majibu ya swali hilo, Mheshimiwa Naibu Waziri wa Mambo ya Nje na Ushirikiano wa Afrika Mashariki, tafadhali.

**WAZIRI WA MAMBO YA NJE NA USHIRIKIANO WA AFRIKA MASHARIKI** alijibu:-

Mheshimiwa Spika, kwa rufusa yako na kwa niaba ya Waziri wa Mambo ya Nje na Ushirikiano wa Afrika Mashariki, napenda kujibu swali la Mheshimiwa Othman Omar Haji, Mbunge wa Gando lenye vipengele (a) na (b) kwa pamoja, kama ifuatavyo:-



Mheshimiwa Spika, Wizara imekamilisha kuandaa Rasimu ya Sera ya Mambo ya Nje kama ilivyopendekezwa na wadau wakati wa zoezi la kufanya tathmini ya utekelezaji wa Sera ya Mambo ya Nje ya 2001. Rasimu hiyo ya Sera hivi sasa ipo katika hatua ya kusambazwa kwa wadau mbalimbali kama vile Wizara, Idara na Taasisi za Serikali, sekta binafsi na taasisi zisizo za Kiserikali ili kupata maoni yao yenye lengo la kuiboresha zaidi.

Mheshimiwa Spika, maeneo mapya ambayo yamejumuishwa katika Sera inayopendekezwa ni pamoja na: Kuwatambua na kuwajumuisha Diaspora kwenye juhudi za kuleta maendeleo ya Taifa; kutambua mihimili mingine kama wadau wa sera yaani Bunge na Mahakama; kuzingatia mikakati na mipango ya muda mrefu ya nchi na Jumuiya za Kikanda na Kimataifa; utekelezaji wa Sera kufikia hadi ngazi ya Wilaya na Mikoa (*Decentralization of Foreign Policy conduct*); na vijana na tasnia ya michezo na burudani kutumia kama njia ya kuitangaza Tanzania nje. Aidha, Rasimu ya Sera inaelekeza nchi kuimarisha mahusiano na nchi nyingine yanayolenga kukuza uchumi wa nchi kwa kuzingatia mipango ya Serikali ya muda mfupi na mrefu.

**SPIKA:** Mheshimiwa Othman Haji, swali la nyongeza, tafadhali.

**MHE. OTHMAN OMAR HAJI:** Mheshimiwa Spika, nashukuru sana kwa majibu ya Mheshimiwa Naibu Waziri lakini pamoja na hayo, nina maswali mawili ya nyongeza.

Mheshimiwa Spika, swali la kwanza, Sera ya Tanzania kuhusu Ukombozi wa nchi za Bara la Afrika na nje ya Afrika iliipatia heshima kubwa nchi yetu ya Tanzania. Nataka kujua Sera hii ya Ukombozi mpaka sasa inaendelea hasa kwa zile nchi ambazo bado hazijapata uhuru kama vile Sahara na Palestina?

Mheshimiwa Spika, swali la pili, hivi karibu tulisikia kuzorota kwa mahusiano ya kidiplomasia kati ya Jumuiya ya Nchi za Ulaya na Tanzania mpaka ikapelekea mwakilishi wao

kurudi nyumbani. Nini mustakabali wa kisera kwa pande hizi mbili ambazo zina mzozo huo?

**SPIKA:** Majibu ya maswali hayo mawili Mheshimwa Dkt. Damas Daniel Dumbaro, Naibu Waziri, tafadhali.

**NAIBU WAZIRI WA MAMBO YA NJE NA USHIRIKIANO WA AFRIKA MASHARIKI:** Mheshimiwa Spika, kwanza namshukuru na kumpongeza Mheshimiwa Othman Omar Haji, Mbunge wa Gando kwa maswali yake mawili ya nyongeza.

Mheshimiwa Spika, ni wazi kwamba Tanzania imejijengea heshima kubwa sana katika Sera yake ya Ukombozi wa nchi mbalimbali Barani Afrika. Heshima hiyo bado ipo kwa Tanzania kwa sababu bado Sera ya Tanzania ya kupinga unyanyasaji, ukoloni na kutweza utu wa nchi yoyote ile inaendelea. Hivyo, msimamo wa Tanzania katika suala la Sahara pamoja na Palestina bado upo kama ambavyo ulikuwepo mara tu baada ya uhuru.

Mheshimiwa Spika, ikumbukwe kwamba Tanzania ni nchi ya kwanza duniani kuwa na Ubalози Palestina. Bado tuna heshima hiyo na bado tuna mahusiano hayo mazuri sana. *(Makofi)*

Mheshimiwa Spika, swali la pili ni kuhusu mahusiano kati ya Tanzania na Jumuiya ya Ulaya. Mahusiano ya kidemokrasia na diplomasia kati ya Tanzania na nchi zote duniani yanaratibiwa na Mkataba wa Vienna wa mwaka 1961 na 1963.

Mheshimiwa Spika, kwa mujibu wa mkataba huo kila nchi inawajibwa kuheshimu vipengele vya mkataba huo na endapo pande mmoja haitaheshimu vipengele vya mkataba huo, nchi nyingine ambayo imekosewa inaweza ikachukua hatua stahiki. Na pale nchi inapochukua hatua stahiki haimaanishi kuwa mahusiano ya kidiplomasia yamevunjika hapana ni sehemu ya utekelezaji wa mkataba wa Vienna.

Mheshimiwa Spika, naomba kuwakilisha.

**SPIKA:** Ahsante sana tuendelee na Wizara ya Viwanda na Biashara Waheshimiwa Wabunge. Swali la Mheshimiwa Oscar Rwegasira Mkasa, Mbunge wa Biharamulo Magharibi.

Na.31

### **Mkakati wa Kuzitambua Fursa za Viwanda na Biashara - Biharamulo**

**MHE. OSCAR R. MUKASA** aliuliza:-

Ni matarajio ya wananchi wa Wilaya ya Biharamulo kwamba Serikali Kuu inao mpango mkakati ambao unazitambua fursa za viwanda, biashara na uwekezaji zilizopo Biharamulo.

Je, Serikali Kuu inasemaje kuhusu nafasi ya Wilaya ya Biharamulo kwenye ushiriki wa fursa za viwanda, biashara na uwekezaji ambazo zimeibuliwa na kutambuliwa na Serikali ili ziunganishwe na jitihada za Halmashauri ya Wilaya na wananchi wenyewe?

**SPIKA:** Majibu ya swali hilo kutoka kwa Mheshimiwa Viwanda na Biashara, Mheshimiwa *Engineer* Stella Manyanya tafadhali.

**NAIBU WAZIRI WA VIWANDA NA BIASHARA** alijibu:-

Mheshimiwa Spika, ahsante, naomba kujibu swali la Mheshimiwa Oscar Rwegasira Mukasa Mbunge wa Biharamulo Magharibi kwa niaba ya Waziri wa Viwanda na Biashara kama ifuatavyo:-

Mheshimiwa Spika, Serikali Kuu ina jukumu la kutunga Sera na miongozo ya kisekta ambayo utekelezaji wake hufanyika katika ngazi za Serikali za Mitaa. Katika sekta ya viwanda Wilaya ya Biharamulo ina fursa ya kuanzisha viwanda vya kuongeza thamani za mazao ya kilimo. Tayari Kampuni ya *GESAP* imetoa eneo la kujenga kiwanda cha

kusindika nafaka ili kuongeza thamani za mazao ya alizeti, muhogo na mpunga katika kata ya Nyarubungo.

Vilevile Wizara yangu kupitia *SIDO* inatekeleza mkakati wa Wilaya moja, bidhaa moja yaani *ODOP* ili kuchochea maendeleo ya viwanda vidogo. Mkakati huo unakusudia kuibua na kuendeleza bidhaa moja ambapo katika Wilaya ya Biharamulo zao la muhogo limepewa kipaumbele huku mazao ya ndizi, kahawa, mahindi, maharage na kadhalika wakitumia utaratibu wa kawaida.

Mheshimiwa Spika, katika sekta ya biashara mbali na soko la ndani, Serikali imekuwa ikijadiliana na nchi nyingine kupitia majadiliano ya nchi na nchi yaani *by lateral*, Jumuiya za Afrika Mashariki, *SADC* na Soko Huru la Afrika kupitia majadiliano hayo, fursa za masoko zimepatikana katika nchi wanachama wa Afrika Mashariki, *SADC* na Soko Huru la Afrika na soko la Marekani kupitia Mpango wa *AGOA*. Hivyo Wilaya ya Biharamulo, inaweza kuwekeza katika uzalishaji wa bidhaa zinazohitajika katika masoko hayo kulingana na mali ghafi zinazopatikana Wilayani humo.

**SPIKA:** Mheshimiwa Mukasa tafadhali.

**MHE. OSCAR R. MUKASA:** Mheshimiwa Spika, nakushukuru, nina swali moja la nyongeza.

Kwa kuwa Biharamulo kijiografia inafursa ya kufanya biashara na nchi na Congo, Rwanda na Burundi na inafanya hivyo lakini kwa namna ambayo haina tija ya kutosha na kwa kuwa Halmashauri ya Biharamulo imetenga eneo la hekari 61 kwa ajili ya kuanzisha eneo la *Agro Processing Zone*.

Je, Wizara iko tayari kuja kuzungumza nasi wakisindikizana na *TAN-TRADE* kwa ajili ya kuchukua hizo fursa za nchi ambazo zimetuzunguka?

**SPIKA:** Mheshimiwa *Engineer* Stella Manyanya Naibu Waziri Viwanda na Biashara, majibu tafadhali.

**NAIBU WAZIRI WA VIWANDA NA BIASHARA:**

Mheshimiwa Spika, kwanza tunamshukuru na kumpongeza sana kwa jitihada kubwa anazofanya za kusaidia Wizara yetu kuhakikisha kwamba anasaidia kuonesha fursa zilizopo nimuhakikishie kwamba ningependa sana kuambatana naye na kuweza kufanya hivyo.

**SPIKA:** Ahsante sana Mheshimiwa Waziri Angella Kairuki nimekuona tafadhali majibu ya nyongeza.

**WAZIRI WA NCHI, OFISI YA WAZIRI MKUU, UWEKEZAJI:**

Mheshimiwa Spika, nakushukuru kwa niaba ya Mheshimiwa Waziri Mkuu kwanza nipende kupongeza majibu mazuri ya Mheshimiwa Stella Manyanya, Naibu Waziri wa Viwanda, lakini kipekee sana kupongeza Halmashauri ya Wilaya ya Biharamulo kwa namna ambavyo wanatekeleza muongozo wa kuanzisha viwanda katika ngazi ya Serikali ya Mtaa na kwa maeneo zaidi ya matatu ambayo wameyatenga katika eneo la Usahunga pamoja na maeneo mengine.

Mheshimiwa Spika, lakini niendeleo kutoa rai kwa halmashauri zingine kuhakikisha kwamba wanaweka kipaumbele katika kutenga maeneo ya uwekezaji lakini zaidi kuhakikisha kwamba wanaweka miundombinu muhimu ili kuweza kuvutia wawekezaji wengi zaidi na niwahakikishie kwamba tutaendelea kuvutia wawekezaji ikiwemo Biharamulo na sehemu zingine muhimu tu tuendeleo kupeana ushirikiano. Nashukuru sana.

**SPIKA:** Tunahamia Wizara ya Katiba na Sheria, Swali la Muheshimiwa Selemani Moshi Kakoso, Mbunge wa Mpanda Vijijini

Na. 32

**Wilaya ya Tanganyika haina Mahakama ya Wilaya**

**MHE. MOSHI S. KAKOSO** aliuliza:-

Wilaya ya Tanganyika haina Mahakama ya Wilaya.

Je, ni lini Serikali itajenga Mahakama ya Wilaya sanjari na kuboresha Mahakama za Mwanzo?

**SPIKA:** Majibu ya swali hilo, Mheshimiwa Naibu Waziri Ofisi ya Mheshimiwa Waziri Mkuu: Tafadhali.

**NAIBU WAZIRI, OFISI YA WAZIRI MKUU, KAZI, VIJANA NA AJIRA (MHE. ANTONY P. MAVUNDE):** Mheshimiwa Spika, kwa niaba ya Waziri wa Katiba na Sheria, napenda kujibu swali la Mheshimisiwa Moshi Selemani Kakoso, Mbunge wa Mpanda Vijijini kama ifuatavyo:-

Mheshimiwa Spika, ni kweli Wilaya ya Tanganyika iliyo katika Mkoa wa Katavi haina jengo la Mahakama ya Wilaya, wananchi wa Wilaya ya Tanganyika wanategemea huduma ya mahakama ya Wilaya ya Mpanda ambayo ni jirani.

Mheshimiwa Spika, kupitia mpango wa maboresho ya miundombinu wa mahakama katika mikoa yote nchini kwa sasa ujenzi wa Mahakama ya Mkoa wa Katavi na Wilaya ya Mpanda unaendelea. Vilevile Mahakama ya Wilaya ya Tanganyika ipo kwenye mpango wa ujenzi wa mwaka wa fedha 2019/2020 ambapo ujenzi huo utaenda sanjari na ukarabati wa Mahakama za Mwanzo kuendana na upatikanaji wa fedha.

**SPIKA:** Mheshimiwa Kakoso, nilikuona umesimama tafadhali.

**MHE. MOSHI S. KAKOSO:** Mheshimiwa Spika, nashukuru kunipa nafasi ya kuuliza maswali mawili ya nyongeza.

Kwa kuwa Wilaya ya Tanganyika ni Wilaya kubwa na tarafa zake zimekaa kwa mtawanyiko. Serikali haioni sasa ni wakati muafaka wa kuharakisha kujenga jengo la mahakama katika wilaya hiyo? Ili kuweza kuwasaidia wananchi ambao wanapata tabu sana kutoka eneo lingine kwenda lingine kwenda kutafuta huduma za mahakama?

Swali la pili, kwa kuwa Mahakama za Mwanzo zimekuwa katika mazingira mabaya na hayana kivutio cha aina yoyote kwa watumishi wanaofanya kazi kwenye maeneo hayo. Serikali iko tayari kwenda kukarabati jengo la Mahakama ya Mwanzo eneo la Karema na maeneo ya Mishamo ili waweze kupata huduma iliyosahihi?

**SPIKA:** Majibu ya maswali hayo muhimu Mheshimiwa Naibu Waziri Ofisi ya Waziri Mkuu ndugu Mavunde tafadhali.

**NAIBU WAZIRI, OFISI YA WAZIRI MKUU, KAZI, VIJANA NA AJIRA (MHE. ANTONY P. MAVUNDE):** Mheshimiwa Spika, Serikali inatambua kwamba huduma ya kimahakama ni huduma ambayo kila mwananchi anastahili. Ni kweli katika mazingira ambayo ameyasema ya Wilaya ya Tanganyika wananchi wanatembea umbali mrefu. Lengo la Serikali ni kuhakikisha kwamba katika mpango huu kama nilivyosema hapo awali katika jibu langu la msingi kwamba kwa mwaka wa fedha 2019/2020 Serikali itanza ujenzi wa Mahakama ya Wilaya ya Tanganyika ili wananchi wengi zaidi waweze kupata fursa ya kupata huduma za kimahakama.

Mheshimiwa Spika, kwa sababu Wizara yetu ya Katiba na Sheria tumeingia makubaliano na Chuo cha Ardhi pamoja na Taasisi ya masuala ya nyumba tunajenga mahakama hizi kwa teknolojia ya kisasa ya moladi ambayo inatumia muda mfupi sana. Kwa hiyo, imani yangu ni kwamba na zile Mahakama za Mwanzo alizosisema, kutokana na bajeti ilivyo basi tutaanza Mahakama ya Wilaya na hizi zingine pia na kutokana na mfuko wa bajeti ulivyo. Lakini nimhakikishie kwamba Serikali inatambua kilio hicho na tutayafanyia kazi kadri bajeti inavyoendelea kupatikana.

**SPIKA:** Nilikuona Mheshimiwa James Mbatia tafadhali, swali fupi.

**MHE. JAMES F. MBATIA:** Ahsante sana, Mahakama za Mwanzo za Kilema lile jengo limebomoka kabisa na haifanyi kazi na Marangu inayofanya kazi hali ni mbaya sana na inahatarisha Hakimu na watendaji wote. Serikali inaji-*commit*

itafanya lini ukarabati wa mahakama hizi na kujenga hii nyingine upya kwa sababu utoaji wa haki unakuwa ni mgumu sana katika Jimbo la Vunjo na Wilaya ya Moshi Vijijini?

**SPIKA:** Majibu ya swali hilo, la Mahakama ya Kilema ambayo inahali mbaya sana.

**NAIBU WAZIRI, OFISI YA WAZIRI MKUU, KAZI, VIJANA NA AJIRA (MHE. ANTONY P. MAVUNDE):** Mheshimiwa Spika, swali hili la Mheshimiwa Mbatia litajibu pia maswali ya Wabunge wengi ambao walitaka kusimama. Serikali inatambua upungufu wa Mahakama za Mwanzo nchi nzima na ndiyo maana katika mpango wa miaka mitano tuliyojiwekea katika Wizara wa uboreshaji wa miundombinu, tunakwenda kuyafikia maeneo yote kadri ya bajeti itakavyopatikana.

Mheshimiwa Spika, lakini pia niwaombe Waheshimiwa Wabunge katika Wizara ya Katiba na Sheria tumetengeneza majedwali ambayo yanaonesha Mahakama ya Wilaya, Mahakama ya Mkoa lakini na vilevile ukarabati na ujenzi wa Mahakama Kuu. Kwa hiyo niwaombe Waheshimiwa Wabunge watakaopata nafasi basi waweze kupitia jedwali lile waangalie katika eneo lake ni lini wamepangiwa fedha kwa ajili ya ujenzi wa Mahakama ya Mwanzo, ya Wilaya na Mkoa.

**SPIKA:** Tunaendelea na Wizara ya Maji na Umwagiliaji, swali linaulizwa na Mheshimiwa Ester Lukago Midimu Viti Maalum.

Na. 33

### **Kupeleka maji Makao Makuu ya Wilaya ya Simiyu**

**MHE. ESTHER L. MIDIMU** aliuliza:-

Mradi wa maji toka Ziwa Victoria utapeleka maji kwenye Wilaya za Busega, Bariadi na Itilima kwa awamu ya kwanza.



Je, kwa nini Serikali isipeleke maji hayo Makao Makuu ya Wilaya zote za Mkoa wa Simiyu katika awamu ya kwanza ili kutatua shida ya maji inayojitokeza mara kwa mara katika miji hiyo?

**SPIKA:** Majibu ya swali hilo Mheshimiwa Waziri, Maji na Umwagiliaji Mheshimiwa Jumaa Aweso.

**NAIBU WAZIRI WA MAJI NA UMWAGILIAJI** alijibu:-

Mheshimiwa Spika, kwa niaba ya Waziri wa Maji naomba kujibu swali la Mheshimiwa Esther Lukago Midimu, Mbunge wa Viti Maalum kama ifuatavyo:-

Mheshimiwa Spika, mradi huu umepangwa kutekelezwa kwa awamu mbili kutokana na upatikanaji wa fedha. Fedha kwa ajili ya utekelezaji wa awamu ya kwanza kwa ajili ya miji ya Wilaya ya Busega, Bariadi, Itilima pamoja na vijiji 170 zimepatikana. Awamu hiyo itagharimu kiasi ya *Euro* milioni 105 ambapo Benki ya *KfW* ya ujerumani itatoa *Euro* milioni 25 na *Green Climate Fund* itatoa *Euro* milioni 80.

Mheshimiwa Spika, utekelezaji wa awamu ya pili utahusisha miji ya Mwanhuji na Maswa pamoja na vijiji vipatavyo 83. Kwa sasa Serikali inaendelea na majadiliano na *Green Climate Fund* kwa ajili ya kupata fedha kiasi ya *Euro* milioni 208 kwa ajili ya utekelezaji awamu hii.

Mheshimiwa Spika, utekelezaji wa awamu ya pili unatarajiwa kuanza baada ya kukamilisha taratibu za upatikanaji wa fedha. Serikali itaendelea na juhudi za kuhakikisha fedha kwa ajili ya utekelezaji awamu hii zinapatikana mapema ili kuwezesha wananchi wa Mkoa wa Simiyu kupata huduma ya maji kama ilivyotarajiwa.

**SPIKA:** Mheshimiwa Esther Lukago Midimu swali na nyongeza.

**MHE. ESTHER L. MIDIMU:** Mheshimiwa Spika, ahsante kwa kunipa nafasi hii niweze kuuliza maswali mawili ya nyongeza.

Kwanza kabisa nimpongeze Naibu Waziri kwa majibu yake mazuri ya kujitosheleza. Naipongeza sana Serikali yangu ya Chama cha Mapinduzi kwa mradi wa maji wa Wilaya ya Busega, je, mradi huo utaanza lini ili kukidhi mahitaji ya wana Busega?

Swali la pili kwa vile Mkoa wa Simiyu una changamoto kubwa sana ya maji. Je, Naibu Waziri uko tayari kuongozana na mimi baada ya Bunge ukajionee mwenyewe changamoto ya maji ilivyo Mkoa wa Simiyu ili uweze kutatua tatizo hili?

**SPIKA:** Mheshimiwa Naibu Waziri majibu, kwa upande wa swali la pili mpaka kibali cha Spika. *(Kicheko)*

**NAIBU WAZIRI WA MAJI NA UMWAGILIAJI:** Mheshimiwa Spika, kwanza awali ya yote nimpongeze mama yangu Mheshimiwa Esther Mudimu ni miongoni mwa wa mama majasiri na shupavu katika kuhakikisha wanapigania haki za akinamama wakiwemo wamama wa Simiyu.

**SPIKA:** Mheshimiwa Naibu Waziri Bunge langu halina wamama hili Bunge lina Waheshimiwa tu. *(Kicheko)*

**NAIBU WAZIRI WA MAJI NA UMWAGILIAJI:** Mheshimiwa Spika, Mheshimiwa Mbunge, jasiri na mpambanaji katika kuhakikisha anapigania haki za akinamama wakiwemo akinamama wa Simiyu. Nataka nimuhakikishie sisi kama Wizara ya Maji tunatambua kabisa maji ni uhai hatupo tayari kupoteza uhai wana Simiyu tunatarajia mnamo mwezi wa nane mradi huo utaanza na mkandarasi atakuwa *site*. Lakini suala la kuongozana na mimi kwa kuwa anafanya kazi nzuri nipo tayari kuongozana naye Mheshimiwa Mbunge. Ahsante.

**SPIKA:** Jamani swali lilihusu Simiyu, Mheshimiwa *Engineer* Chiza nilikuona.

**MHE. ENG. CHRISTOPHER K. CHIZA:** Mheshimiwa Spika, nashukuru sana kuniona. Serikali imejenga miradi ya maji ya Kakonko mjini Gwanu, Mbuki, Dudu A, Nyagwijima, Mamuhange katika Wilaya ya Kakonko. Lakini miradi hii ambayo imetumia takribani shilingi bilioni mbili mingine haifanyikazi hata iliyokamilika haifanyikazi na mingine haijakamilika.

Mheshimiwa Spika, lakini namshukuru Mheshimiwa Waziri Mbarawa amesikia kilio chetu na amekuja, ameikagua miradi hii tarehe 26 Novemba. Sasa kwa kuwa Mheshimiwa Waziri alitoa maelekezo kwa ma-*engineer* ili wafanye usanifu pamoja na makadirio ya kuikarabati miradi hii kuokoa gharama iliyokwishatumika na akawaelekeza waweke utaratibu wa kubadilisha mfumo wa kusukuma maji kutoka Nishati ya mafuta kwenda nishati ya jua. Je, sasa shughuli hiyo imefikia wapi?

**SPIKA:** Majibu ya swali hilo Naibu Waziri, Mheshimiwa Aweso tafadhali.

**NAIBU WAZIRI WA MAJI NA UMWAGILIAJI:** Mheshimiwa Spika, awali ya yote kwanza nimpongeze Mheshimiwa Mbunge. Lakini la pili nimpongeze sana Mheshimiwa Waziri wetu Mheshimiwa Mbarawa anafanyakazi kubwa sana na nzuri katika kuhakikisha tunamtua mwanamama ndoo kichwani. Sasa kwa yale ambayo aliyoagiza Mheshimiwa Waziri kwetu ni utekelezaji, tunamuagiza Katibu Mkuu aweze kutatua tatizo hilo kwa haraka ili wananchi wa Kigoma waweze kupata maji safi, salama na yenye kuwatosheleza.

**SPIKA:** Nilikuona Mheshimiwa Devotha Minja.

**MHE. DEVOTHA M. MINJA:** Mheshimiwa Spika, nakushukuru kwa kuniona.

Mheshimiwa Spika, licha ya Mkoa wa Morogoro kuwa na mito mingi lakini wananchi wa manispaa ya Morogoro hawana maji ya kutosha. Kwa kuwa idadi ya watu katika Manispaa ya Morogoro imeongezeka. Je, Serikali haioni kama

kuna umuhimu wa kujenga bwawa lingine lisaidiane na Bwawa la Mindu ili kutosheleza maji kwa wananchi wa Manispaa ya Morogoro?

**SPIKA:** Majibu ya swali hilo Naibu Waziri wa Maji, Mheshimiwa Aweso tafadhali.

**NAIBU WAZIRI WA MAJI NA UMWAGILIAJI:** Mheshimiwa Spika, nikubaliane na dada yangu na Mheshimiwa Mbunge ni ukweli sasa hivi katika mji wa Morogoro watu wameongezeka, uhitaji wa maji umekuwa mkubwa sana. Na sisi kama Wizara tumeona hilo tupo katika harakati katika kuhakikisha tunatafuta fedha ili tuweze kuongeza miundombinu ya maji na wananchi wa Morogoro waweze kupata maji safi, salama na yenye kuwatosheleza.

**SPIKA:** Mheshimiwa Mbunge wa Tanga.

**MHE. MUSSA B. MBAROUK:** Mheshimiwa Spika, ahsante kwa kuniona, labda niseme tu kwamba Mradi wa Maji wa Vijiji Kumi kila Halmashauri kwa upande wetu wa Tanga mradi ule wa Tongoni, Marungu hauna matatizo, lakini mradi wa upande wa Kaskazini kwa maana ya Chongoleani, Kibafuta na Mabokweni kuna tatizo kidogo. Mheshimiwa Waziri atakubaliana na mimi kwamba mradi ule umekuwa ukienda kwa kusuasua, je, ni lini Serikali itafanya utaratibu wa kuhakikisha kwamba mradi ule unawapatia maji wananchi wetu wa vijiji vile nilivyovitaja? Ahsante.

**SPIKA:** Majibu ya swali hilo, Mheshimiwa Naibu Waziri tafadhali.

**NAIBU WAZIRI WA MAJI NA UMWAGILIAJI:** Mheshimiwa Spika, kwa jukumu la Wizara ya Maji nikuhakikisha wananchi wanapata maji. Mheshimiwa Mbunge amesema Mradi ule wa Chongoleani umekuwa ukienda kwa kusuasua sisi kama Wizara ya Maji hatupo tayari kumuona mkandarasi anafanya kazi kwa kusuasua. Sasa tunamuagiza afanye kazi ili aweze kukamilisha na sisi kama Wizara ya Maji hatutakuwa kikwazo kumpatia fedha kuweza kukamilisha mradi huo. Lakini tukiona

anaona hali yake inaendelea kusuasua tutamuondoa tutamuweka mkandarasi ambaye anaweza kukamilisha mradi kwa wakati na wananchi waweze kupata maji.

**SPIKA:** Ahsante tuhamie Wizara ya Elimu Sayansi na Teknolojia Waheshimiwa Wabunge, swali liliulizwa na Mheshimiwa Zainab Athumani Katimba.

Na. 34

### **Adhabu ya Viboko Mashuleni**

**MHE. ZAINAB A. KATIMBA** aliuliza:-

Je, kuna utafiti wowote uliofanyika ili kubaini kama adhabu ya kuchapa wanafunzi inaongeza kiwango cha elimu na ufaulu katika shule zetu nchini?

**SPIKA:** Majibu ya swali hilo, tafadhali Mheshimiwa Naibu Waziri Elimu Sayansi na Teknolojia, Mheshimiwa William Tate Ole Nasha.

**NAIBU WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA:**  
Mheshimiwa spika, kwa niaba ya Waziri wa Elimu Sayansi ya Teknolojia, naomba kujibu swali la Mheshimiwa Zainab Athumani Katimba, kama ifuatavyo:-

Mheshimiwa Spika, zipo tafiti mbalimbali za kielimu kuhusiana na matumizi ya viboko kama njia ya kurekebisha tabia na mwenendo wa mwanafunzi katika kudhibiti nidhamu shuleni. Hata hivyo tafiti hizo zimegawanyika katika makundi makubwa matatu ambayo ambapo zipo zinazokubaliana zinazokataa na zenye msimamo wa kati juu ya matumizi ya adhabu juu ya matumizi ya adhabu ya viboko kwa wanafunzi.

Mheshimiwa Spika, utafiti uliofanywa na Hamza Bakari na Mpoto Tanzania mwaka 2018 unakubaliana na matumizi ya adhabu ya viboko kama njia ya kudumisha

nidhamu na hatimaye kuongeza ushiriki wa wanafunzi katika ujifunzaji.

Hata hivyo, tafiti zilizofanywa na Maria Jose Oganda na Kirrily Pells, 2015 (Ethiopia, India, Peru na Vietnam) na Josephine Invocavity, 2014 uliofanyika Tanzania zinasema adhabu ya viboko haina tija na husababisha madhara ya kisaikolojia na kimwili kwa wanafunzi. Aidha, tafiti zilizofanywa na Lomasontfo Dlamini na wenzake 2019 (Swaziland) na Yusuph Maulid Kambuga na wenzake, 2018 (Tanzania) zinasema adhabu ya viboko inaweza kutumika pamoja na njia nyingine ili kudhibiti nidhamu kwa wanafunzi kwa lengo la kuongeza kiwango cha ufaulu shuleni.

Mheshimiwa Spika, katika shule zetu adhabu ya viboko hutumika pale mwanafunzi anapofanya utovu wa nidhamu uliokithiri na hutolewa kwa utaratibu maalum. Kanuni ya 3(1) ya Sheria ya Elimu, Sura ya 353 Marejeo ya mwaka 2002, inasema kuwa adhabu ya viboko shuleni itatolewa iwapo patatokea utovu mkubwa wa nidhamu au kosa kubwa litakalofanywa ndani au nje ya shule ambalo litaishushia shule heshima. Aidha, Waraka wa Elimu Namba 24 wa mwaka 2002 unaelekeza kuwa adhabu ya viboko itatolewa na Mwalimu Mkuu au walioteuliwa kwa kuzingatia ukubwa wa kosa, jinsia, afya ya mtoto na isizidi viboko vinne kwa wakati mmoja. Hivyo Serikali itaendelea kusesitiza matumizi sahihi ya adhabu kwa wanafunzi ili kuleta tija katika ufundishaji na ujifunzaji.

**SPIKA:** Mheshimiwa Naibu Waziri, kuna mahali bila viboko mambo hayaendi, kama kule unyamwezini na usukumani kule bila kutandika kiboko! Mheshimiwa Zainab Katimba swali la nyongeza. *(Kicheko)*

**MHE. ZAINAB A. KATIMBA:** Mheshimiwa Mwenyekiti, nakushukuru kwa kunipa nafasi hii ya kuuliza swali la nyongeza.

Kwanza nianze kwa kupongeza maamuzi ya Serikali ya kutoa elimu bure kwa shule za msingi na shule za sekondari

na sisi wote ni mashahidi ni kwa namna gani maamuzi haya yameweza kuleta tija kwa Taifa letu. Aidha, nina maswali mawili ya nyongeza.

Kumekuwa na matukio ya adhabu za kuchapa wanafunzi zilizopitiliza mashuleni ambazo zimesababisha madhara makubwa ya kisaikolojia na kwa wakati mwingine zimesababisha vifo vya wanafunzi. Japokuwa kuna mwongozo wa namna gani adhabu hizi za kuchapa...

**SPIKA:** Mheshimiwa Zainab swali.

**MHE. ZAINAB A. KATIMBA:** *Okay*, japokuwa kumekuwa na mwongozo wa namna ya kutumia adhabu hii ya kuchapa wanafunzi mashuleni lakini mwongozo huu umekuwa hauzingatiwi.

Je, Serikali inatoa kauli gani kuhusiana na masuala haya ya adhabu mashuleni?

Swali la pili, je, wenzetu ambao wamefanikiwa katika sekta ya elimu walifanikiwa kwa sababu ya kuwapo kwa adhabu hizi za kuchapa wanafunzi mashuleni au walifanikiwa kwa sababu ya kuwekeza katika mifumo, mitaala pamoja na miundombinu ya ufundishaji? (*Makoff*)

**SPIKA:** Majibu ya maswali hayo Mheshimiwa William Tate Ole Nasha, Naibu Waziri Elimu.

**NAIBU WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA:** Mheshimiwa Spika, ni kweli kwamba utekelezaji wa kanuni na waraka unaohusiana na viboko bado haujafuatwa kikamilifu. Kwa hiyo, naomba nitumie nafasi hii kuwataka viongozi wote wanaosimamia elimu pamoja na walimu, kuhakikisha kwamba wanafuata Waraka ule Namba 24 wa mwaka 2002, lakini vilevile Kanuni ile inayofahamika kama *The Corporal Punishment Regulations* wa mwaka 2002.

Mheshimiwa Mwenyekiti, ifahamike kwamba kwa wale walimu ambao hawatafuata waraka na kanuni hiyo,

wanakuwa wanafanya kosa na wanaweza kuchukuliwa hatua za kinidhamu kwa mujibu wa sheria inaitwa *The Teacher Services Act* ya mwaka 1989 kama ilivyorejewa mwaka 2002. Kwa hiyo, nawataka wote wafuate taratibu hizo.

Mheshimiwa Mwenyekiti, kuhusiana na swali lake la pili kwamba wenzetu wamefanikiwa vipi kuboresha elimu bila kutumia adhabu ya viboko.

Mheshimiwa Spika, naomba nimhakikishe Mheshimiwa Mbunge, pamoja na Wabunge wengine ni kwamba viboko havitumiki Tanzania pekee, hata Marekani huko ambapo ndio tunafikiri wameendelea sana majimbo 19 kati ya majimbo 50 ya Marekani mpaka leo hii yanatumia viboko. Naomba nimwambie kwamba Serikali haitumii tu viboko kama njia ya kuboresha elimu, kuna mengine mengi tunafanya, tunaendelea kuboresha mazingira ya kujifunzia, viboko ni sehemu ndogo tu na tena tunatumia kidogo sana. Kwa hiyo asije akafikiri kwamba sisi tunatumia viboko tu. Kwenye hilo la viboko hatupo peke yetu duniani tunafahamu mtindo wowote wa kufundisha lazima uhisishwe adhabu na zawadi (*punishment and rewards*). (*Makofi*)

**SPIKA:** Bila viboko Mheshimiwa Musukuma asingemaliza darasa la saba, bila viboko Mheshimiwa Chegeni tusingekuwa naye hapa. Mheshimiwa Najma swali la nyongeza tafadhali. (*Kicheko*)

**MHE. NAJMA MURTAZA GIGA:** Mheshimiwa Spika, ahsante sana. Kwa vile tafiti zimeonesha moja kwa moja kwamba zinakinzana, kuna zinazokubali na zinazokataa na kuonesha na sababu zake.

Sasa je, kwanini Serikali haijiki zaidi katika kutafuta adhabu mbadala yenye tija zaidi na kuliacha suala la viboko mikononi mwa wazazi?

**SPIKA:** Majibu ya swali hilo Mheshimiwa Naibu Waziri, tafadhali.



**NAIBU WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA:**

Mheshimiwa Spika, kama wewe mwenyewe ulivyosema, suala la viboko ni suala vilevile la mila. Hata sisi Serikali tukisema leo hatutaruhusu viboko, nina hakika wazazi wengi wataendelea kuwachapa wanafunzi na hapa Bungeni nina hakika tukiwauliza wazazi walioko huku kwamba ni wangapi wanachapa viboko, inawezekana wote tukakuta wanafanya hivyo. *(Makofi)*

Sasa Serikali kama nilivyosema, kwa sababu adhabu inayotumika mashuleni sio viboko peke yake, hata hivyo kama nilivyosema tutaendelea kutumia viboko kwa njia ambayo haina madhara. Tukifuata ule waraka kwa kweli adhabu ya viboko wala hata isingetolewa kwa kiasi kikubwa. *(Makofi)*

**SPIKA:** Naona hili suala la viboko muhimu sana eeh! Hata mimi niliwahi kuchapa mtu kiboko. *(Kicheko/Makofi)*

Mheshimiwa Mlinga na Mheshimiwa Dkt. Sware mtakuwa wa mwisho.

**MHE. GOODLUCK A. MLINGA:** Mheshimiwa Spika, ahsante sana.

Mheshimiwa Spika, mimi nakubaliana na wewe kuwa bila viboko wanafunzi hawawezi wakaenda. Lakini kwa nini Serikali isitoe aina ya mfano wa kiboko ambacho kinatakiwa kitumike kuchapia wanafunzi? Tumeshuhudia walimu wakikata kuni kwa ajili ya kwenda kuwachapia wanafunzi; kwa hivyo watoe kiboko cha mfano. *(Kicheko)*

**SPIKA:** Mheshimiwa Naibu Waziri, tunaomba kiboko hicho cha mfano siku hiyo Profesa akilete hapa Bungeni tukione, majibu tafadhali.

**NAIBU WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA:**

Mheshimiwa Spika, kuhusu ni aina gani ya kiboko kinaruhusiwa kanuni ile ya mwaka 2002 *(The Corporal Punishment Regulations)* inasema kwamba fimbo au kiboko

kinachotumika ni kile ambacho kiko *flexible* yaani hakijakakamaa ndicho kinasema hivyo, kwa hiyo, sio kwamba ni fimbo yoyote unaweza ukachukua ukamchapa nayo mtoto. Kwa hiyo, tayari sheria imeeleza kwamba ni kiboko cha aina gani ni kiboko ambacho ni kilaini, hakija kakamaa. (*Makofi*)

**MHE. JOSEPH K. MUSUKUMA:** Kama cha Spika.

**SPIKA:** Mheshimiwa Dkt. Sware tafadhali.

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

Mheshimiwa Spika, je, Serikali haioni ianze kujitathmini kwa upya aina za adhabu zinazotolewa kwa wanafunzi wetu kwa sababu adhabu hizi mara nyingi huwa zinadhaliisha na zinaleta madhara ya kisaikolojia na katika mwili. Sasa ni bora Serikali itathmini kwa upya hizi adhabu hata kama ni kiboko kinatolewa sehemu gani, unakuta adhabu mtoto anaambiwa azomewe mbele ya darasa, achapwe mbele ya darasa tayari unamu-*affect* kisaikolojia na mwili wake. Kwa hiyo, tuangalie na tutathmini hizi adhabu ni katika kujenga na sio kumbomoa yule mwanafunzi. Kuna umuhimu wa kujitathmini hizi adhabu tunazowapa wanafunzi, ahsante.

**SPIKA:** Profesa Ndalichako zamu yako sasa. (*Kicheko*)

**WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA:**

Mheshimiwa Spika, nashukuru kwa kunipa nafasi niongelee hili suala. Kwanza niseme kwamba suala la utoaji wa viboko lengo lake si kuongeza ufaulu, adhabu inakuwa inarekebisha nidhamu au dosari ambayo imejitokeza. Kwa hiyo, tutofautishe haya mambo ya kurekebisha nidhamu na suala la ufaulu. Suala la adhabu linatolewa pale mtu anapoenda kinyume na taratibu.

Mimi ningependa kuchukua nafasi hii, kuwahimiza wanafunzi wote nchini kufanya utii wa sheria bila shuruti, kwa sababu watakapotii sheria hakutakuwa na sababu ya wao

kupewa adhabu. Lakini pale ambapo inakuwa ni lazima mwanafunzi apewe adhabu kwa sababu hajatii sheria zilizowekwa, ni muhimu sana kwa walimu kuhakikisha kwamba wanazingatia taratibu ambazo zimewekwa na mwalimu yeyote ambae anakwenda kinyume na zile taratibu za kuadhibu atachukuliwa hatua kwa mujibu wa sheria. (*Makofi*)

**SPIKA:** Mheshimiwa Msongozi swali la mwisho.

**MHE. JACQUELINE N. MSONGOZI:** Mheshimiwa Spika, ahsante sana kwa kuniona.

Mheshimiwa Spika, ile bakora ulioitumia wewe kumchapia yule jamaa nadhani ilikuwa ni bakora maalum sana. Sasa nilikuwa nataka niulize swali kwamba ni aina gani ya material yatakayotumika kutengeneza hicho kiboko cha kuchapia wanafunzi? Ahsante.

**SPIKA:** Mheshimiwa Naibu Waziri, miongoni mwa Wamasai na Wagogo kuchapa kiboko ni kitu cha kawaida, ninyi mtashangaa lakini kwetu sisi kule ni jambo lingine tofauti. Endelea Mheshimiwa. (*Kicheko*)

**NAIBU WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA:** Mheshimiwa Spika, kama nilivyosema, kanuni hazielezi kuhusu ni *material* gani itumiwe kutengeneza fimbo, lakini wanasema iwe ni fimbo ambayo haijakakamaa ambayo ni laini.

Mheshimiwa Spika, naomba niendeele kusisitiza kwamba, tunaporuhusu viboko haturuhusu uchapaji ambao una madhara kwa mwanafunzi. Kwa hiyo hata kama unatumia kiboko tumia kile ambacho hakina madhara na kwa njia ambayo haidhuru. Vilevile sheria imeelekeza kwamba unachapa wapi, wanasema unachapa mkono au kwenye unachapa kwenye makalio, sio kichwa au mgongo. Kwa hiyo, sheria ile ikifuatwa vizuri, kanuni zile zikifuatwa, tusingekuwa tunapata madhara ambayo tunapata kwa sasa hivi.

**SPIKA:** Ahsante sana tuvuke sasa natumaini walimu nchi nzima wamesikia namna bora ya kufanya katika eneo hilo. Wizara ya Kilimo Mheshimiwa Mbunge wa Ukerewe, Mheshimiwa Joseph Mkundi, uliza swali lako.

Na. 35

### **Utekelezaji wa Mradi wa Kilimo Miyogwezi**

**MHE. JOSEPH M. MKUNDI** aliuliza:-

Mradi wa Kilimo cha Umwagiliaji wa Miyogwezi uliopo katika Kijiji cha Igongo, Ukerewe ni tarajio kubwa la suluhu ya upungufu wa chakula, zaidi ya miaka mitano sasa toka kufanyika uwekezaji wa zaidi ya shilingi milioni 700 bado mradi huo umetelekezwa:-

(a) Je, kwa nini Serikali imetelekeza mradi huo?

(b) Je, nini kauli ya Serikali kuhusu uendelezwaji wa mradi huo?

**SPIKA:** Majibu ya swali hilo la watu wa *UK* (Ukerewe) Naibu Waziri wa Kilimo, Mheshimiwa Omary Mgumba tafadhali.

**NAIBU WAZIRI WA KILIMO (MHE. OMARY T. MGUMBA)** alijibu:-

Mheshimiwa Spika, kwa niaba ya Waziri wa Kilimo, napenda kujibu swali la Mheshimiwa Joseph Michael Mkundi, Mbunge wa Ukerewe kama ifuatavyo:-

(a) Mheshimiwa Spika, Serikali hajjautelekeza Mradi wa Kilimo cha Umwagiliaji wa Miyogwezi, bali mradi huo umesimama kutokana na muda wa utekelezaji wa mradi wa *DASIP* uliokuwa unafadhili mradi huo kumalizika kabla ya Mradi wa Miyogwezi haujakamilika. Mradi wa Miyogwezi ulitekelezwa kupitia mradi wa *District Agriculture Sector Investment Project* yaani (*DASIP*) ambao jumla ya shilingi

695,784,852.50 zilitumika. Utekelezaji wa mradi huo ulihusisha ujenzi wa mabanio mawili na mifereji mikuu yenye urefu wa kilometa 3.15 ambapo kilometa 1.1 zilisakafiwa.

Ujenzi wa mabanio mawili katika mto wa kudumu yaani *perennial river* wa Miyogwezi na katika mto wa msimu wa Mriti. Hadi kukamilika kwa muda wa Mradi wa *DASIP* mwezi Disemba, 2013 ujenzi wa mradi huo ulikuwa umefikia asilimia 76. Aidha, uendelezaji wa mradi huo umechelewa kutokana na Serikali kujipa muda wa kufanya tathmini ya kina ya utekelezaji wa miradi yote ya *DASIP* ili kupima ufanisi wake ulivyotekelezwa.

(b) Mheshimiwa Spika, katika kuhakikisha mradi wa Miyogwezi na miradi mingine ya umwagiliaji nchini inakamilika, Serikali imekamilisha mapitio ya mpango kabambe wa umwagiliaji wa mwaka 2002 kwa kuzingatia mipango shirikishi ya usimamizi na uendelezaji wa rasilimali maji yaani (*Integrated Water Resource Management*) ili kubaini maeneo yanayofaa kwa uendelezaji wa miundombinu ya umwagiliaji yakiwemo mabwawa, visima vifupi na virefu vya chini vya ardhini, pamoja na hali ya skimu zote za umwagiliaji nchini.

Mheshimiwa Spika, mapitio ya mpango huo pia yamebaini miradi yote ya umwagiliaji ambayo haifanyi kazi na ambayo ujenzi wake haujakamilika katika kipindi kilichopita ikiwemo Mradi wa Miyogwezi. Aidha, Mradi wa Umwagiliaji wa Miyogwezi ni miongoni mwa miradi ya umwagiliaji itakayotekelezwa katika Programu ya Kuendeleza Sekta ya Kilimo Awamu ya Pili (*ASDP II*) kuanzia mwaka 2018 hadi mwaka 2023.

**SPIKA:** Mheshimiwa Mkundi, swali la nyongeza tafadhali.

**MHE. JOSEPH M. MKUNDI:** Mheshimiwa Spika, nashukuru.

Kwanza nishukuru kwa majibu yenye kutia matumaini ya Serikali kupitia kwa Naibu Waziri. Lakini kwa kuwa usanifu wa awali ulionesha chanzo cha maji kwa ajili ya miradi hii ambacho sasa si cha kuaminika, Serikali sasa iko tayari kupitia usanifu ule ili chanzo cha maji kwa ajili ya mradi huu ukiwa ni Ziwa Victoria?

Swali la pili, kwa sababu mbali na Bonde hili la Miyogwezi, kuna Bonde la Bugolola lakini na maeneo mengine ambayo ni *potential* kwa ajili ya uzalishaji wa chakula kwenye Visiwa vya Ukerewe. Lakini yote haya tunaweza tukayatumia kwa ufanisi kama Mheshimiwa Waziri anaweza kufika pale akapitia na tukaweza kufanya maamuzi yenye maslahi.

Je, Mheshimiwa Waziri yuko tayari baada ya Bunge hili kuandamana na mimi ili tuweze kufika katika Visiwa vya Ukerewe tuweze kupitia mambo haya? Nashukuru.

**SPIKA:** Majibu ya maswali hayo Mheshimiwa Naibu Waziri Kilimo, Mheshimiwa Omary Tebweta Mgumba, tafadhali.

**NAIBU WAZIRI WA KILIMO (MHE. OMARY T. MGUMBA):** Mheshimiwa Spika, nashukuru. Kwanza nichukue nafasi hii kumpongeza Mheshimiwa Mbunge kwa jinsi anavyotumia muda mwingi kufuatilia na kuwapigania watu wake wa Ukerewe.

Pili, nimesikiliza ushauri wake na kwa niaba ya Serikali tunauchukua ushauri huo na nichukue nafasi hii kuwaelekeza Wahandisi wetu wa Kanda ya Umwaliaji, Kanda ya Mwanza kufika Ukerewe kuanza uchambuzi wa awali kuangalia hiko chanzo kipya na cha zamani ili kuja kutushauri kitaalam kuutekeleza mradi huo upya.

Swali lake la pili, kutaka kwamba kwenda kuambatana na mimi kufika katika eneo hili, Mheshimiwa Mbunge niko tayari baada ya Bunge hili likimalizika tarehe 8

Februari tuoanane ili tupange siku gani tunaweza kutembelea huko maeneo yake.

**SPIKA:** Swali la mwisho kwa siku ya leo linaulizwa na Mheshimiwa Joel Mwaka Makanyaga, Mbunge wa Chilonwa kwa Wizara ya Kilimo. Mheshimiwa Mwaka.

Na. 36

### **Kukarabati Bwawa la Ikowa na Bwawa la Buigiri**

**MHE. JOEL M. MAKANYAGA** aliuliza:-

Je, Serikali ina mpango gani wa kukarabati Bwawa la Ikowa linalohudumia Skimu ya Umwagiliaji ya Chalinze iliyopo Kata ya Manchali na Bwawa la Buigiri iliyopo Kata ya Buigiri?

**NAIBU WAZIRI WA KILIMO (MHE. OMARY T. MGUMBA)** alijibu:-

Mheshimiwa Spika, nashukuru, kwa niaba ya Waziri wa Kilimo, napenda kujibu swali la Mheshimiwa Joel Mwaka Makanyaga, Mbunge wa Chilonwa kama ifuatavyo:-

Mheshimiwa Spika, Bwawa la Ikowa lililopo Wilayani Chamwino, Kata ya Manchali lilijengwa mwaka 1959 kwa ajili ya kupata maji ya mifugo na kumwagilia, jumla ya hekta 300 katika Skimu ya Chalinze. Kutokana na mabadiliko ya tabia nchi na shughuli za kibinadamu katika maeneo hayo, bwawa lilijaa mchanga, magogo ya miti pamoja na tope kutoka katika korongo la Mjenjeule na hivyo kusababisha kupungua kwa kina cha maji katika bwawa hilo.

Mheshimiwa Spika, kufuatia hali hiyo Serikali ilifanya ukarabati mkubwa wa bwawa hilo mwaka 2009 kwa kunyanyua kingo na tuta za bwawa na hivyo kuliwezesha kumwagilia eneo la hekta 50 tu kati ya hekta 300 zilizokuwa zinatumiwa katika kipindi hicho. Aidha, tathmini iliyofanyika mwaka 2012 ilibaini kuwa zinahitajika shilingi bilioni 1.2 kwa

ajili ya ukarabati wa bwawa na kunyanyua tuta ili kuongeza kina cha hilo bwawa ili kuwezesha kumwagiliwa hekta 300 katika Skimu ya Chalinze.

Mheshimiwa Mwenyekiti, Bwawa la Buigiri ambalo liko katika Kata ya Buigiri lilijengwa 1960 ikiwa na uwezo wa kumwagiliwa hekta 40 na kunyeshea mifugo. Kufuatiwa bwawa kuvuna maji ya mvua ya mafuriko, lilijaa mchanga na kupungua kina cha maji. Pamoja na Serikali kurikarabati bwawa hilo, katika kipindi cha mwaka 2005 na mwaka 2009 bado bwawa hilo liliendelea kujaa mchanga na tope kutokana na shughuli za kibinadamu zinazosababisha uharibifu wa mazingira katika vyanzo vya maji. Aidha, tathmini iliyofanyika mwaka 2012 ilionesha kuwa bwawa hilo linahitaji ukarabati wa sehemu ya kutoroshea maji (*slipway*) na kunyanyua tuta ili kuongeza kina kwa gharama ya shilingi milioni 475.

Mheshimiwa Spika, kutokana na umuhimu wa bwawa hilo kwa wananchi wa Wilaya ya Chamwino, Wizara ya Kilimo kupitia Tume ya Taifa ya Umwagiliaji, itatenga fedha katika bajeti ya mwaka 2019/2020 kwa ajili ya kuyafanyia tathmini ya kina na usanifu kuandaa nyaraka za zabuni kwa ajili ya kutangaza na ukarabati. Aidha, Serikali inashauri wananchi wanaoishi kwenye maeneo ya vyanzo vya maji na kufanya shughuli za kibinadamu kushiriki katika kuboresha mazingira yao ili changamoto za kujaa mchanga na tope, iweze kupata ufumbuzi wa kudumu.

**SPIKA:** Mheshimiwa Joel Mwaka, tafadhali.

**MHE. JOEL M. MAKANYAGA:** Mheshimiwa Spika, nashukuru kwa majibu mazuri sana ya Serikali ya kwamba katika Bajeti ya mwaka 2019/2020 mabwawa haya mawili sasa yatatengewa fedha kwa ajili ya ukarabati. Naamini kabisa hata wananchi huko waliko wanasikiliza, watakuwa wamefurahia sana haya majibu. Wako tayari kufuata maelekezo yoyote ya kiutaalamu yatakayotolewa na Serikali kuhakikisha kwamba mabwawa haya yatakapokuwa



yametengenezwa na kukarabatiwa, yasije kupambana na tatizo hili tena.

Mheshimiwa Spika, nina ombi moja tu kwa Mheshimiwa Naibu Waziri kwamba tuongozane naye, tuambatane naye, twende tukayatembelee haya mabwawa mawili kwenye Kata hizi, ili kwa pamoja tuwe na uelewa wa pamoja nini hasa kinatakiwa kufanyika kwenye haya mabwawa. Nashukuru sana. (*Makofi*)

**SPIKA:** Majibu ya ombi hilo, tafadhali Mheshimiwa Naibu Waziri.

**NAIBU WAZIRI WA KILIMO (MHE. OMARY T. MGUMBA):** Mheshimiwa Spika, nashukuru, nimekubali ombi lake. Nataka nimuahidi hapa kwa sababu Bunge lako tukufu litaahirishwa tarehe 8 Februari, basi tarehe 9 niko tayari kuambatana naye kufika Jimboni kwake, siyo kuangalia bwawa tu, ni pamoja na kuangalia kilimo cha zabibu.

**SPIKA:** Ahsante sana. Mheshimiwa Mbunge wa Moshi Vijijini, swali la mwisho kwa siku ya leo.

**MHE. ANTONY C. KOMU:** Mheshimiwa Spika, nakushukuru sana kwa kunipa nafasi ya kuuliza swali moja dogo la nyongeza. Kule Moshi kuna *scheme* ya umwagiliaji inaitwa *Moshi Lowerinayohudumia* Kata za Mabogini, Arusha Chini na Kahe kwa wakulima wa mpunga na vitunguu. Wakati wa kiangazi, kutokana na uchakavu wa miundombinu na mabadiliko ya tabia ya nchi, kunakuwa na mgogoro mkubwa sana wa maji kwa sababu hayatoshi, lakini wakati wa mvua kunakuwepo na mafuriko ambayo yanaharibu vilevile miundombinu na hata hicho kilimo chenyewe. Je, Serikali haioni umuhimu wa kujenga kitu kama bwawa au miundombinu yoyote ya kuvuna hayo maji ili yaweze kutumika wakati wa kiangazi na kutatua mgogoro unaojitokeza wakati huu?

**SPIKA:** Majibu ya swali hilo, Mheshimiwa Naibu Waziri, tafadhali.

**NAIBU WAZIRI WA KILIMO (MHE. OMARY T. MGUMBA):**

Mheshimiwa Spika, nashukuru kwa kunipa nafasi hii. Serikali kwanza tunaona umuhimu wa ujenzi wa bwawa hilo kwa ajili ya kuvuna maji ya mvua. Kwa hiyo, kwa niaba ya Serikali kupitia Wizara ya Kilimo na Tume ya Taifa ya Umwagiliaji, tutatuma timu yetu ya Kanda ya Kilimanjaro kufika katika bwawa hilo kufanya tathmini ya awali, baadaye tutapanga pesa kutokana na uwezo wa kibajeti na upatikanaji wa fedha, ili kuweza kujenga bwawa hilo kwa ajili ya kuvuna maji ili yaweze kutumika wakati wa kiangazi.

**SPIKA:** Waheshimiwa Wabunge, inatosha hapa tulipofikia kwa siku ya leo. Kwa haraka haraka, niwatambulishe wageni tulionao.

Kwenye jukwaa la Spika tunao wageni wawili wa Mheshimiwa Naibu Spika, ambao ni Katibu wa CCM wa Mkoa wa Mbeya Ndugu Solomon Itunda na Katibu Mwenezi wa CCM wa Mkoa wa Mbeya, Ndugu Bashiri Madodi, karibuni sana viongozi wa Chama cha Mapinduzi kutoka Mkoa wa Mbeya (*Makofi*).

Wageni wa Waheshimiwa Wabunge ni wageni 50 wa Mheshimiwa Antony Mavunde, Naibu Waziri, Ofisi ya Waziri Mkuu, Kazi, Vijana na Ajira ambao ni mshindi wa kwanza na mshindi wa pili wa Kombe la Umoja wa Vijana wa CCM, *Mavunde Cup* Kata ya Kizota, walioongazana na viongozi wa CCM wa Kata ya Kizota. Ooh, wako pale! Hongereni sana kwa kuwa mmeweza kushinda ushindi wa kwanza na ushindi wa pili. (*Makofi*)

Pia tuna mgeni wa Mheshimiwa Jumaa Aweso, Naibu Waziri wa Maji na Umwagiliaji ambaye ni mpiga ni kura wake kutoka Mkoani Tanga, Ndugu Swaibu Juma Mwanyoka. Karibu Mwanyoka. (*Makofi*)

Pia wapo wageni wanne wa Mheshimiwa Silafu Maufi, ambao ni ndugu zake kutoka Sumbawanga, Mkoani Rukwa wakiongozwa na binamu yake Ndugu Fadhili Msilu, wako pale, karibuni sana. (*Makofi*)

Wapo wageni wawili wa Mheshimiwa Ritta Kabati ambao ni jamaa zake kutoka Mkoani Iringa, Ndugu George James Mungai na Ndugu Tito George Mungai, karibuni James na Tito. *(Makofi)*

Tunao wageni watano wa Mheshimiwa Venance Mwamoto ambao ni Viongozi wa Kimasai kutoka Mbarali Mkoani Mbeya wakiongozwa na Ndugu Thera Qurubai, karibuni pale mlipo. *(Makofi)*

Tunao wageni walioko Bungeni kwa ajili ya mafunzo ambao ni wanafunzi 60 na walimu watano kutoka Shule ya Sekondari ya Kondo ya Mkoa wa Dodoma. Ooh, karibuni sana watoto wazuri kutoka kule Kondo. *(Makofi)*

Pia wapo wanafunzi 60 na Wakufunzi watatu kutoka Chuo Kikuu cha Iringa wakiongozwa na Mshauri wa Wanafunzi Dkt. Dinna Kisamo. Ooh, karibuni sana wanafunzi wa Chuo Kikuu cha Iringa pamoja na ma-sister, tunawakaribisheni sana. Ahsante sana. *(Makofi)*

Kabla hatujaendelea leo nizungumzie mambo madogo mawili ya ushauri kwa ujumla wake. La kwanza linamhusu Mheshimiwa Zitto Kabwe.

Waheshimiwa Wabunge, mtakumbuka mwanzoni mwa mwezi huu, Mheshimiwa Zitto aliandika kwenye mitandao mbalimbali ikiwepo *Instagram*, kwenye wiki ya kwanza mwaka huu kwamba *CAG* alikuwa amefanya Ukaguzi Maalum Hazina na katika ukaguzi huo aligundua wizi mkubwa, ubadhirifu wa shilingi trilioni moja na nusu na ametoa ripoti maalum ya ukaguzi huo na ripoti hiyo imefika Ofisi ya Spika na Spika amekalia ripoti hiyo.

Sasa hayo mengine nilikuwa siyajali sana, lakini linalonihusu mimi ni kwamba nilituhumiwa kwamba nimekalia ripoti hiyo na hasa kwenye *Instagram* ya tarehe 8 Januari.

Ningependa kusema mbele ya Bunge hili na kwa wananchi wa Tanzania kwamba ndugu yetu Mheshimiwa

Zitto anapenda sana tabia za kusema uongo na haipendezi mtu mzima kusema uongo, siyo utamaduni mzuri. Kama ni barua imetoka kwa CAG, imeenda kwa Spika, wakati huo Wabunge tukiwa tuko likizo ya mwaka, wewe unajuaje pale katikati? Unafanya kazi Ofisi ya CAG au inakuwaje?

Niseme tu kwamba barua tajwa, yeye alisema tarehe 8, mimi nimeletewa Ofisi ya Dar es Salaam tarehe 16 Januari. Kwa hiyo, haikuwa kweli. Pia baada ya kuipata tarehe 16 Januari, muda mfupi baadaye nikawa nimeipeleka kwenye Kamati ya PAC kama ilivyo ada. Kwa sababu hata ninyi wenyewe kama kuna ubadhirifu wa triloni, hivi Spika anakaliaje, jambo kama hilo ninyi Wabunge msijue? *Is it possible?* Kama tulihangaika naye kwa shilingi bilioni 300 za Escrow Bunge lililopita, leo shilingi triloni moja na nusu Spika amekalia! Sasa huku ni kupakana matope. Taifa zima linamwona Spika kama ni mtu fulani wa ajabu ajabu hivi. Haya yanatokana na ninyi wenyewe Wabunge miongoni mwetu kuipaka Ofisi ya Spika matope ya kila aina. Sasa sijui ni kwa madhumuni gani. Sijui kama ni ku-*retire imprest* au ni nini.

Kwa hiyo, niseme kwamba taarifa hiyo haikuwa ya kweli, ni taarifa ya uongo. Kama mnavyojua, tarehe 20 Aprili, 2018, Mheshimiwa Rais alikuwa akiapisha Majaji Ikulu Dar es Salaam. Alimwuliza CAG, uliponisomea taarifa zile kabla sijapeleka Bungeni, hukuniambia habari ya wizi ya shilingi triloni moja na nusu, hizo hela zimeibiwa? Ninyi wote mlilosikiliza, CAG alijibuje pale? Alisema hakuna mambo kama hayo. Mbele ya Rais, Ikulu. Wiki iliyopita tulipopeleka jambo hili kwenye Kamati ya PAC liliulizwa pia, kuna wizi wa aina hiyo? Yeye mwenyewe akiwepo CAG. Deputy CAG akajibu, hakuna wizi wowote wala ubadhirifu wa shilingi triloni moja na nusu. (*Makofi*)

Kwa hiyo, ushauri wangu tu kwa Waheshimiwa Wabunge kwa ujumla wake ni kwamba hebu tujikite katika ushindani wenye tija, siyo kuendesha siasa zisizokuwa na maana na kutoa taarifa zinaenda dunia nzima, kama vile kuna jambo fulani. Ni jambo ambalo halina tija.

**MBUNGE FULANI:** *(Hapa hakutumia kipaza sauti).*

**SPIKA:** Aah, bado haijamtosha, bado namwekea habari ya kwenda Maadili, siyo sasa. Bado, lakini tutafika naye tu huko siku moja. Leo natoa tu kwa Watanzania na watu wote wajue katika hili Zitto ni muongo. Akitaka nimfanyie utafiti wa mengine ya uongo ambayo ameyasema, yapo ya kutosha, badilika ndugu yangu. Mbona mimi sijawahi kukusingizia? Hujisikii vibaya kwenye moyo wako? Huna Mungu karibu! *(Makofi)*

La pili ambalo ningependa kulisemea na nilikuwa nikikataa kusema tangu mwanzo linamhusu Mheshimiwa Tundu Antiphas Lissu. Kwa sasa tumeamua katika Ofisi yetu kuanza kujibu. Nilikuwa nikikataa sana kujibu tangu mwanzo kwa sababu tulikuwa tunaamini yupo kitandani na haipendezi watu wazima kubishana na mgonjwa. Sasa dalili zote zinaonesha kwamba sasa akiongea lazima tujibu.

Inapofika mtu anafanya na ziara duniani, maana yake ni kwamba sasa anachokiongea, anakijua, anakielewa. Wakati ule wa mwanzo ungeweza kuhisi labda katika kuugua kunakuwa na baadhi ya mambo ambayo yanakuwa yamempita.

Moja ya madai yake makubwa ni kwamba Bunge hili halijawahi kumjali kifedha toka tarehe 7 Septemba, 2017 alipopata matatizo haya makubwa ndugu yetu ambayo tunaendelea kumpa pole. Jambo hili amelisemea na kulirudia na kulirudia sana mahali pengi na anaendelea kulisemea. Tutaendelea kutoa ufafanuzi kadri siku zinavyoenda.

Lakini itoshe tu kusema kwa Watanzania kwamba Bunge hili kupitia Ofisi yangu, kutoka hiyo tarehe 7 Septemba, 2017 hadi Desemba, sijajumlisha za Januari, kupitia Ofisi yangu tumeshamlipa Mheshimiwa Tundu Antiphas Lissu malipo mbalimbali ya jumla ya shilingi 207,872,000/=. Ukijumlisha na michango yenu kwa ajili ya matibabu ambayo tulilipa *Nairobi Hospital*, shilingi milioni 43 ukijumlisha pamoja, tumeshampa ndugu yetu huyu, shilingi milioni 250. Kwa hiyo, kuendelea

kusema kila mahali kwamba Bunge hili halijawahi kutoa hata senti moja kwa ajili yake katika jambo hili, ni jambo la uongo, uongo kabisa. (*Makofi*).

Nalitupa upande wake, haiwahusu, kalipwa yeye, sio ninyi. Nalitupa upande wake ili akanushe hili, sasa ndiyo nitoke na mkeka kamili wa kila kitu. (*Makofi*)

Leo tuna shughuli nyingi, kwa jinsi hiyo naomba sasa kwa hatua hii, nimkaribishe Mheshimiwa Chenge ili aweze kuendelea na shughuli.

*Mwenyekiti (Mhe. Andrew J. Chenge) Alikalia Kiti*

**MWENYEKITI:** Katibu.

**NDG. BAKARI KISHOMA - KATIBU MEZANI**

**MISWADA YA SHERIA YA SERIKALI**

**Muswada wa Sheria ya Huduma za Maji na Usafi wa Mazingira wa Mwaka 2018 (*The Water Supply and Sanitation Bill, 2018*)**

na

**Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali (Na. 4) wa Mwaka 2018 (*The Written Laws [Miscellaneous Amendments] (NO. 4) Bill, 2018*)**

*(Kusomwa Mara ya Pili)*

**MWENYEKITI:** Ahsante.

Waheshimiwa Wabunge, naomba utulivu. Tuna miswada miwili kama jana na tutatumia utaratibu ule ule tulioutumia jana. Hoja hizi mbili zitawasilishwa moja baada ya nyingine na baadaye zitatolewa taarifa. Tunaanza na Mheshimiwa Waziri wa Maji na Umwagiliaji. Una dakika 20 Mheshimiwa Waziri.

**WAZIRI WA MAJI NA UMWAGILIAJI:** Mheshimiwa Mwenyekiti, ahsante. Kwa mujibu wa Kanuni ya 86 ya Kanuni za Kudumu za Bunge Toleo la mwaka 2016, naomba kutoa hoja kwamba Muswada wa Sheria ya Huduma ya Maji na Usafi wa Mazingira wa mwaka 2018 (*The Water Supply and Sanitation Bill, 2018*) pamoja na marekebisho yake, sasa usomwe kwa mara ya pili na ya tatu na Bunge lako tukufu lijadili na hatimaye lipitise Muswada huu kuwa Sheria.

Mheshimiwa Mwenyekiti, awali ya yote namshukuru Mwenyezi Mungu Mwingi wa Rehema kwa kutujalia uzima na afya njema na hivyo kuweza kutekeleza majukumu yetu. Pia nichukue fursa hii kumshukuru Rais wa Jamhuri ya Muungano wa Tanzania, Mheshimiwa Dkt. John Pombe Joseph Magufuli kwa kuniamini na kunitiua kuwa Waziri wa Maji. Hivyo nimepewa dhamana na heshima kubwa ambayo sina budi kuilinda na kuisimamia kikamilifu na kwa uadilifu mkubwa.

Mheshimiwa Mwenyekiti, vilevile namshukuru Makamu wa Rais, Mheshimiwa Samia Suluhu Hassan kwa usaidizi wake kwa Mheshimiwa Rais, katika kuhakikisha kuwa Ilani ya Chama cha Mapinduzi inatekelezwa kikamilifu katika upatikanaji wa huduma ya maji na usafi wa mazingira.

Mheshimiwa Mwenyekiti, aidha, napenda kuchukua nafasi hii, kumshukuru Mheshimiwa Waziri Mkuu wa Jamhuri ya Muungano wa Tanzania Mheshimiwa Kassim Majaliwa Majaliwa kwa mwongozo na maelekezo yake stahili ambayo amekuwa akinipatia katika utekelezaji wa majukumu yangu kama Waziri wa Maji katika kuhakikisha kuwa tunafikia malengo tuliyojiwekea katika Sekta ya Maji.

Mheshimiwa Mwenyekiti, napenda pia kuwashukuru sana Wajumbe wa Kamati ya Kudumu ya Bunge ya Kilimo, Mifugo na Maji kwa kuchambua na kuupitia Muswada huu kwa kina; maoni ya Kamati yamezingatiwa kikamilifu katika Muswada huu kama inavyooneshwa katika jedwali la marekebisho. Aidha, naishukuru sana Kamati hii kwa

ushirikiano mzuri na wa karibu tulionao katika kutekeleza majukumu yetu katika sekta ya maji.

Mheshimiwa Mwenyekiti, napenda kuchukua fursa hii kuwashukuru wadau wote waliotoa maoni na michango yao katika kuboresha Muswada huu. Wadau hao ni pamoja na Wizara za Serikali, Asasi Zizizo za Kiserikali, watumishi wa maji, Vyuho Vikuu na sekta binafsi. Nashukuru pia Ofisi ya Mwanasheria Mkuu wa Serikali, Idara ya Mwandishi Mkuu wa Sheria na Mpiga Chapa Mkuu wa Serikali kwa hatua zote za maandalizi na hatimaye kukamilisha Muswada huu.

Mheshimiwa Mwenyekiti, lengo la muswada huu ni kutungwa kwa Sheria mpya ya Huduma za Maji na Usafi wa Mazingira ambayo itaweka utaratibu wa kisheria katika kusimamia utoaji wa huduma za maji safi na usafi wa mazingira nchini. Sheria hii italenga kufutwa kwa Sheria za Huduma ya Maji na Usafi wa Mazingira, Sura ya 272 na Sheria ya Mamlaka ya Majisafi na Majitaka Dar es Salaam, Sura ya 273, hivyo kuwa na sheria moja itakayosimamia kikamilifu shughuli zote za utoaji wa huduma za maji na usafi wa mazingira katika ngazi mbalimbali hapa nchini.

Mheshimiwa Mwenyekiti, sheria zinazotumika sasa zimeweka mifumo ya usimamizi wa utoaji wa huduma za maji na usafi wa mazingira katika ngazi zote ikiwa ni pamoja na ngazi za watumiaji wa maji ambapo baadhi ya miradi inayojengwa inakabidhiwa kwa vyombo hivyo ili kusimamia na kutoa huduma ya maji kwa wananchi. Hata hivyo, vyombo hivyo vinakabiliwa na changamoto za kiusimamizi na ukosefu wa wataalam, hivyo kusababisha kukosekana kwa uendeleu wa miradi ya maji.

Aidha, uzoefu na uchambuzi wa mazingira hasa utoaji wa huduma za maji nchini umeonesha kuwa iko haja ya kuangalia upya mfumo wa utoaji wa huduma ya maji hapa nchini.

Mheshimiwa Mwenyekiti, vilevile uwepo wa sheria mbili zinazosimamia utoaji wa huduma zinazofanana kunaleta



mkanganyiko katika usimamizi na utekelezaji wake hususan katika kuandaa kanuni na miongozo ya utekelezaji wa sheria hizo.

Mheshimiwa Mwenyekiti, naomba sasa nieleze mambo muhimu yaliyozingatiwa katika Muswada huu. Mambo hayo ni pamoja na yafuatayo:-

Kwanza, kubainisha majukumu ya watendaji au wasimamizi mbalimbali ikiwa ni pamoja na majukumu ya Waziri mwenye dhamana na Serikali za Mitaa, Sekretarieti ya Mkoa na Mamlaka za Serikali za Mitaa;

Pili, kuendelea kutambuliwa kwa Mamlaka za Maji na Usafi wa Mazingira ambazo zimeshaundwa na kuruhusu uanzishwaji wa mamlaka mpya za maji kadri ya mahitaji;

Tatu, kuendelea kutambua na kuainisha majukumu ya Mamlaka ya Udhhibiti wa Huduma za Nishati na Maji (*EWURA*);

Nne, kuainisha ushiriki wa jamii kwa kuruhusu uanzishwaji wa vyombo vya watumiaji maji (*Community Base Water Supply Organization*) na kuainisha masharti mbalimbali yanayohusu uanzishwaji wake na masuala ya fedha;

Mheshimiwa Mwenyekiti, tano, kuanzishwa kwa Wakala wa Maji na Usafi wa Mazingira Vijijini (*Rural Water Supply and Sanitation Agency - RUWASA*) ambao utasimamia miradi na utoaji wa huduma ya maji vijijini ikiwemo uchimbaji wa visima na ujenzi wa mabwawa;

Sita, kuendelea kutambuliwa kuanzishwa kwa Mfuko wa Taifa wa Maji (*National Water Fund*). Lengo la mfumo huu ni kutafuta fedha kwa ajili ya kusaidia uwekezaji katika miradi ya maji; na

Saba, kuweka makosa na adhabu chini ya sheria hii, masharti ya ujumla na masharti ya mpito.

Mheshimiwa Mwenyekiti, ni matarajio yetu kuwa kutungwa na kutekelezwa kwa Sheria mpya ya Huduma ya Maji na Usafi wa Mazingira kutaimarisha mfumo wa utoaji huduma za maji na usafi wa mazingira nchini. Baadhi ya matokeo tarajiwa katika kutungwa kwa sheria hii ni kama ifatavyo:-

Mheshimiwa Mwenyekiti, kwanza, kuongeza ufanisi na uwajibikaji katika utoaji wa huduma kwani wataalam wote wa maji ndani ya Serikali watawajibika kwa Wizara yenye dhamana ya maji;

Mbili, kuimarika kwa ujenzi, usimamizi na uendeshaji wa miradi ya maji kufuatia kuundwa kwa Wakala wa Maji na Usafi wa Mazingira Vijijini (*RUWASA*);

Tatu, uendeleu wa miradi ya maji vijijini kutokana na kuboreshwa kwa muundo na usimamizi wa vyombo vya watumiaji maji; Nne, kuwepo wa uendeleu wa huduma za maji nchini hivyo kuchochea utendaji katika sekta nyingine na kuongeza mchango wa sekta ya maji katika ukuaji wa uchumi; na

Tano, kuwa na sheria moja ya kusimamia sekta ya usambazaji wa maji na hivyo kurahisisha uratibu na usimamizi wa sekta hiyo.

Mheshimiwa Mwenyekiti, naomba kumalizia maelezo yangu kwa kutoa muhtasari wa masuala yaliyomo katika Muswada huu ambapo yamegawanyika katika sehemu 15 kama ifuatavyo; Sehemu ya Kwanza ya Muswada huu inahusu mambo ya utangulizi yaani jina na tarehe ya kuanza kutumika kwa sheria inayopendekezwa, ufafanuzi wa maneno na misamiati iliyotumika katika sheria inayopendekezwa.

Mheshimiwa Mwenyekiti, Sehemu ya Pili ya Muswada inahusu malengo na kanuni za sheria inayopendekezwa. Miongoni mwa kanuni hizo ni kuweka mazingira mazuri na

vivutio yaani motisha kwenye utoaji wa huduma ya uhakika, endelevu na nafuu ya maji na usafi wa mazingira.

Mheshimiwa Mwenyekiti, Sehemu ya Tatu, inaeleza mambo ya utawala na mfumo wa kitaasisi inaeleza bayana majukumu na kazi za Waziri wa Maji, Waziri wa Serikali Tawala za Mikoa na Serikali za Mitaa.

Mheshimiwa Mwenyekiti, Sehemu ya Nne, inaeleza uundaji wa Mamlaka ya Maji na Usafi wa Mazingira. Inapendekeza utaratibu wa kuunda Mamlaka za Maji na Usafi wa Mazingira, muundo wake na hadhi yake kisheria pamoja na kazi na majukumu yake.

Mheshimiwa Mwenyekiti, Sehemu ya Tano inaeleza masuala yanayohusiana na fedha za Mamlaka za Maji na Usafi wa Mazingira ambapo ni pamoja na kueleza vyanzo vya fedha, ukaguzi wa hesabu na taarifa za mwaka.

Mheshimiwa Mwenyekiti, Sehemu ya Sita ya Muswada inaeleza majukumu na kazi za Mamlaka ya Udhhibiti wa Huduma za Nishati na Maji (*EWURA*).

Mheshimiwa Mwenyekiti, Sehemu ya Saba inapendekeza uanzishwaji wa vyombo vya watumiaji maji yaani *Community Base Water Supply Organizations* katika utoaji wa huduma za maji.

Mheshimiwa Mwenyekiti, Sehemu ya Nane ya Muswada inaeleza mambo ya fedha kwenye vyombo vya watumiaji maji vinavyotoa huduma za maji. Hii ni pamoja na kuainisha vyanzo vya fedha na misaada ya fedha.

Mheshimiwa Mwenyekiti, Sehemu ya Tisa inapendekeza uangalizi na udhibiti wa vyombo vya watumiaji maji kwenye utoaji wa huduma za maji.

Mheshimiwa Mwenyekiti, Sehemu ya Kumi ya Muswada inapendekeza uanzishwaji wa Wakala wa Maji Vijijini yaani *Rural Water Supply and Sanitation Agency (RUWASA)* pamoja na kazi zake.

Mheshimiwa Mwenyekiti, Sehemu ya Kumi na Moja inapendekeza uwepo wa kanuni za wadau wanaojihusisha na kazi za utoaji wa huduma za maji na usafi wa mazingira na Sehemu ya Kumi na Mbili inapendekeza uanzishwaji wa Mfuko wa Taifa wa Maji.

Mheshimiwa Mwenyekiti, Sehemu ya Kumi na Tatu inapendekeza makosa ya jinai na adhabu zake chini ya sheria inayopendekezwa. Sehemu ya Kumi na Nne inaeleza mambo ya ujumla yakiwemo mamlaka ya Waziri kutunga kanuni chini ya sheria hii, kesi za madai dhidi ya mamlaka za maji pamoja na upatikanaji wa baadhi ya Wajumbe wa Bodi kwa njia ya ushindani. Sehemu ya Kumi na Tano inaeleza mambo ya mpito ambapo ni pamoja na kufuta Sheria ya Huduma za Maji na Usafi wa Mazingira namba 12 ya mwaka 2009, Sura ya 272 na Sheria ya Mamlaka ya Majisafi na Majitaka Na. 20 ya mwaka 2001, Sura 273.

Mheshimiwa Mwenyekiti, kwa namna ya kipekee nichukue fursa hii tena kuwashukuru kwa dhati Wajumbe wa Kamati ya Kudumu ya Kilimo, Mifugo na Maji kwa kupitia kwa undani Muswada huu ulio mbele ya Bunge lako Tukufu. Matokeo ya uchambuzi wao wa kina na jedwali la marekebisho kama lilivyosambazwa kwa Waheshimiwa Wabunge. Aidha, ushauri na maelekezo ya kamati yatazingatiwa kikamilifu katika utekelezaji wa sheria hii.

Mheshimiwa Mwenyekiti, baada ya kutoa maelezo hayo, kwa heshima kubwa naomba Waheshimiwa Wabunge wajaadili Muswada huu na kuridhia na hatimaye kupitishwa kuwa Sheria ya Huduma za Maji na Usafi wa Mazingira ya Mwaka 2019 (*The Water Supply and Sanitation Act 2019*).

Mheshimiwa Mwenyekiti, kwa heshima kubwa na unyenyekevu, naomba kutoa hoja. (*Makofi*)

**WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA:**  
Mheshimiwa Mwenyekiti, naafiki.

*(Hoja lilitolewa lamuliwe)*

**SPECIAL BILL SUPPLEMENT**

*to the Gazette of the United Republic of Tanzania No.4C. Vol.99 dated 16<sup>th</sup> October, 2018*  
 Printed by the Government Printer, Dodoma by Order of Government

## THE WATER SUPPLY AND SANITATION ACT, 2018

## ARRANGEMENT OF SECTIONS

PART I  
 PRELIMINARY PROVISIONS

<i>Section</i>	<i>Title</i>
1.	Short title and commencement.
2.	Application.
3.	Interpretation.

PART II  
 OBJECTIVES AND PRINCIPLES

4.	Objectives and principles.
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PART III  
 ADMINISTRATION AND INSTITUTIONAL SET UP

5.	Powers of Minister.
6.	Responsibility of the Minister responsible for Local Government.
7.	Responsibility of Regional Secretariat.
8.	Functions of Local Government Authorities.

PART IV  
 WATER SUPPLY AND SANITATION AUTHORITIES  
*(a) Establishment of Water Supply and Sanitation Authorities*

9.	Establishment of Water Authority.
10.	Board of Directors of Water Authorities.
11.	Appointment of the members of Board.
12.	Powers of Board.
13.	Obligation to provide water supply and sanitation services.
14.	Licensing of Water Authorities.
15.	Powers and functions of water authorities.
16.	Transfer of existing assets.

17. Managing Director.
18. Staff of Water Supply and Sanitation Authority.
19. Appointment of Service Provider.

*(b) Functions of Water Supply and Sanitation Authorities*

20. Functions of Water Supply and Sanitation Authority.
21. Powers and duties of water supply and sanitation authority.
22. Wayleave of waterworks.
23. Service to economically disadvantaged persons.

PART V  
FINANCIAL PROVISIONS FOR WATER AUTHORITY

24. Funds of Water Authority.
25. Annual and Supplementary Budget.
26. Accounts and audit.
27. Annual report.

PART VI  
ENERGY AND WATER UTILITIES REGULATORY AUTHORITY  
*(a) Regulation of Functions*

28. Application of Energy and Water Utilities Regulatory Act.

*(b) Licensing Procedures*

29. Functions of EWURA.
30. Procedure for obtaining licence.
31. Conditions of licence.

PART VII  
COMMUNITY BASED WATER SUPPLY ORGANISATION

32. Establishment of community based water supply organisations.
33. Powers and functions of community based water supply organisations.
34. Constitution of community organisations.
35. Registration of community organisations.
36. Clustering of community water organisations.
37. Appointment of service providers.

PART VIII  
FINANCIAL PROVISIONS FOR COMMUNITY BASED WATER SUPPLY  
ORGANISATIONS

- 38. Sources of funds.
- 39. Financial support to community based water supply organisations.
- 40. Accounts and audit of community organisations.

PART IX  
MONITORING AND REGULATION OF COMMUNITY BASED  
WATER SUPPLY ORGANISATIONS

- 41. Monitoring and regulation of community organisations.

PART X  
ESTABLISHMENT OF RURAL WATER AGENCY  
*(a) Establishment of Rural Water Agency*

- 42. Establishment of RUWA.
- 43. Functions of RUWA.

*(b) Board of Directors of Rural Water Agency*

- 44. Establishment of Board.
- 45. Functions of Board.
- 46. Director General and other employees.

*(c) Duties of RUWA in Relation to Community Organisations*

- 47. Payments by RUWA.
- 48. Cooperation of local government authorities.
- 49. Cooperation with Regional and District Administration.

*(d) Financial Provisions*

- 50. Funding sources.
- 51. Budget.
- 52. Account and audit.
- 53. Annual reports.

PART XI  
CODE OF WORKMANSHIP

54. Code of Workmanship.

PART XII  
NATIONAL WATER FUND

55. Establishment of National Water Fund.  
56. Functions of fund.  
57. Use of Funds.  
58. Establishment of Board of Fund.  
59. Secretariat of Fund.  
60. Annual accounts and audit of Fund.

PART XIII  
OFFENCE AND PENALTIES

61. Damage to or interference with water works.  
62. Unlawful abstraction of water.  
63. Misuse of water.  
64. Fraudulent measurement.  
65. Using water other than for purposes supplied.  
66. Bathing, washing, etc in waterworks.  
67. Water pollution.  
68. Prohibition to dump waste.  
69. Compounding of offences.

PART XIV  
GENERAL PROVISIONS

70. Integrated Water Resources Management Plan.  
71. Proof of liability.  
72. Summary Recovery.  
73. Power of Minister to make Regulations.  
74. Competitive appointment of Board Members.  
75. Powers of Minister to dissolve water authorities.  
76. Cessation of Community Organisations.  
77. Jurisdiction of Court.  
78. Civil Proceedings against Water Authority.



79. Execution of orders against water authority.

PART XV  
TRANSITIONAL PROVISIONS

80. Repeal and Savings.  
81. Pending disciplinary proceedings.  
82. Management of rural water supply by water authorities.

—————  
**SCHEDULES**  
—————

—————  
**NOTICE**  
—————

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

Dodoma,  
16<sup>th</sup> October, 2018

JOHN W. H. KIJAZI  
*Secretary to the Cabinet*

A BILL

*for*

**An Act to provide for sustainable management and adequate operation and transparent regulation of water supply and sanitation services; to provide for the establishment of water supply and sanitation authorities, Rural Water Agency, National Water Fund and community based water supply organisations; to provide for appointment of service providers, repeal of the Water Supply and Sanitation Act, 2009 and Dar es Salaam Water and Sewerage Authority Act, 2001 and to provide for related matters.**

**ENACTED** by the Parliament of the United Republic of Tanzania.

PART I  
PRELIMINARY PROVISIONS

Short  
title and  
Comme

1. This Act may be cited as the Water Supply and Sanitation Act, 2018, and shall come into operation on such date

ncement	as the Minister may, by notice published in the <i>Gazette</i> , appoint.
Applicat ion	2. This Act shall apply to Mainland Tanzania.
Interpret ati-on	3. In this Act, unless the context otherwise requires- “appurtenances” means pipes, cisterns, cocks, fittings and other appliances or structures, other than meters, through which water flows or is intended to be used for the purpose of supplying any premises from the waterworks;
Cap. 414	“authorized person” means an officer, servant or agent, or any person acting on behalf of the water authority or EWURA;
Cap. 331	“Basin Water Board” means the Basin Water Board established under the Water Resources Management Act; “Board” means the Board of Directors of a Water Supply and Sanitation Authority established under section 10; “Chairman” means the Chairman of the Board of a Water Supply and Sanitation Authority and includes the Vice-Chairman and any person presiding at a meeting of the Board; “cluster” means merging of two or more water authorities or community organizations into one water authority or community organization to achieve commercial viability, efficiency and economies of scale of water supply and sanitation services; “community” means a group of households, a village or a group of villages who receive their water supply from a common source, or one or more water points or a waterworks; “community organisation” means a community based water supply organisation established under section 32; “consumer” includes any person or body of persons supplied, or applying to be supplied with, or using water from waterworks or receiving sanitation services, or who is liable for payment of any fees or other charges for the supply or use of water or sanitation services; “domestic purposes” includes the use of water solely for the purpose of meeting household and domestic needs and excludes any commercial activities;

- Cap.414      “EWURA” means the Energy and Water Utilities Regulatory Authority established under the Energy and Water Utilities Regulatory Authority Act;
- “fire service” means any pipes and fittings used for the sole purpose of supplying water to premises to combat fire;
- “Fund” means the National Water Fund established under section 56;
- “household“ means premises which are occupied by a family unit for domestic purposes;
- “implementing agency” means RUWA, water authority, community organization, Basin Water Board or any entity which receive funds from the Fund for implementation of water project.
- Cap. 287      “local government authority” means a district authority or an urban authority as established under the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act;
- Cap. 288
- “mains” includes any water pipe based and maintained by a water supply and sanitation authority including connections to the mains;
- “Managing Director” means the Managing Director of the Water Supply and Sanitation Authority appointed in accordance with section 17(1);
- “meter” means an appliance, apparatus or device used to measure, ascertain or regulate, the rate of flow or the amount of water taken or used from the waterworks and includes any meter box, meter box cover and indicator marking the position and size of the meter;
- “Minister” means the Minister responsible for water;
- “occupier” means any person who is in occupation of the land or premises in connection with which the term is used;
- “owner” in relation to any premises, means the owner of the premises or the person for the time being receiving the rent in respect of the premises in question, whether on his own account or as agent or trustee for any other person, or who would receive it where the premises were let at a rent;
- “pollute” means directly or indirectly to alter the physical, thermal, chemical, biological or radioactive properties of water so as to render such water less fit for any beneficial purpose for which it is, or may reasonably be

used, or cause a condition which is hazardous or potentially hazardous to public health, safety welfare or to animals, birds, fish or aquatic life, or organism or to plant and "pollution" has corresponding meaning;

“premises” means any structure, building or part of a building, and includes any land with or without buildings which is held or occupied as a distinct or separate holding or tenancy;

“private sewer” includes a privately constructed pipe, conduit, underground gutter or channel, other than a building sewer, which may be connected to a private sewerage installation-

- (a) for the conveyance of sewage or trade waste; or
- (b) for other private purposes and not being part of a public sewerage system vested in or constructed by a water authority;

“private sewerage installation” includes privately constructed latrine, septic tank or other sewerage system and all fittings connected thereto but does not include a building sewer;

“public tap” means any fountain, standpipe, tap, trough, valve or other appliance or structure erected, provided or maintained by or on behalf of a water supply and sanitation authority or a community based water supply organisation for the purpose of supplying water to its consumers;

“RUWA” means the Rural Water Agency established under section 42;

“sanitation” means the provision of appropriate facilities and services for the collection and disposal of human excreta and waste waters;

“sanitation works” means sewers, drains, pipes, ducts or channels, whether open or closed, used for the drainage of human excreta or waste waters from buildings or land, and on-site systems for the reception of human excreta and waste waters which do not connect to a sewer;

“service provider” means a service provider appointed in accordance with sections 19 and 37;

“sewer” means any pipe or conduit other than a drain used, or for use, for the conveyance of sewage;

“trade waste agreement” means an agreement between a water authority and any person for the discharge of waste into a sewer or storage or treatment of waste by the water authority, and includes such terms, manner and periods as the water authority may decide or as may be prescribed;

“water authority” means a water supply and sanitation authority established under section 9;

“water point” means a single source of water, which may be a well, a borehole, a tap or a public tap;

“water project” means project for the construction, expansion or rehabilitation of water supply and sanitation infrastructure as well as development, protection and conservation of water resources;

“water supply” means the provision of appropriate facilities and services for the sourcing, treatment and distribution of potable water;

“waterworks” includes all gathering grounds, off-takes, reservoirs, dams, weirs, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, mains, pipes, meters, fountains, sluices, valves, hydrants, pumps, prime movers and all other structures and appliances used or constructed for the storage, conveyance, supply, measurement or regulation of water, which are used or have been constructed by or on behalf of a water supply and sanitation authority or a community based water supply organisation; and

“waterworks area” means any area of land or of water delineated by the Minister as an area connected with the supply of any waterworks.

## PART II OBJECTIVES AND PRINCIPLES

Objectives  
and  
principles

4.-(1) The objective of this Act is to promote and ensure the right of every person in Tanzania to have access to efficient, effective and sustainable water supply and sanitation services for all purposes by taking into account the fundamental principles of-

- (a) creation of an enabling environment and appropriate incentives for the delivery of reliable, sustainable and

- affordable water supply and sanitation services;
- (b) delegation of management functions of water supply and sanitation services to the lowest appropriate levels;
- (c) ensuring that water supply and sanitation authorities are financially and administratively autonomous and sustainable;
- (d) transferring ownership of water supply schemes in rural areas to the respective communities and enabling all the beneficiaries and stakeholders to participate effectively in the management of community water supply schemes;
- (e) establish mechanisms to ensure that communities meet the costs of operation and maintenance of their water supply systems and contribute to the capital costs thereof;
- (f) promotion of public sector and private sector partnership in provision of water supply and sanitation services;
- (g) establishment and enforcement of standards of service in water supply and sanitation services;
- (h) regulation of suppliers of water supply and sanitation services;
- (i) protection and conservation of water resources and development and promotion of public health and sanitation; and
- (j) protection of the interests of customers.

(2) All person exercising powers under this Act or under any written law having a bearing on provision of water supply and sanitation services shall strive to promote and have regard to the National Water Policy, 2002, in respect of urban water supply and sanitation and rural water supply.

### PART III ADMINISTRATION AND INSTITUTIONAL SET UP

Powers of  
Minister

5. The Minister shall be responsible for formulation of national policy and strategy and for ensuring the execution by

authorities or persons under the control of the Minister of their functions connected with the implementation of the Act and in particular the Minister shall-

- (a) determine legislative aspects of the provision of water supply and sanitation services;
- (b) determine policy and strategy aspects of the provision of water supply and sanitation services;
- (c) coordinate technical and financial support for water supply and sanitation services;
- (d) coordinate planning and resource mobilization for water supply and sanitation services through external support, Non Governmental Organisations and the public;
- (e) ensure the provision of the technical guidance to Water Supply and Sanitation Authorities and RUWA;
- (f) coordinate and monitor water authority strategies and plans;
- (g) monitor performance of and regulate community based water supply organisations;
- (h) supervise implementation of the provisions of water supply and sanitation service;
- (i) cause to be prepared the National Water Sector Master Plan developed under the Water Resources Management Act;
- (j) coordinate planning and resource mobilization for water supply and sanitation services through external support, Non Governmental Organisations and the public; and
- (k) facilitate provisions of low cost technologies of water supply and sanitation services to communities.

Responsibility of Minister responsible for Local Government

6. For the purpose of implementation of this Act, the Minister responsible for local government shall be responsible for creating a conducive environment for-

- (a) community and private sector participation in development, operation and management of water supply and sanitation services; and
- (b) Water Authorities, RUWA and community organizations in the execution of functions



connected with provisions of water supply and sanitation services.

Responsibility of Regional Secretariat

Cap.97

7. With respect to the implementation of this Act and without prejudice to the Regional Administration Act, the Regional Secretariat shall-

- (a) coordinate and follow up status of planning and implementation of water supply and sanitation services in the Region; and
- (b) create a conducive environment for water authorities, RUWA and Community Organizations in the execution of functions connected with provisions of water supply and sanitation services in the Region.

Functions of Local Government Authorities  
Cap.288

8.-(1) Without prejudice to the provisions of the Local Government (District Authorities) Act, and Local Government (Urban Authorities) Act-

- (a) the Urban Authority and District Authority shall:
  - (i) coordinate physical planning with the water authorities and community organizations; and
  - (ii) set aside funds from own sources for water supply and sanitation projects.
- (b) with regard to community based water supply organisations District Councils shall-
  - (i) facilitate the acquisition by communities desirous of owning and managing their water schemes of certificates of title prior to the communities taking over responsibility;
  - (ii) mobilise communities to take over water supply schemes;
  - (iii) approve by-laws for protection of water sources, operations of community organizations and other service providers; and
  - (iv) promote provision of sanitation facilities in the areas of community based water supply schemes.
- (c) with regard to community based water supply organisations and Village Councils shall-
  - (i) promote the establishment of community organisations;

- (ii) co-ordinate community organisation budgets with village council budgets; and
- (iii) resolve conflicts within community organisations.

(2) The local government authorities may make by-laws in relation to water supply and sanitation to give effect to the efficient and sustainable provision of these services in their areas of jurisdiction by water authorities or community organisations.

#### PART IV

#### WATER SUPPLY AND SANITATION AUTHORITIES

##### *(a) Establishment of Water Supply and Sanitation Authorities*

Establishment of water authority

9.-(1) The Minister may, in consultation with the Minister responsible for local government and by notice in the *Gazette*-

- (a) establish water authority; and
- (b) cluster water authorities in order to achieve commercial viability.

(2) The service area of a water authority established pursuant to subsection (1) may include the administrative boundaries of one or more local government authorities as may be determined in accordance with this Act or other written laws for the most efficient and economic provision of water supply and sanitation services.

(3) The Minister may declare any water authority established under subsection (1) to be a commercial water supply and sanitation authority basing on the criteria as the Minister may determine.

(4) The declared commercial water authority shall be financially autonomous depending on the commercial viability of providing water and sewerage services.

(5) A water authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name be capable of -

- (a) suing and being sued;
- (b) acquiring, holding and disposing of movable and immovable property;
- (c) exercising the powers and performing the functions conferred upon it by or under this Act;

(d) entering into any contract or other transactions, and doing or suffering to do all other acts and things which a body corporate may lawfully perform, do or suffer to be done.

(6) The common seal of Water Authority shall be dully affixed if witnessed under the hand of the Chairman and or the Managing Director or the secretary of Water Authority and such affixation on any document executed or authenticated shall be judicially noticed.

(7) Without prejudice to the provisions of subsection (1), a water authority established prior to the commencement of this Act shall continue to operate and for all purposes and intent be treated as though it was established under this Act.

(8) Notwithstanding the preceding provisions of this section, the Attorney General shall have the right, through the Solicitor General, to intervene in any suit or matter instituted by or against the Authority.

(9) Where the Attorney General intervenes in any matter in pursuance of subsection (8), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it had been instituted by or against the Government;

Cap. 5

provided that, the requirement of ninety days notice of intention to sue the Government as stipulated under the Government Proceedings Act shall not apply where the Attorney General intervenes under this section.

Board of  
Directors of  
water  
authorities

10.-(1) There shall be a Board of Directors for each water authority responsible for carrying out the functions and managing the business and affairs of the water authority.

(2) The First Schedule shall have effect in respect to the membership and procedure of the Board of the water authority.

(3) The Minister may, by order published in the Gazette, amend the First Schedule.

Appointment of  
members of  
Board

11. The Minister shall, upon consultation with the Minister responsible for local government, appoint the chairman and not more than ten members of the Board of the water authority.

Powers of  
Board

12.-(1) The Board shall be responsible and accountable

for carrying out the functions and managing the business and affairs of water authority and in particular shall-

- (a) advise the Minister on matters relating to water supply and management;
- (b) approve any business plan for the purposes of water authority;
- (c) establish committees from its members for the purposes of water authority and delegate any functions to any of those committees;
- (d) consider legislative proposals relating to water and the supply of it and recommend their enactment to the Minister;
- (e) give directions of any nature to the Managing Director;
- (f) recommend to EWURA any changes to water tariffs and other charges made for the services provided by water authority; and

(2) Subject to subsection (5), the Board may, by instrument, appoint and delegate on such terms and conditions as it may specify, to any of the employees of the water authority or any committee appointed by it any of the functions, powers, authorities or duties conferred upon it by or under this Act.

(3) Where any delegation is made under subsection (2) the delegated function, power, authority or duty may be performed or as the case may be, exercised as such subject to the terms, conditions and restrictions specified in writing by instrument of delegation.

(4) No delegation so made shall prevent the Board from itself performing or exercising the function, power or duty delegated.

(5) Notwithstanding subsection (2), the Board shall not delegate its function, power, authority or duty in relation to-

- (a) approval of plan and budget;
- (b) approval of the annual report or audited accounts; or
- (c) borrowing the sums of money as may be necessary for the water authority.

Obligation to provide water supply and sanitation services

13.-(1) Notwithstanding any other law to the contrary and subject to the other provisions of this Act, a water authority shall do all things necessary to provide water supply and sanitation services to the area falling under its jurisdiction,

except where-

- (a) a person provides such services solely for that person's own use; or
- (b) a community based water supply organisation provides such services for a defined area within the water authority's area of jurisdiction.

(2) Members of the community in areas within the water authority approved area of jurisdiction where operators of water supply services do not extend to abstract and use water from that community source even if the operator has lawful access:

Provided that, such serviced area is known and approved by the water authority.

Licensing of water authorities

14. A water authority shall not operate except in accordance with this Act and under the authority of a licence issued by EWURA.

Powers and functions of water authorities

15.-(1) A water authority shall, as a licensee, be responsible for the efficient and economical provision of water supply and sanitation services authorized by the licence.

(2) Water supply and sanitation services authorized by a licence may be provided by a service provider appointed under this Act.

(3) Without prejudice to section 14 a water authority may, for the purpose of the provision of water supply and sanitation services and in accordance with its business plan purchase, lease or otherwise acquire-

- (a) premises, plant, equipment and facilities; and
- (b) land, or arrange for compulsory acquisition under this Act and any other relevant law.

(4) A water authority shall have such other powers and functions as may be conferred or imposed on it by or under this Act or any other written law.

Transfer of existing assets

16.-(1) The ownership of waterworks, plant, equipment and other assets used by the Government, local government authorities or community organizations in connection with water and sanitation services together with any associated liabilities shall, without any compensation of the costs incurred, be transferred to the water authority upon its establishment.

(2) Notwithstanding subsection (1), the Minister

responsible for finance, in consultation with the Minister may decide not to transfer associated liabilities to a water authority where such a transfer would unduly prevent the water authority from carrying out its functions on a commercially sound basis.

Managing  
Director

17.-(1) There shall be a Managing Director of the water authority who shall be appointed by the Minister on recommendation of the Board for a term not exceeding four years, as may be specified in the instrument of appointment, but shall be eligible for re-appointment.

(2) The Board shall make the recommendation in subsection (1) on the basis of a competitive recruitment process.

(3) The Managing Director shall be a person who -

- (a) is a holder of a degree or its equivalent from a recognised institution;
- (b) possesses at least eight years experience in managerial position or such other qualification as may be required;
- (c) in the opinion of the Board, is suitable to perform the functions and duties competently and with integrity.

(4) The Managing Director shall be the principal officer of the water authority and, subject to the directions of the Board, shall be responsible for the day to day management of the affairs of the water authority.

(5) The Managing director shall not participate in any deliberations or decisions of the Board relating to his terms and conditions of employment.

Staff of  
water supply  
and  
sanitation  
authority

18. The Board may appoint such number of staff on the basis of qualifications, experience and merit as may be necessary for the proper and efficient conduct of the business and activities of the water authority and upon such terms and conditions as it may determine.

Appointment  
of service  
provider

19.-(1) A water authority may, in accordance with this section, arrange for the exercise and performance of all or any of its powers and functions under the licence by one or more agents, to be known as service providers.

(2) The agreement shall specify the powers and functions under the licence which shall be performed by the

service provider during the currency of the agreement.

(3) The agreement may also make provision for or with respect to-

- (a) the concurrent performance, by the water authority and the service provider, of the same functions in different parts of the area of jurisdiction of the water authority;
- (b) the indemnity by the service provider of any liability of the water authority arising from the performance or non-performance of functions conferred by the licence; and
- (c) the maintenance, rehabilitation and development, by the service provider, of water and sanitation infrastructure and facilities of the water supply and sanitation authority.

(4) The water authority may enter into agreements with more than one service provider in respect of its area of jurisdiction.

(5) A power or function conferred by a licence or otherwise conferred by or under this Act which, pursuant to an agreement may be exercised or performed by a service provider shall be deemed, when exercised or performed by the service provider, to have been exercised or performed under the authority of the licence.

*(b) Functions of Water Supply and Sanitation Authorities*

Functions of  
water supply  
and sanitation  
authority

20. The functions of a water supply and sanitation authority shall be to-

- (a) provide water supply and sanitation services for uses as are required by this Act or any other written law dealing with the management of water resources, water quality standards and the environment;
- (b) secure the continued supply of water for all lawful purposes by continuously treating the water and monitoring the quality of water supplied at such times and in such a manner as may be prescribed in the water quality standards or regulations made under this Act;
- (c) develop and maintain waterworks and sanitation

- works;
- (d) in consultation with relevant authorities protect and maintain water sources;
  - (e) advise the Government in the formulation of policies and guidelines relating to potable water standards;
  - (f) plan and execute new projects for the supply of water and the provision of sanitation;
  - (g) educate and provide information to persons on public health aspects of water supply, water conservation, sanitation, and similar issues;
  - (h) liaise with relevant government authorities on matters relating to water supply and sanitation and the preparation and execution of plans relating to the expansion thereof;
  - (i) collect fees and levies including any regulatory levy for water supply and sanitation services supplied to consumers by the water authority;
  - (j) provide bulk procurement and distribution of water chemicals and materials to ensure availability of water chemicals and materials which meet required standards;
  - (k) propose water supply and sanitation tariffs;
  - (l) provide amenities or facilities which the water authority considers necessary or desirable for persons making use of the services or the facilities provided by the water authority; and
  - (m) do anything or enter into any transaction which, in the opinion of the Board of the water authority, is calculated to facilitate the proper exercise of the functions of the water authority under this Act.

*(c) Powers of Water Supply and Sanitation Authorities*

Powers and duties of water supply and sanitation authority

21. Pursuant to the general obligations of a water authority to do all things necessary to provide water supply and sanitation services to the area falling under its jurisdiction, a water authority shall have powers inter alia to-

- (a) keep custody, acquire, through compulsory purchase, construct and operate waterworks and sanitation works;



- (b) have way leave to enter any land for the purpose of laying water mains or sewers, or erecting a public tap;
- (c) install water meters for the purpose of measuring the amount of water supplied to a consumer;
- (d) charge fees for services rendered;
- (e) enter into an agreement with the owner or occupier of land for more effectively collecting, conveying or preserving the purity of water which the water authority is authorized to take;
- (f) restrict, diminish, withhold or suspend the supply of water;
- (g) supply water fittings to any person to whom a water authority supplies water;
- (h) enter into a trade waste agreement for the discharge of waste into a sewerage system;
- (i) prohibit the discharge of certain wastes into a sewerage system;
- (j) enter premises for any purpose related to the provision of water supply and sanitation services to consumers;
- (k) promulgate by-laws for the better performance of functions stipulated under this Act; and
- (l) produce and sale bulk water to retailers.

Wayleave of  
waterworks

22.-(1) Where the Water Authority or service provider has in relation to any land, taken steps towards fulfilment of conditions stipulated under section 21, it shall assume control over-

- (a) thirty metres of such land being fifteen metres from centre of a pipe sized 1200 mm and above;
- (b) ten metres being five metres from centre of a pipe ranging from 400 mm to less than 1200 mm; and
- (c) four metres of such land being two metres from centre of the pipe ranging from 150 mm to less than 400 mm;

and no person shall be permitted to enter and stay or do anything upon that land without the permission of Water Authority or service provider.

(2) Water Authority shall, in consultation with relevant authorities, demarcate wayleave by installing visible signs or

beacons.

Service to  
economically  
disadvantaged  
persons

23.-(1) In the exercise of powers and the discharge of duties under section 21, a water authority shall take into account the existence and needs of the economically disadvantaged persons when-

- (a) supplying water and sanitation services to these persons;
- (b) setting tariffs and other charges for water supply and sanitation services; and
- (c) taking any action in any matters likely to have a negative effect on the economic well-being of such groups.

(2) Water authority in collaboration with the local government authority shall identify the economically disadvantaged persons.

PART V  
FINANCIAL PROVISIONS FOR WATER AUTHORITY

Funds of  
water  
authority

24. The funds and resources of a water authority shall consist of

- (a) the sums as may be appropriated by Parliament for the purposes of a water authority;
- (b) any sums which a water authority may receive as fees, rates or charges for water supplied or any services rendered by it;
- (c) the sums or property which may vest in a water authority under this Act or any other written law or otherwise vested in a water authority;
- (d) the sums as may be received from the local government authorities in its area of responsibility;
- (e) the sums as may be borrowed by the water authority from any source;
- (f) the donations, grants, bequests and loans as the Board may, receive from any person or body of persons; and
- (g) any other sources legally acquired in the process of performance of its functions

Annual and  
Supplementa

25.-(1) Not less than two months before the beginning

ry Budget of every financial year, the Board shall, at a meeting, pass a detailed annual budget of the amounts expected to be received and disbursed by the water authority during the next financial year and where circumstances so require, the Board may pass a budget in any financial year.

(2) Where in any financial year a water authority requires to make any disbursement not provided for, or of an amount in excess of the amount provided for in the annual budget for any year, the Board shall, at a meeting, pass a supplementary budget detailing such disbursement.

(3) The annual budget prepared under this section shall form part of the business plan to be submitted to EWURA.

Accounts  
and audit

26.-(1) The Board of a water authority shall, in every financial year cause to be provided and kept proper books of account in accordance with the Public Audit Act.

Cap.418

(2) Within six months of the close of every financial year the accounts including the financial statements of a water authority shall be audited by the Controller and Auditor General in accordance with the provisions of the Public Audit Act.

(3) Audited financial statements shall be placed before a meeting of the Board and, where adopted by the Board, be endorsed with a certificate that it has been adopted.

(4) As soon as the accounts of a water authority have been audited, and in any case not later than six months after the close of the financial year, the Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report on that statement made by the auditors.

Annual  
report

27.-(1) A water authority shall cause to be prepared and submitted to the Minister and a copy to the Minister responsible for local government within six months after the close of each financial year an annual report detailing generally activities and operations of the water authority during that year.

(2) The report shall be accompanied by-

(a) a copy of the audited accounts of the water authority together with the auditor's report on the accounts;

(b) a statement of all directions given by EWURA to the water authority during a year in question; and

(c) such other information as Minister may direct.

(3) A water authority shall also submit to EWURA such

other reports on its financial affairs as EWURA may by writing request.

(4) The Minister shall, as soon as practicable after receiving the report, lay before the National Assembly the audited accounts of a water authority together with the auditor's report, where any, on the accounts and the annual report of the water authority.

(5) A copy of the report submitted to the Minister responsible for local government in accordance with subsection (1) shall be submitted to each local government authority in the area of jurisdiction of the water authority

PART VI  
ENERGY AND WATER UTILITIES REGULATORY AUTHORITY  
*(a) Regulation of Functions*

Application  
of Energy  
and Water  
Utilities  
Regulatory  
Act  
Cap. 414

28. The water authority shall, in performance of its functions under this Act, be subject to regulation by the Energy and Water Utilities Regulatory Authority in accordance with the Energy and Water Utilities Regulatory Act.

*(b) Licensing Procedures*

Functions of  
EWURA  
Cap. 414

29.-(1) Notwithstanding the generality of the functions of EWURA stipulated under the Energy and Water Utilities Regulatory Authority Act, the functions conferred on EWURA in relation to water supply and sanitation services shall be to-

- (a) exercise licensing and regulatory functions in respect of water supply and sanitation services;
- (b) establish standards relating to equipment attached to the water and sanitation system;
- (c) establish guidelines on tariffs chargeable for the provisions of water supply and sanitation services;
- (d) approve tariffs chargeable for the provision of water supply and sanitation services;
- (e) monitor water quality and standards of performance for the provision of water supply and sanitation services;
- (f) initiate and conduct investigations in relation to the quality of water and standards of service given to

Cap. 414

- consumers;
- (g) conduct studies necessary for administrative or management purposes;
- (h) collect and compile data on licensees as it considers necessary for the performance of its functions under this Act;
- (i) issue orders or give directions to any person granted a licence in respect of a regulated activity under this Act or other written law;
- (j) subject to Section 20(i), charge levies, and fees applicable to water authority and other sector participants in respect of regulatory activities of the EWURA charged in accordance with section 41 of the Energy and Water Utilities Regulatory Authority Act;
- (k) establish or approve standards and codes of conduct in respect of-
  - (i) licensees;
  - (ii) consumers; and
  - (iii) public safety;
- (l) promote the development of water supply and sanitation services in accordance with recognised international standard practices and public demand;
- (m) prescribe rules and declaration and cause the same to be published in the *Gazette* and in at least one Kiswahili and one English newspaper circulating in a water authority's area of jurisdiction; and
- (n) perform other functions which are incidental or ancillary to the functions stipulated under this section.

(2) Notwithstanding the provisions of the Energy and Water Utilities Regulatory Authority Act, the annual report prepared for submission to the Minister responsible for EWURA shall, in respect of regulation of water authorities and services, include-

- (a) a comparative analysis of the performance of the licensees in relation to performance targets specified in the licences;
- (b) a statement of all directives and orders given by EWURA to licensees during the year in question; and

(c) any other information as may be directed by EWURA.

Procedure  
for obtaining  
licence

30.-(1) A person other than a community organisation shall not provide water supply and sanitation services except under authority of a licence issued under this Act.

(2) EWURA shall prescribe the rules and procedures for the purpose of this section.

(3) Subject to other relevant laws, a licence issued under this section shall be valid for a minimum period of ten years and shall be renewed for the same period where the applicant has been complying with licence conditions and the provisions of this Act or other applicable law.

Conditions  
of licence

31. A licensee issued with a licence under this Part shall-

- (a) construct and maintain water supply mains and where necessary according to its licence, sewerage systems to the boundary of a consumer's property;
- (b) operate in accordance with its business plans;
- (c) comply with directives or orders issued by EWURA in the exercise of its functions under this Act;
- (d) keep a record of its water supply and sanitation services in a form specified by EWURA and submit the record to EWURA every year from the commencement of the licence; and
- (e) comply with any other condition issued by EWURA for the proper delivery of its water supply and sanitation services.

## PART VII

### COMMUNITY BASED WATER SUPPLY ORGANISATIONS

Establishment  
of  
community  
based water  
supply  
organisations

32.-(1) A community based water supply organisation may be established by the agreement of the majority of the members of a community.

(2) A community organisation established pursuant to subsection (1) shall be a corporate body for the purposes of this Act as may be prescribed in any law including-

- (a) a Water Consumer Association;

- (b) a Water Trust;
- (c) a Cooperative Society;
- (d) a Non-government Organisation;
- (e) a Company; or
- (f) any other body as approved by the Minister.

(3) The community organisation shall in that capacity have perpetual succession and a common seal and shall have power, in and by its corporate name, to sue and be sued and, in the exercise and performance of its powers and functions, to do and permit all such things as may lawfully be done or permitted by a body corporate in furtherance of its objectives under this Act.

(4) Notwithstanding the provisions of subsection (2), a community based water supply organisations established shall form its association in accordance with its constitution or memorandum of agreement.

Powers and functions of community based water supply organisations

33.-(1) A community organisation established under section 32 shall, subject to the terms of this Act, have the powers and functions in its area of jurisdiction to-

- (a) own movable and immovable properties including public taps and waterworks;
- (b) manage, operate and maintain public taps and waterworks and provide an adequate and safe supply of water to its consumers;
- (c) determine rules for the use of public taps and or waterworks by consumers;
- (d) install water meters for the purpose of measuring the amount of water supplied to a public tap or a consumer;
- (e) charge consumers for the water supplied from public taps and or waterworks;
- (f) limit the access of any persons from the water source, public taps or from supplies from the waterworks who are not complying with the rules, regulations or the constitution of the community organisation;
- (g) consult and cooperate with the village council or any other institution responsible for land to plan and control the use of land in the immediate vicinity of the water points and or waterworks; and
- (h) do such other thing or enter into any transaction

which, in the opinion of the Community Water Committee is necessary and proper in carrying out its obligations under this Act.

(2) Notwithstanding the provisions of section 32(3) and section 33(1), where a water scheme operated or to be operated by a community organization is developed through grant, donation or investment by community or Government, the ownership of such scheme shall be public.

Constitution  
of  
community  
organisatio-  
ns

34.-(1) The proposed members of a community organisation shall prepare a Constitution or Memorandum of Agreement substantively in the form set out in the Second Schedule and submit such Constitution or Memorandum of Agreement to RUWA for approval subject to the consultation of the relevant local government authority.

(2) Upon request of a community or group of water consumers intending to establish an association, RUWA shall provide assistance in formulating the Constitution or Memorandum of Agreement.

(3) A Community Water Committee shall be the governing body responsible for overseeing operations of the community organisation and shall be elected and have the powers as set out in the constitution or memorandum of agreement prepared under subsection (1).

(4) A Community Water Management Team shall be the executive organ responsible for day to day operations of the community organisation and shall perform functions as set out in section 33(1) and the constitution or memorandum of agreement of the community organization prepared under subsection (1).

(5) A Community Water Management Team shall submit to RUWA reports regarding performance of the water scheme, functional and non-functional water points, major breakdowns and financial affairs of the community organizations.

Registration  
of  
community  
organisatio-  
ns

35.-(1) Upon approval of the constitution or memorandum of agreement, and the community organisation's establishment under the provisions of any other law, the community organisation shall be registered in accordance with the procedure as shall be prescribed by the Minister and



published in the *Gazette*.

(2) With effect from the date of registration the community organisation shall be responsible for the water supply system or systems for which it was established.

(3) With effect from the date of registration all water consumers within the area of a community organisation shall be required to pay such rates and charges as may be levied for the provision of water supply.

Clustering of  
community  
water  
organisations

36.-(1) Notwithstanding the provisions of sections 33, 34 and 35, RUWA may cluster community organizations into one community organization in order to achieve efficiency and economies of scale.

(2) In clustering community organizations under subsection (1), RUWA shall consult respective community organizations and other relevant authorities.

(3) Upon clustering under subsection (1), all assets and infrastructure used by the clustered community organizations in connection with provision of water services, shall vest to the clustered community organization.

Appointment  
of service  
providers

37.-(1) For the purposes of section 33, a community organisation may, arrange for the exercise of powers and performance of its functions by one or more agents, to be known as service providers.

(2) Such arrangement shall be reduced to a written agreement between the community organisation and the service provider the terms of which, and any amendment of which, shall be approved by RUWA.

**PART VIII  
FINANCIAL PROVISIONS FOR COMMUNITY BASED WATER SUPPLY  
ORGANISATIONS**

Sources of  
funds

38. The sources of funds for community based water supply organisations shall be-

- (a) the water tariffs or water charges payable to it by each consumer using the water scheme;
- (b) any contributions by its members and financial support from the communities;
- (c) any moneys that may be payable by members under

its constitution;

- (d) any moneys that the community organisation may obtain with the approval of the Minister from donations, loans or other financial assistance;
- (e) any such sums as may be set aside by local government authority as percentage of their revenue for community organisation on projects; and
- (f) any moneys that may be contributed by the respective local government authority to finance construction of new schemes, rehabilitation and expansion of existing schemes.

Financial support to community based water supply organisations

39.-(1) Subject to subsection (3), local government authorities may give assistance to community organisation to enable them to discharge their functions under this Act.

(2) The assistance may be in the form of grants, loans or subsidies necessary subject to such conditions as the Minister responsible for local government determines.

(3) Prior to giving any financial assistance, the local government authorities must take into account all relevant considerations including the-

- (a) need for equity;
- (b) need for transparency;
- (c) purpose of the financial assistance; and
- (d) financial position of the recipient.

(4) Any community organisation shall be required to meet the costs of operation and maintenance of its water supply system or systems from its own resources and make a contribution, in cash or kind, to the capital costs.

(5) The community organisation requesting financial support shall be required to demonstrate-

- (a) ability to sustain water schemes; and
- (b) willingness to pay a portion of the capital costs of the water schemes both in cash and in kind.

Accounts and audit of community organisations  
Cap.418

40.-(1) The accounts of community organisations shall be audited in accordance with the Public Audit Act.

(2) RUWA shall in respect of the community organisations, have the duty to inquire into any matter regarding the performance of activities and management of the funds of such organizations in relation to water supply and services.

PART IX  
MONITORING AND REGULATION OF COMMUNITY BASED  
WATER SUPPLY ORGANISATIONS

Monitoring  
and  
regulation of  
community  
organisations

41.-(1) RUWA shall carry out monitoring and regulations of community based water supply organizations, and in particular shall-

- (a) establish standards and codes of conduct in respect of the community organization and its consumers;
- (b) monitor water quality and standards of performance of the community organization in the provision of the water supply services;
- (c) conduct studies required for administrative or management purposes;
- (d) promote the development of water supply services in communities, including linkages with sanitation measures;
- (e) perform other functions which are incidental or ancillary to the functions stipulated under this subsection; and
- (f) provides guidelines for monitoring and regulation of community organizations.

(2) The Minister shall provide guidelines, by a notice published in the *Gazette* for the establishment and conduct of affairs of community organization.

(3) The RUWA shall submit reports to the Minister in such form and at such times as the Minister may prescribe in the regulations.

(4) Notwithstanding the general responsibilities stipulated in subsection (1), RUWA in consultation with a local government authority may take such measures as it deems necessary in respect of any community organization in its area of jurisdiction in respect of-

- (a) settlement of disputes between a community organisation and its consumers;
- (b) settlement of disputes between a community organisation and its service providers;
- (c) settlement of disputes between community organisations *inter se*;
- (d) failure of a community organisation to provide

- services; or
- (e) any other matter which, in the opinion of RUWA, is contrary to the interest of its consumers.

PART X  
ESTABLISHMENT OF RURAL WATER AGENCY  
*(a) Establishment of Rural Water Agency*

Establishment  
of RUWA

42.-(1) There is hereby established an Agency to be known as the Rural Water Agency with its acronym “RUWA”.

(2) The RUWA shall be a body corporate with perpetual succession and a common seal and shall be capable of-

- (a) suing and being sued in its corporate name;
- (b) borrowing, acquiring, holding and dispose of movable and immovable property; and
- (c) entering into any contract or transaction and doing all such other things as a body corporate may lawfully do.

(3) Notwithstanding the preceding provisions of this section, the Attorney General shall have the right, through the Solicitor General, to intervene in any suit or matter instituted by or against the Authority.

Cap. 5

(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it had been instituted by or against the Government;

provided that, the requirement of ninety days notice of intention to sue the Government as stipulated under the Government Proceedings Act shall not apply where the Attorney General intervenes under this section.

Functions of  
RUWA

43.-(1) The RUWA shall be responsible for development and sustainable management of rural water supply and sanitation projects.

(2) Without prejudice to the generality of subsection (1) RUWA shall:

- (a) plan, design, construct and supervise rural water supply projects;
- (b) conduct ground water survey including prospecting and explorations, and undertake drilling operations

- including water well flushing and pumping test, and rehabilitation of water wells;
- (c) design and construct dams of different types and carry out geotechnical and soil investigation for dam construction and other civil engineering structures;
  - (d) monitor and evaluate performance of community organisations in relation to rural water supply and sanitation services;
  - (e) promote and sensitize rural communities on sanitation, hygiene education and practice as well as protection and conservation of rural water sources;
  - (f) provide financial and technical support to community organisations for major maintenance of rural water schemes;
  - (g) provide support to community organisations in relation to management, operation and maintenance of rural water supply schemes;
  - (h) advise the Minister on issues related to rural water supply and sanitation;
  - (i) facilitate participation of communities in the identification, planning, construction and management of rural water and sanitation projects;
  - (j) facilitate private sector engagement in the provision of the rural water supply and sanitation services;
  - (k) facilitate training and capacity building to community organisations in financial, technical and management of rural water supply schemes;
  - (l) register and regulate the performance of community organisations according to this Act and Regulations made by the Minister; and
  - (m) undertake any other initiative or activity aimed at ensuring the Agency attain its objectives.

*(b) Board of Directors of Rural Water Agency*

Establishment  
of Board

44.-(1) There shall be a Board to be known as the Rural Water Agency Board.

(2) The Third Schedule shall have effect in respect with the composition of the Board of RUWA, appointment, removal and tenure of its members, proceedings of the Board of RUWA and such matters in relation to the Board and its members.

(3) Except for the provision relating to the appointment of Chairman of the Board of RUWA, the Minister may, by order published in the *Gazette* amend the Third Schedule.

Functions of  
Board

45.-(1) The Board of RUWA shall be responsible and accountable for carrying out the functions and managing the business and affairs of RUWA.

(2) Without prejudice to subsection (1), the Board of RUWA may, by instrument, appoint and delegate on such terms and conditions as it may specify, to any of the employees of RUWA or any Committee appointed by it any of the functions, powers, authorities or duties conferred upon it by or under this Act.

Director  
General and  
other employee

46.-(1) There shall be a Director General who shall be appointed by the Minister on the competitive selection procedure after recommendation of the Board of RUWA for a term not exceeding five years and shall be eligible for re-appointment for one further term only.

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

- (a) is a holder of a degree or its equivalent from a recognised institution;
- (b) possesses at least eight years experience in managerial position or such other qualification as may be required;
- (c) has knowledge and experience of water sector;
- (d) has satisfied the Board that he is unlikely to have conflict of interest with the principal functions of RUWA; and
- (e) is, in the opinion of the Board otherwise well suited to execute the functions of RUWA.

(3) The Director General shall not be engaged in any other paid employment, and shall not participate in any deliberations or decisions of the Board of RUWA relating to his terms and conditions of employment.

(4) The Board of RUWA may appoint such number of employees as may be necessary for efficient and effective performance of the functions and day to day operations of RUWA upon such terms and conditions as it may determine.

*(c) Duties of RUWA in relation to Community Organisations*

- |                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Payments by<br>RUWA                                  | <p>47. The RUWA shall, in relation to water works executed in rural areas make payment for purposes of-</p> <ul style="list-style-type: none"><li>(a) compensating all parties claiming interest in the land for all damage sustained by them as a consequences of execution, expansion or rehabilitation of waterworks carried out by or on behalf of the community organisation through or on their land; and</li><li>(b) meeting part of the costs incurred by community based water supply organisations in the major rehabilitation and expansions of water schemes and payment for costs for services rendered.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Cooperation of<br>local<br>government<br>authorities | <p>48.- The RUWA shall cooperate with local government authorities in exercising any of the following duties-</p> <ul style="list-style-type: none"><li>(a) facilitating the acquisition by all water organisations developing water schemes of certificates of title prior to the commencement of the schemes;</li><li>(b) mobilizing rural communities and provide technical and financial support in the implementation of water development programmes;</li><li>(c) implementing defined regulatory roles with respect to protection of water sources, community organisations and service providers;</li><li>(d) mobilizing revenue for the purpose of supporting the development, operation and maintenance of water schemes;</li><li>(e) facilitating and encouraging the communities to construct, maintain and control of water points, and sanitation facilities in any household or within the community organisation's area;</li><li>(f) promoting efficient water use, pollution control and take measures for the conservation and the protection of water sources, waterworks, streams, rivers, springs and other water sources within its area;</li><li>(g) promoting registration of community organisations in order to facilitate ownership of water schemes to them; and</li></ul> |

- (h) submit operational reports to full councils as may be necessary for information.

Cooperation  
with Regional  
and District  
Administration

49. In the exercise of its mandate under this Act, RUWA shall have obligation to submit reports on its operations to Regional and District Administration forums including Regional Consultative Councils and District Consultative Councils.

*(d) Financial Provisions*

Funding sources

- 50.-(1) The sources of funds for RUWA shall consist of:
- (a) monies as may be appropriated by Parliament;
  - (b) donations, grants and bequeaths;
  - (c) monies as may be payable by the Fund;
  - (d) monies as may be payable by the customers for the service rendered; and
  - (e) such other monies as may, by or under any Act, be payable to RUWA.

(2) The RUWA shall disclose details of the sources of funds in the Annual Report.

Budget

51.-(1) Before the end of each financial year, RUWA shall prepare a budget for the following financial year showing estimates of its receipts and expenditure of the following financial year.

(2) Subject to the provisions of subsection (1), RUWA shall inform the Minister of its budget of the following financial year by submitting a copy of the budget to the Minister not less than two months before the end of a financial year.

Accounts and  
audit

Cap.418

52.-(1) The Board of RUWA shall in every financial year cause to be provided and kept proper books of account in accordance with the Public Audit Act.

(2) Within six months of the close of every financial year the accounts including the financial statements of RUWA shall be audited by the Controller and Auditor General in accordance with the provisions of the Public Audit Act.

(3) Audited financial statements shall be placed before a meeting of the Board and, where adopted by the Board of RUWA, be endorsed with a certificate that it has been adopted.



(4) As soon as the accounts of RUWA have been audited, and in any case not later than six months after the close of the financial year, the Board of RUWA shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report on that statement made by the auditors.

Annual reports

53.-(1) On or before 30<sup>th</sup> December each year, RUWA shall prepare an annual report in respect of that year up to the immediately preceding 30<sup>th</sup> June and submit it to the Minister.

(2) The annual report shall provide detailed information regarding the exercise of the functions and powers of RUWA during the year to which it relates and shall include-

- (a) a copy of the audited account of RUWA;
- (b) a copy of a report of the Controller and Auditor General on the performance audit carried out during the year to which the annual report relates; and
- (c) such information and other material as RUWA may be required by this Act.

(3) The Minister shall cause copies of each annual report to be laid before National Assembly within two months after he has received them or at next meeting of the National Assembly.

## PART XII CODES OF WORKMANSHIP

Codes of workmanship

54.-(1) The Minister shall prescribe codes of workmanship in respect of the construction, operation and maintenance of any-

- (a) works for the provision of water supply and sanitation services by water supply and sanitation authorities or community based water supply organisations under this Act; and
- (b) private water supply or sanitation systems.

(2) A code of workmanship may without limitation include -

- (a) design, construction, alteration, operational and maintenance;
- (b) types of machinery, materials, fittings or appliances which may be used in;
- (c) the requirement for waterworks and sanitation

- works to only be executed by, or under the direct supervision of a person holding prescribed qualifications;
- (d) the procedures for obtaining approval for the works where necessary; and
- (e) any other thing connected with it.

**PART XIII  
NATIONAL WATER FUND**

Establishment  
of National  
Water Fund

55.-(1) There is established a Fund which shall be known as the National Water Fund.

(2) The objectives of the Fund shall be to mobilize resources and provide investment support for water service provision, and the management of catchment areas serving water supply abstractions.

(3) The sources of funding for the Fund shall consist of-

- (a) such moneys as may be appropriated by Parliament for the purposes of the Fund;
- (b) such moneys as may be received by the Fund from donations, grants, and bequests from whatever source; and
- (c) such other sources of money as the Minister may, upon consultation with the Minister responsible for finance determine;
- (d) such other moneys as may, by or under any Act, be payable to the Fund.

(4) The Fund shall allocate loans on favourable terms to water authorities and community organisation.

(5) The Minister may make regulations prescribing procedures for the performance of the functions and the use of the funds for the operations of the Fund.

Functions of  
Fund

56. The functions of the Fund established under section 56 shall be:

- (a) to mobilise financial resources necessary for fulfilment of its objectives under this Act;
- (b) to disburse funds to implementing agencies for the purpose of execution of water projects;
- (c) to issue loans on favourable terms, to implementing

agencies for investments in water service provisions;

- (d) to monitor the use of the funds disbursed to implementing agencies;
- (e) to facilitate capacity building of implementing agencies to improve and enhance their ability in execution and management of water projects;
- (f) recommend to the Minister guidelines for issuance of loans to water authorities; and
- (g) develop operational guidelines on issuance of loans and grants to implementing agencies.

Use of funds

57.-(1) The resources of the Fund shall be applied for-

- (a) issuance of funds to implementing agency for execution of water projects;
- (b) payment or discharge of the expenses or obligations incurred in connection with the performance of the functions of the Fund and the Board of the Fund; and
- (c) payment of any remuneration or allowance of the members of the Board of the Fund and employees of the Fund.

(2) Without prejudice to subsection (1)(a) and subject to the approval by the Minister, the Board of the Fund shall cause to be prepared guidelines directing the manner in which the Fund may issue loans to implementing agencies.

(3) The funds deposited in the Fund shall not be used for any other purpose than those provided under this Act.

Establishment of Board of Fund

58.-(1) There shall be established a Board of the National Water Investment Fund to be known as the "Board of the Fund" for the purpose of administering the functions of the Fund.

(2) The members of Board of Fund shall be appointed by the Minister and shall consist of persons who possess the qualities prescribed in the Fourth Schedule.

(3) The Fourth Schedule shall have the effect with regards to the membership and procedure of the Board of the Fund.

(4) Subject to the provisions of subsection (5), the Board may by instrument appoint and delegate on such terms

and conditions as it may specify, to any employee of the Fund or any committee appointed by it any of the functions, power, authorities or duties conferred upon it by or under this Act.

(5) The Board shall not delegate its powers or functions in relation to-

- (a) approval of the awarding of funds for execution of water projects;
- (b) approval of the terms and conditions for issuance of funds to implementing agencies;
- (c) approval of the plans and budget; and
- (d) approval of the annual reports and audited accounts.

(6) Except for the provision relating to the appointment of Chairman of Board of the Fund, the Minister may, by order published in the *Gazette* amend the Fourth Schedule.

Secretariat of  
Fund

59.-(1) There shall be established an executive organ of the Fund to be known as the "Secretariat of the Fund" which shall be composed of the Chief Executive Officer and such other staff as may be necessary for proper functioning of the Fund.

(2) The Secretariat shall be headed by the Chief Executive Officer appointed by the Minister after recommendation of the Board of the Fund on the competitive selection procedure for the term not exceeding four years and upon satisfactory performance, shall be eligible for re-appointment for one further term only.

(3) A person shall not be qualified for appointment as Chief Executive Officer unless he-

- (a) is a holder of a degree or its equivalent from a recognised institution;
- (b) possesses at least eight years experience in managerial position or such other qualification as may be required;
- (c) has satisfied the Board that he is unlikely to have conflict of interest with the principle functions of the Fund; and
- (d) is, in the opinion of the Board otherwise well suited to execute the functions of the Fund.

(4) The Chief Executive Officer shall not be engaged in any other paid employment, and shall not participate in any deliberations or decisions of the Board of the Fund relating to his terms and conditions of employment.

(5) The Board of the Fund may appoint such number of staff as may be necessary for efficient and effective performance of the functions and day to day operations of the Fund upon such terms and conditions as it may determine.

(6) The Chief Executive Officer shall be the secretary to the Board of the Fund.

Annual  
accounts and  
audit of  
Fund  
Cap.418

60.-(1) The Board of the Fund shall cause to be provided and kept, proper books of accounts in accordance with the Public Audit Act.

Cap.418

(2) Within six months of the close of every financial year the accounts including the balance sheet of the Fund shall be audited by the Controller and Auditor General in accordance with the provisions of the Public Audit Act.

(3) Every audited balance sheet shall be placed before a meeting of the Board of the Fund and, where adopted by the Board, be endorsed with a certificate that it has been so adopted.

(4) As soon as the accounts of the Fund have been audited, and in any case not later than six months after the close of the financial year, the Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report on that statement made by the auditors.

(5) The Minister shall, as soon as practicable after receiving the report, lay before the National Assembly the audited accounts of the Fund together with the auditor's report, where any, on the accounts.

#### PART XIV OFFENCES AND PENALTIES

Damage to  
or  
interference  
with water  
works

61.- Any person, who damages, hinders, disrupts, diverts or interferes with water works or sanitation works or other assets owned or vested in a water authority or community organization commits an offence and shall, upon conviction, be liable to a fine of not less than three million shillings but not exceeding fifty million shillings or to imprisonment for a term of not less than two years but not exceeding five years to both.

Unlawful  
abstraction  
of water

62.-(1) Any person who abstract or draws off water using a pipe, drain, pond, pump or other means whereby water may be conveyed or retained contrary to the provisions of this

Act commits an offence.

(2) In any proceedings for an offence under subsection (1) proof of the existence of a pipe, drain, pond, pump or other means whereby water may be conveyed or retained, shall be *prima facie* evidence of the commission of the offence under subsection (1).

(3) Any person convicted of an offence under this section shall be liable to a fine of not less than five million shillings and not exceeding fifty million shillings or to imprisonment for a term of not less than twelve months and not more than five years or to both, and in addition to fine or imprisonment the court may issue an order requiring the person to remedy any damage or loss caused.

Misuse of  
water

63. Any person who misuses or wastes, or causes or allows to be misused or wasted any water passing into, through or upon or near any premises from the waterworks, commits an offence and shall on conviction be liable 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 six months but not exceeding two years or to both.

Fraudulent  
measurement

64.-(1) Any person who alters or causes or permits to be altered any appurtenances with intent to avoid the accurate measurement or register of water by means of any meter or to obtain a greater supply of water than he is entitled to or to avoid payment for the supply of water or who interferes with or damages any meter, commits an offence and on conviction shall be liable 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 six months but not exceeding two years and in the case of subsequent 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.

(2) In addition to fine or imprisonment under this section, the court shall order the payment of cost incurred to repair or replace an appurtance altered or meter damaged or interfered with, and the cost incurred shall be recovered from that person as a civil debt by way of summary suit.

Using water  
other than  
for purposes  
supplied

65.-(1) Any person who uses any water supplied to him by a water authority or community organisation for purposes other than those for which water is supplied commits an offence.

(2) A person who is convicted under subsection (1) shall be liable to a fine not exceeding five million shillings or imprisonment for a term not less than six months.

(3) A penalty imposed under this section shall be procured without prejudice to the right of a water authority or community organisation to recover the value of water improperly used.

Bathing,  
washing, etc.  
in  
waterworks

66. Any person who-

(a) washes his person or bathes in any part of the waterworks or waterworks area or in any vessel used by a water authority or community organisation for supplying water from any public tap;

(b) washes, throws or causes or permits to enter into waterworks or waterworks area or into any vessel used by a water authority or community organisation for supplying water from any public tap, any animal, clothing, material or thing; or

(c) wrongfully opens or closes any lock, cock, valve, or manhole of the waterworks,

commits an offence and shall on conviction be liable to a fine of not less than fifty thousand shillings but not exceeding one million shillings or to imprisonment for a term of not less than one month but not exceeding three months or to both.

Water  
pollution

67.-(1) Any person who deposits or allows or causes to be deposited any earth material or liquid in such manner or place that it may be washed, fall or be carried into the waterworks commits an offence and shall be liable on conviction to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than twelve months or but not exceeding three years to both.

(2) Where the earth material or liquid under subsection (1) has been washed into waterworks or sanitation works, commits an offence and on conviction is liable to a fine of not less than ten million shillings or to imprisonment for a term of

not less than two years or to both.

(3) Any person who on any part of the waterworks erects or inhabits or allow or causes to be erected or inhabited any structure whether of permanent or temporary nature or who inhabits any cave, cavity, depression or hole in any part of the waterworks, commits an offence and on conviction shall be liable to a fine of not less than one million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than six months but not exceeding two years or to both.

(4) Where a court convicts a person in pursuance of subsection (1) or (2), it shall issue an order requiring-

- (a) that person to remove any object or stop from doing any act or omission with respect to which an offence has been committed and such person shall comply forthwith with this order; and
- (b) the costs of remedying any damage or loss arising.

Prohibition to  
dump waste

68.-(1) A person shall not dump, discharge or cause to be dumped or discharged any unauthorized waste into the sanitation works.

(2) A person who contravenes subsection (1) commits an offence and shall conviction, be liable to a fine of not less than one million shillings but not exceeding three million shillings or to imprisonment for a term of not less than six months but not exceeding two years or to both.

Compounding  
of offences

69.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act, the Managing Director may, at any time prior to the commencement of the hearing by a court of competent jurisdiction, compound such offence and order such person to pay-

- (a) the sum of money together with all reasonable expenses the water authority or community organisation may have incurred in the inspection, making of measurements in connection with the offence;
- (b) all fees and charges which would have been due where the action had been authorised under this Act.

(2) Where an offence is compounded in accordance with sub section (1) and proceeding are brought against the



offender for the same offence, it shall be a good defence for the offender to prove to the satisfaction of the court that the offence with which the offender is charged has been compounded under subsection (1).

(3) Where the person fails to comply with the order issued under this section within the prescribed period, the Managing Director:

- (a) shall, in addition to sum ordered, require the person to pay an interest at the rate prescribed in the regulations; and
- (b) may enforce the order in the same manner as a decree of a court for the payment of the amount stated in the notification.

(4) The Minister may make regulations prescribing procedure for compounding offences under this Act.

#### PART XV GENERAL PROVISIONS

Integrated  
Water  
Resources  
Management  
Plan  
Cap. 331

70. Any person or institution undertaking planning for water supply and sanitation developments under this Act, shall take into account the Integrated Water Resources Management Plans prepared under the Water Resources Management Act.

Proof of  
Liability

71. In any action for recovery of any amount due under this Act, a Certificate under the hand of the Managing Director or any employee of a Water Authority so authorized on that behalf specifying the amount in question is due and that the defendant is the person liable to pay the money, shall in the absence of evidence to the contrary, be conclusive evidence of the amount which is due for payment by the defendant.

Summary  
recovery

72.-(1) Where after the time fixed for the payment of any rate or bill, any person fails to pay the rate or bill due by him, the water authority or the community organization shall cause a printed or written demand to be made upon such person to pay the amount stated in such demand within thirty days after service of the demand.

(2) A person who fails to make payment in accordance with subsection (1), the water authority or the community organization may apply to a competent court having jurisdiction

Cap. 33	for a summary of debt in the manner prescribed under the Civil Procedure Code.
Power of the Minister to make Regulations	<p>73.-(1) The Minister may make regulations providing for-</p> <ul style="list-style-type: none"><li>(a) the forms of all notices required to be given or sent under this Act and the issuing and service of those notices;</li><li>(b) the procedure for approval of project and implementation of the project cycle; and</li><li>(c) anything which may be prescribed under this Act.</li></ul> <p>(2) Any regulations made under this Act may provide that the contravention of any of their provisions shall constitute an offence and may prescribe penalties in respect of an offence committed.</p>
Competitive Appointment of Board Members	<p>74. Without prejudice to the provisions of this Act and where appropriate, Minister may use competitive recruitment procedures in making appointment of qualified persons to be member of Boards established under this Act.</p>
Powers of the Minister to dissolve water authorities	<p>75. The Minister shall, in consultation with the Minister responsible for local government authorities, have powers to dissolve water authorities in the event of the following circumstances-</p> <ul style="list-style-type: none"><li>(a) clustering; or</li><li>(b) where license of the Authority has been cancelled by EWURA.</li></ul>
Cessation of Community Organisation	<p>76. Where there is a water authority and a community organisation, or the water authority extends water services to an area serviced by community organisation, the community organisation shall cease to operate and the water authority shall assume the provisions of water services in such area in accordance with regulations issued by the Minister.</p>
Jurisdiction of Court Cap. 11	<p>77. Subject to the provisions of the Magistrates' Courts Act, offences under this Act may be tried in the primary court.</p>
Civil proceedings against water	<p>78. Notwithstanding any other provisions of this Act, civil proceedings may be instituted against the water authority</p>

authority provided no suit shall be instituted against water authority unless the claimant previously submits to the water authority a notice of not less than thirty days of his intention to sue the water authority specifying the basis of his claim against the water authority.

Execution of orders against water authority 79. Notwithstanding anything to the contrary in any written law where any judgment, order or award has been obtained against water authority, no execution or attachment or process in the nature thereof shall be issued against the water authority or against the property of the water authority but the managing director shall cause to be paid out of the revenue of the water authority such amount as may, by the judgment or order, be awarded against the water authority to the person entitled to it.

**PART XVI  
TRANSITIONAL PROVISIONS**

Repeal and Savings Cap. 272 Cap. 273 **80.**-(1) The Water Supply and Sanitation Act and Dar es Salaam Water and Sewerage Authority Act are hereby repealed.

(2) Notwithstanding the repeal of the Water Supply and Sanitation Act-

- (a) a water authority, community organization or entity established under the Water Supply and Sanitation Act, which, immediately before the date of commencement of this Act was providing water supply and sanitation services within the meaning of this Act shall continue to exercise the same powers and functions in respect of the provision of water supply and sanitation services as it was exercising immediately before such date of commencement.
- (b) for the purposes of the exercise of powers and performance of functions in accordance with

paragraph (a), the repealed provision of the Water Supply and Sanitation Act and the provisions of Local Government Acts and any rules, regulations and by-laws made for the purposes of such provision, shall be deemed to continue in force.

(3) Notwithstanding the repeal of the DAWASA

Act:

- (a) the Dar es Salaam Water and Sewerage Authority established under the DAWASA Act, which, immediately before the commencement of this Act was providing water supply and sewerage services within the meaning of the DAWASA Act shall continue to exercise the same powers and functions in respect of water supply and sewerage services as it was exercising immediately before that date, until the establishment of a new water authority under section 9 of the Water Supply and Sanitation Act to take over the functions and duties performed by DAWASA;
- (b) all appointments and directions made, issued or given under the provisions of the DAWASA Act shall continue to be valid unless they are revoked, cancelled or otherwise cease by reason of effluxion of time; and
- (c) unless the context requires otherwise any reference in any written law to DAWASA Act shall be construed as references to the Water Supply and Sanitation Act.

Pending  
disciplinary  
proceedings

**81.** Where immediately before the day on which this Act comes into operation-

- (a) any disciplinary proceedings have been initiated against any employee of DAWASA and such proceedings are still pending before the court or Board or are in the course of being heard or any such matter likely to give rise to

investigation by DAWASA and no other or decision had been rendered on it; or  
(b) any employee has been interdicted or suspended;  
the court or Board shall carry on and complete the hearing or such disciplinary proceedings and make an order or render such matter as it deems appropriate.

Management  
of rural  
water supply  
by water  
authorities

**82.** The Minister shall retain residual powers of assigning execution of rural water projects and management of rural water supply and sanitation services to water authorities during the transitional period, pending operationalisation of RUWA.

—————  
FIRST SCHEDULE  
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*(Made under section 10(2))*  
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MEMBERS AND PROCEDURE OF THE BOARD OF THE WATER AUTHORITY

Composition of  
Board

1.-(1) The Board of Directors of the water authority operating at the regional headquarter shall comprise of ten members appointed by the Minister as follows-

- (a) a Chairman who shall be a resident of the municipality, township or locality in question;
- (b) the Managing Director of the Water Supply and Sanitation Authority;
- (c) one member representing the Ministry responsible for water;
- (d) a representative of the regional administration;
- (e) the Director of Municipal or City Council in the area of jurisdiction of the water authority;
- (f) at least five members appointed by the Minister upon consultation with the regional administration being-
  - (i) Councilors;
  - (ii) a representative of the local commercial sector or large scale water consumer;
  - (iii) a representative of the locally based large scale consumers of water;
  - (iv) a representative of the domestic consumers of

water; and

(v) a representative of women's groups.

(2) The Board of Directors in the District and township level shall comprise of seven members appointed by the Minister as follows-

- (a) a Chairman who shall be a resident of the area of the operation of the water authority;
- (b) the Managing Director of the Water Supply and Sanitation Authority;
- (c) the Director of each district council in the area of jurisdiction of the authority; and
- (d) at least four members being-
  - (i) a Councilor; and
  - (ii) one representative of the local commercial sector;
  - (iii) one representative of the large scale water consumers;
  - (iv) one representative of the domestic water consumers.

(3) Where a service area of water authority transcends into more than one District or Region, the Board of such water authority shall be appointed by the Minister as follows-

- (a) a chairman;
- (b) a representative of:-
  - (i) Regional administration of regions within the area of jurisdiction of the water authority;
  - (ii) large scale water consumers;
  - (iii) Tanzania Chamber of Commerce, Industry and Agriculture from the jurisdiction of a water authority;
  - (iv) women groups;
  - (v) District Executive Directors of districts within the area of jurisdiction of the water authority who shall be elected by the respective District Executive Directors;
  - (vi) Councilors of councils within the area of jurisdiction of the water authority;
  - (vii) Ministry responsible for water; and
- (c) The Managing Director.

(4) The members under paragraphs (i), (ii), (iii), (iv), (v) and (vi) of paragraph 3(b) shall be appointed on the principle of rotation among the respective regions, districts and councils.

(5) At least one third of members of the Board shall be women.

Qualification

2.-(1) The Minister in making appointments of members

*Water Supply and Sanitation Act*

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of members	<p>shall have regard to desirability that every person appointed possess such technical qualifications or experience by virtue of his involvement in commerce, industry, agriculture, finance, public services or administration, as would enable that person to make a useful contribution to the deliberations of the Board and to assist it in the furtherance of the functions of the Authority.</p> <p>(2) Minister shall use competitive recruitment procedures in making appointment of members mentioned under paragraph 1(1)(a); 1(1)(f)(i), (ii), (iii), (iv) and (v); 1(2)(a); 1(2)(d)(ii), (iii) and (iv); 1(3)(a); 1(3)(b)(ii), (iii) and (iv). Provided that where a competitive procedure is not practicable, he shall make direct appointment without competition.</p>
Tenure	<p>3.-(1) Members of the Board of Directors appointed under subparagraph 1(1), (2) and (3) shall hold office for a period of three years but shall be eligible for re-appointment at the end of that period.</p> <p>(2) Members not appointed by virtue of their office shall be eligible for reappointment for one further term only.</p> <p>(3) Notwithstanding the eligibility of members for re-appointment under subparagraph (1), at each re-appointment of members, there shall be at least two members who have previously served as members.</p>
Secretary to Board	<p>4. The Managing Director shall be the secretary of the Board.</p>
Vice Chairman	<p>5. The members shall elect amongst themselves a Vice-Chairman of the Board and any member so elected shall, subject to his continuing to be a Member, hold office for a term of one year from the date of his election and shall be eligible for re-election.</p>
Meetings of Board	<p>6.-(1) The Board shall ordinarily meet for the transaction of its business at the times and at the places determined by it, but shall meet at least once in every three months.</p> <p>(2) The Chairman, or in his absence, the Vice-Chairman, may any time call a special meeting of the Board upon a written request by a majority of the Members in office.</p> <p>(3) The Chairman, or in his absence, the Vice-Chairman, shall preside at every meeting of the Board and in the absence or both the Chairman and the Vice-Chairman the Members present at a meeting shall appoint one of their number to preside at the meeting.</p> <p>(4) The Chairman or, in his absence, the Vice-Chairman, may invite any person who is not a Member to participate in the deliberations at any meeting of the Board but a person so invited</p>

*Water Supply and Sanitation Act*

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shall not be entitled to vote.

Quorum	7. The quorum at any meeting of the Board shall be half of the Members in office.
Decisions	<p>8.-(1) Questions proposed at a meeting of the Board shall be decided by a majority of the votes of the Members present and in the event of equality of votes, the person presiding shall have a second or casting vote in addition to his deliberative vote.</p> <p>(2) Notwithstanding sub-paragraph (1) a decision may be made by the Board without a meeting by circulation of relevant papers among the Members, and the expression in writing of similar views by the majority of the Members shall constitute the decision of the Board.</p>
Minutes of meetings	<p>9.-(1) The Board shall record and keep minutes 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 and signed by the person presiding at the meeting.</p> <p>(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 whose minutes they purport to be.</p>
Meetings of Board	10. The validity of any act of proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.
Orders and directions etc	<p>11. All orders, directions, notices or other documents made or issued by or on behalf of the Board shall be signed by-</p> <ul style="list-style-type: none"><li>(a) the Chairman or the Vice Chairman: or</li><li>(b) the Managing Director or any other officer or officers of the Authority authorized in writing to do so by the Managing Director.</li></ul>
Affixing seal of authority	12. The seal of a Water Supply and Sanitation Authority shall not be affixed to any instrument except in the presence of the Chairman or the Vice-Chairman or the Managing Director or some other officer of a Water Supply and Sanitation Authority and at least one other Member of the Board.
Board may regulate its own proceedings	13. The Board may regulate its own proceedings.



*Water Supply and Sanitation Act*

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Power to  
dissolve  
Board of  
Water  
Authority

14. The Minister may dissolve the Board of Water Authority.

SECOND SCHEDULE

*(Made under section 34(1))*

CONSTITUTION OF THE COMMUNITY BASED WATER SUPPLY ORGANIZATION

1.-(1) There is hereby formed the Community based Water Supply Organization (hereinafter referred to as the "Organization").

(2) The Organization, including its Community Water Committee and Community Water Management Team, shall have the status of a legal person and in that capacity it shall be capable of suing and being sued.

(3) The liability of any venture of the Organization shall be limited.

(4) The members of the Organization shall be any and all persons natural or legal as may be consumers of water from water points or direct connections located within the area of responsibility of the Organization.

(5) The area of responsibility of the organization shall be.....(*state an area of responsibility*)

2. The powers and functions of the Organization shall be to-

- (a) own movable and immovable properties including public taps and waterworks;
- (b) manage, operate and maintain public taps and or waterworks and provide an adequate and safe supply of water to its consumers;
- (c) determine rules for the use of public taps and or waterworks by consumers;
- (d) install water meters for the purpose of measuring the amount of water supplied to a water point or a consumer;
- (e) charge consumers for the water supplied from public taps and or waterworks;
- (f) exclude any person from public taps or from supplies from the waterworks who is not complying with the rules, regulations or this constitution;
- (g) consult and cooperate with the village council or any other institution responsible for land to plan and control the use of land in the immediate vicinity of public taps and or waterworks; and
- (h) do such other thing or enter into any transaction which, in the opinion of the Community Water Committee, is calculated to facilitate the proper exercise of the functions of the community organisation under the Water Supply and Sanitation Act, 2018.

3.-(1) There shall be a Community Water Committee composed of:

- (a) Chairman who shall be elected by the members of the Organization;
- (b) Supervisor of the Organization who shall be Secretary of the Committee;
- (c) One member who is a Headmaster or Head Teacher of one of the schools in the

## *Water Supply and Sanitation Act*

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- service area of the Organization elected by members of the Organization;
  - (d) One member from Health Centre or Dispensary in the service area of the Organization elected by members of the Organization;
  - (e) One member representing Village Executive Officers in the service area of the Organization elected by members of the Organization;
  - (f) One member representing Ward Executive Officers in the service area of the Organization elected by members of the Organization;
  - (g) One member representing women elected by members of the Organization;
  - (h) One counselor in the service area of the Organization elected by members of the Organization; and
  - (i) One member representing Water Users in the service area of the Organization elected by members of the Organization.
- (2) The Community Water Committee shall be responsible and accountable for overseeing carrying out the functions and managing the business and affairs of Organization and in particular it shall mobilize and sensitize community participation in
- (a) identification and implementation of rural water schemes;
  - (b) protection of water sources and water supply infrastructure; and
  - (c) payments of rates and charges for water services;
- (3) Members of the Community Water Committee shall hold office for the duration of three years and shall be eligible for reappointment upon good performance.

- 4.-(1) There shall be a Community Water Management Team composed of:
- (a) Supervisor of the Organization, who shall be a person possessing at least artisan certificate in a related field or above from a recognized institution preferably NTA Level 3;
  - (b) Treasurer who shall be a person possessing at least a basic certificate in accounting preferably NTA Level 3; and
  - (c) Any such number of staff as the Organization deem fit.
- (2) Community Water Management Team shall be responsible for the day to day operations of the Organization.
- (3) Supervisor of the Organization, Treasurer and such number of staff under subparagraph (1), shall be recruited on competitive basis on such terms as the Organization determines.

5. Community Water Committee shall meet at least twice annually.

- 6.-(1) An Annual General Meeting of the members of the Organization shall be held once each year and not more than fifteen months following the previous Annual General Meeting to follow up on water service provisions, statement of income and expenditure and elect members of the Community Water Committee.
- (2) Extra-ordinary General Meeting of the Organization may be called by five per centum of members giving two weeks' notice to the Secretary in writing.
- (2) One third of the full number of members shall constitute a quorum.
- (3) Voting can be exercised by a member or proxy in favour of another member provided the proxy form is in the hands of the Secretary prior to the meeting.
- (4) A majority of votes at the Annual General Meeting shall decide the principles governing the provision of water supplies, maintenance of the water points and water works, and shall decide the charges to be levied thereof and for expenses of the Association.

—————  
THIRD SCHEDULE  
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*(Made under section 44(2))*

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Composition and Proceedings of the Board of RUWA

Composition  
of Board

1.-(1) The Board shall be composed of nine members  
being-

- (a) the Chairman;
- (b) seven members; and
- (c) the Director General.

(2) The Chairman and seven members shall be non-executive and will be appointed as follows:

- (a) Chairman who shall be appointed by the President from persons outside public service;
- (b) one member with knowledge and experience in the water sector from outside public service appointed by the Minister;
- (c) one member representing the Ministry responsible for the Local Government;
- (d) one member representing the Rural Energy Agency nominated by the Director General of Rural Energy Agency;
- (e) one member representing the Contractors' Registration Board;
- (f) one member representing the Basin Water Offices nominated by the National Water Board;
- (g) one member from the accredited higher learning institutions with knowledge or specialization in drilling, dam construction or materials and chemical supplies; and
- (h) one member representing the Ministry responsible for water nominated by the Permanent Secretary.

(3) The Minister in making appointments of members shall have regard to desirability that every person appointed possess such technical qualifications or experience by virtue of his involvement in engineering, economics, water resource management, industry, finance, law, public services or administration, as would enable that person to make a useful contribution to the deliberations of the Board and to assist it in the furtherance of the functions of RUWA.

(4) The Board may invite a representative not mentioned

*Water Supply and Sanitation Act*

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in the Act from any sector whenever deemed necessary to attend its meeting but that member shall not have a voting right.

(5) Minister shall, in recommending appointment of Chairman and in making appointment of member mentioned under paragraph 1(2)(b), use competitive recruitment procedures. Provided that where a competitive procedure is not practicable, he shall make direct appointment without competition.

(6) At least one third of members of the Board shall be women.

Tenure of members of Board

2.-(1) A member of the Board, including Chairman, shall hold office for the period of three years; and shall be eligible for re-appointment for a non-renewable subsequent term not exceeding three years.

(2) The provisions of sub-section (1) shall not apply to ex-officio member of the Board.

Resignation of member

3. Any member may at any time resign by giving notice in writing to the appointing authority and from the date specified therein the notice or if no date so specified from the date of receipt of the notice by the appointing authority, he shall cease to be a member.

Quorum and decision making

4.-(1) Four members of the Board shall constitute a quorum at any meeting of the Board.

(2) All acts, matters, and items authorized by the Board shall be decided by resolution at a meeting of the Board at which there is a quorum.

(3) A decision approved by the majority of members present at a meeting of the Board shall be deemed to be a decision of the Board.

(4) Every member of the Board, excluding ex officio members, shall have one vote and in the event of an equality of votes the Chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.

(5) Notwithstanding the provisions of this schedule, where the Chairman so directs a decision may be made by the Board without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that any such decision be deferred until the subject or matter be considered at a meeting of the Board.

Meetings of Board

5.-(1) The Board shall meet at least four times a year and at such other time as may be necessary or expedite for the transaction of its business.

*Water Supply and Sanitation Act*

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(2) The Chairman shall preside at the meeting of the Board and in the absence of the Chairman the members present at the meeting shall elect one of their members to be an interim Chairman.

(3) Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at its next meeting and signed by the Chairman of the Meeting.

(4) All meetings of the Board shall be convened by the Secretary to the Board or where the Secretary is unable to convene a meeting, the Chairman, who shall appoint a suitable time, place and date for holding of each meeting.

(5) The Secretary shall convene a special meeting of the Board on a request in writing signed by not less than five members of the Board for such a meeting and shall cause the meeting to be held within twenty one days of the receipt by him of such notice.

(6) Except in case of special meeting, a Board meeting shall be convened with at least five days' notice in writing, specifying the business to be transacted at the meeting, and written notice of the convening of the meeting shall be given to every member of the Board.

Secretary to Board

6.-(1) The Director General shall also save as the Secretary to the Board.

(2) The Secretary of the Board may take part in the proceedings of the Board but shall have no voting right.

Power to regulate procedures

7. The Board shall have power to regulate its own procedure and may from time to time make standing orders providing for all matters relating to the meetings of the Board and the proper conduct of its business.

Seal of RUWA

8.-(1) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Board if-

- (a) sealed with the seal of the Board and signed by the Director General and the Secretary of the Board; or
- (b) sealed with the seal Board and signed by Director General and two members of the Board; or
- (c) sealed with the seal of the Board and signed by one member of the Board and the Secretary both of whom have been authorized by the Board for the purpose.

Proceedings not invalidated by

9. No act or proceeding of the Board shall be invalid by reason of vacancy in its membership, any defect or irregularity in the appointment of any member or by reason that any person who

*Water Supply and Sanitation Act*

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irregularity	purported bona fide to act as a member at the time of the act or proceedings, was in fact disqualified or not entitled to act as a member.
Removal of member	10. Minister may, in consultation with the Board, remove a member from the office at any time if; (a) member is declared bankrupt; (b) member is convicted of criminal offence; (c) member is in conflict of interests; (d) member is incapable of carrying out member's duties due to ill health or physical or mental impairment; and (e) fails to attend at least two third of the meetings of the Agency in the period of twelve consecutive months.
Power to dissolve Board of Water Authority	11. The Minister may dissolve the Board of RUWA.

—————  
FOURTH SCHEDULE  
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*(Made under section 58(2) and (3))*

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COMPOSITION AND PROCEEDINGS OF THE BOARD OF THE  
NATIONAL WATER FUND

Composition of Board of Fund	1.-(1) The Board shall be composed of seven members being- (a) the Chairman; (b) five members; and (c) the Chief Executive Officer. (2) The Chairman and the five members shall be non-executive and will be appointed as follows: (3) The Chairman who shall be a person of proven quality and integrity who has held high post distinction in public or private sector appointed by the President. (4) The five members of the Board of the Fund shall be appointed by the Minister and shall be composed as follows: (a) representative from the Ministry responsible for Water; (b) representative from the Ministry responsible for regional administration and local government; (c) representative from the Ministry responsible for Finance;
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*Water Supply and Sanitation Act*

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- (d) one member with strong knowledge in either economics, project investment or financing from outside public service; and
    - (e) representative from private sector.
  - (5) Appointment of members of the Board of the Fund shall take into account gender representation.
  - (6) Minister shall, in recommending appointment of Chairman and in making appointment of members mentioned under paragraph 1(4) (d) and (e), use competitive recruitment procedures. Provided that where a competitive procedure is not practicable, he shall make direct appointment without competition.
- Co-option of members
2. The Board may invite a person not mentioned in subsection 1(4) from any sector or institution whenever deemed necessary to attend any of its meetings to address a specific matter advice the Board, Provided that the invited that person shall not have a voting right.
- Tenure of members of Board of Fund
3. A member of the Board, including the Chairman, shall hold office for a term of three years and shall be eligible for re-appointment of a non-renewable subsequent term.
- Resignation
4. A member may at any time resign by giving one month notice in writing to the appointing authority and from the date specified therein the notice or if no date so specified, from the date of receipt of the notice by the appointing authority, he shall cease to be a member.
- Quorum and decision making
- 5.-(1) Half of members of the Board in office, excluding the Chairman, shall constitute a quorum at any meeting of the Board.
- (2) All acts, matters, and items authorized by the Board shall be decided by resolution at a meeting of the Board at which there is quorum
- (3) A decision approved by the majority of members present at a meeting of the Board shall be deemed to be a decision of the Board.
- (4) Every member of the Board shall have one vote and in the event of an equality of votes the Chairman of the meeting shall have a casting vote in addition to his deliberative vote.
- (5) Notwithstanding the provisions of this schedule, where the Chairman so directs, a decision may be made by the Board without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, Provided that any member shall be entitled to require that any such decision be deferred until the subject or matter is considered at a meeting of the Board.
- Meetings of Board
- 6.-(1) The Board shall meet at least four times a year or at such other time as may be necessary or expedite for the transaction of its business.
- (2) The Chairman shall preside at the meeting of the Board and in the absence of the Chairman the members present at the meeting shall elect one member from amongst themselves to be an interim Chairman.
- (3) Minutes of the Board meetings shall be kept and confirmed

*Water Supply and Sanitation Act*

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by the Board at its next meeting and signed by the Chairman of the Meeting.

(4) All meetings of the Board shall be convened by the Secretary to the Board or where the Secretary is unable to convene a meeting, the Chairman, who shall appoint a suitable time, place and date for holding of each meeting.

(5) The Chairman shall convene a special meeting of the Board on a request in writing signed by not less than half of members of the Board for such a meeting and shall cause the meeting to be held within twenty one days of the receipt by him of such notice.

(6) Except in case of special meeting, a Board meeting shall be convened with at least five working days' notice in writing, specifying the business to be transacted at the meeting, and written notice of the convening of the meeting shall be given to every member of the Board.

Seal of Fund

7. All deeds, instrument, contracts and other documents shall be deemed to be duly executed by or on behalf of the Board if:

- (a) sealed with the seal of the Fund and signed by the Chairman and the Secretary; or
- (b) sealed with the seal of Fund and signed by Chief Executive Officer and Secretary; or
- (c) sealed with the seal of the Fund and signed by Chairman and the Chief Executive Officer.

Proceedings not invalidated by irregularity

8. No act or proceeding of the Board shall be invalid by reason of vacancy in its membership, any defect or irregularity in the appointment of any member or by reason that any person who purported bona fide to act as a member at the time of the act or proceedings, was in fact disqualified or not entitled to act as a member.

Absence from three consecutive meetings

9. Where a member absents himself from three consecutive meetings of the Board without sufficient cause, the Board shall advise the appointing authority of the fact for the appointing authority to consider termination of the appointment of such member and appointment of another member in his place.

Power to regulate procedures

10. The Board shall regulate its own procedure and may from time to time make standing orders providing for all matters relating to the meetings of the Board and the proper conduct of its business.

Removal of member

11. Minister may, in consultation with the Board, remove a member from the office at any time if-

- (a) member is declared bankrupt;
- (b) member is convicted of criminal offence;
- (c) member is in conflict of interests;
- (d) member is incapable of carrying out member's duties due to ill health or physical or mental impairment; and
- (e) fails to attend at least two third of the meetings of the Agency in the period of twelve consecutive months.

Power to

12. The Minister may dissolve the Board of the Fund.



dissolve  
Board of  
Fund

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**OBJECTS AND REASONS**

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The objective of the Bill is to enact the Water Supply and Sanitation Act 2018 and repeal the Water Supply and Sanitation Act, Cap. 272 and the Dar es Salaam Water and Sewerage Authority Act, Cap. 273. The new Act intends to promote and ensure the right of every person in Tanzania to have access to efficient, effective and sustainable water supply and sanitation services.

The Bill is divided into Sixteen Parts.

Part I contains Preliminary Provisions which include short title and commencement of the proposed Act, application and interpretation of various terms that will be used in the Act.

Part II of the Bill provides for the objectives and principles of the Act. Among the principles is the creation of an enabling environment and appropriate incentives for the delivery of reliable, sustainable and affordable water supply and sanitation services.

Part III provides for matters relating to administration and institution setup. It proposes the powers, responsibilities and functions of the minister responsible for water, minister responsible for local government, regional secretariats and local government authorities have been clearly provided.

Part IV provides for the establishment of Water Supply and Sanitation Authorities. It proposes the manner in which the water authority will be established, its composition and legal status and its powers and functions.

Part V of the Bill provides for the financial provision for water authorities which includes sources of fund, accounts and audit and annual reports.

Part VI contains provisions relating to the powers and functions of the Energy and Water Utilities Regulatory Authority (EWURA) in respect of water authorities established under the new Act.

Part VII of the Bill proposes for the establishment of community based water supply organizations.

Part VIII of the Bill provides for financial provisions for community based water supply organization which includes provisions on the sources of fund and financial support.

Part IX contains provisions for monitoring and regulation of community based water supply organization.

Part X of the Bill provides for the establishment and functions of the Rural Water Agency (RUWA), Board of the Rural Water Agency and Regional Rural Water Board.

Part XI provides for the establishment and functions of the Maji Development and Supplies Agency (MDSA) and its governing Board.

Part XII provides for codes of workmanship in the water supply and sanitation services.

Part XIII proposes for the establishment of National Water Investment Fund.

Part XIV proposes the offences and penalties under the proposed new Act.

Part XV provides for the general matters such as competitive recruitment of certain Board members under this Act, Civil proceedings against water authorities and powers of the Minister to make regulations.

The last part XVI of the Bill provides for transitional provisions consequent to the repeal of the Water Supply and Sanitation Act, Cap. 272 and Dar es Salaam Water and Sewerage Authority Act, Cap. 273.

## **MADHUMUNI NA SABABU**

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Muswada huu unapendekeza kutungwa kwa sheria mpya ya Huduma za Maji na Usafi wa Mazingira ya mwaka 2018 na kufutwa kwa Sheria ya Huduma za Maji na Usafi wa Mazingira Sura ya 272 na Sheria ya Mamlaka ya Majisafi na Majitaka Dar es Salaam, Sura ya 273.

Muswada huu umegawanyika katika Sehemu Kumi na Sita.

Sehemu ya Kwanza ya Muswada inahusu mambo ya utangulizi, yaani, jina na tarehe ya kuanza kutumika kwa sheria inayopendekezwa, ufafanuzi wa maneno na misamiati iliyotumika katika sheria inayopendekezwa.

Sehemu ya Pili ya Muswada inahusu malengo na kanuni za sheria inayopendekezwa. Miongoni mwa kanuni hizo ni kuweka mazingira mazuri na vivutio/motisha kwenye utoaji wa huduma ya uhakika, endelevu na nafuu ya maji na usafi wa mazingira.

Sehemu ya Tatu inaeleza mambo ya utawala na mfumo wa kitaasisi. Inaeleza bayana majukumu na kazi za Waziri wa Maji, Waziri wa Serikali za Mitaa, Tawala za Mikoa na Serikali za Mitaa.

Sehemu ya Nne inaeleza uundaji wa Mamlaka za Maji na Usafi wa Mazingira. Inapendekeza utaratibu wa kuunda Mamlaka za Maji na Usafi wa Mazingira, muundo wake na hadhi yake kisheria pamoja na kazi na majukumu yake.

Sehemu ya Tano inaeleza masuala yanayohusiana na fedha za Mamlaka za Maji na Usafi wa Mazingira ambapo ni pamoja na kueleza vyanzo vya fedha, ukaguzi wa hesabu na taarifa za mwaka.

Sehemu ya Sita ya Muswada inaeleza majukumu na kazi za Mamlaka ya Udhibiti wa Huduma za Nishati na Maji.

Sehemu ya Saba inapendekeza uanzishwaji wa vyombo vya jamii kuhusu utoaji wa huduma za maji.

Sehemu ya Nane ya Muswada inaeleza mambo ya fedha kwenye vyombo vya jamii vinavyotoa huduma za maji. Hii ni pamoja na kuainisha vyanzo vya fedha na misaada ya fedha.

Sehemu ya Tisa inapendekeza uangalizi na udhibiti wa vyombo vya jamii kwenye huduma za maji.

Sehemu ya Kumi ya Muswada inapendekeza uanzishwaji pamoja na kazi za Wakala wa Maji Vijijini, Bodi ya wakala huo pamoja na uanzishaji na kazi za bodi za mikoa za maji vijijini.

Sehemu ya Kumi na Moja inapendekeza uwepo wa kanuni za wafanyakazi wanaojihusisha na kazi za utoaji huduma za maji na usafi wa mazingira.

Sehemu ya Kumi na Mbili inapendekeza uanzishwaji wa Mfuko wa Taifa wa Uwekezaji wa Maji.

Sehemu ya Kumi na Tatu inapendekeza makosa ya jinai na adhabu chini ya sheria inayopendekezwa.

Sehemu ya mwisho ya Kumi na Nne inaeleza mambo ya ujumla yakiwemo mamlaka ya Waziri kutunga kanuni chini ya sheria, kesi za madai dhidi ya mamlaka za maji pamoja na upatikanaji wa baadhi ya wajumbe wa bodi kwa njia ya ushindani.

Sehemu ya mwisho ya Kumi na Tano inaeleza mambo ya mpito ambapo ni pamoja na kufuta Sheria ya Huduma za Maji na Usafi wa Mazingira, Sura ya 272 na Sheria ya Mamlaka ya Majisafi na Majitaka Dar es Salaam, Sura ya 273.

Dodoma,  
11<sup>th</sup> Oktoba, 2018

MAKAME M. MBARAWA  
*Minister for Water*

**SCHEDULE OF AMENDMENTS TO BE MOVED BY MAKAME MNYAA  
MBARAWA, THE MINISTER FOR WATER AT THE SECOND READING  
OF THE BILL ENTITLED “THE WATER SUPPLY AND SANITATION  
ACT, 2018”**

\_\_\_\_\_  
*Made under S.O.86 (10)(b)*  
\_\_\_\_\_

A Bill entitled “The Water Supply and Sanitation Act, 2018” is amended as follows:

- A:** The Act is generally amended by deleting the acronym “RUWA” wherever it appears in the Act and substituting for it the acronym “RUWASA”;
- B:** In Clause 3, by-
- (a) deleting the definition of the term “RUWA” and substituting for it the following:  
“RUWASA” means the Rural Water Supply and Sanitation Agency established under section 42”;
  - (b) inserting immediately after the definition of the term “Minister” the following new definition:  
“misuse of water” means any use of water from water works for the purpose other than the purposes specified in respect of that water work;
- C:** In Clause 5, by-
- (a) deleting paragraph (j); and
  - (b) renaming paragraph (k) as paragraph (j);
- D:** In Clause 8(1), by deleting the word “and” appearing in the second line of paragraph (c) and substituting for it a “comma”;
- E:** In Clause 12(1), by-
- (a) adding the word “and” immediately after the “semi colon” appearing in paragraph (e); and
  - (b) deleting the words “authority; and” appearing at the end of paragraph (f) and substituting for them the word “authority.”;

- F:** In Clause 13(2), by-
- (a) deleting the word “Members” appearing at the beginning of subsection (2) and substituting for it the words “It shall be lawful for members”; and
  - (b) inserting a “comma” immediately after the word “extend” appearing in the third line;
- G:** In Clause 17(3) by deleting the word “eight” appearing in paragraph (b) and substituting for it the word “five”;
- H:** In Clause 22 by adding immediately after subclause (2) the following:
- “(3) For the purposes of subsection (1), the  
Cap.113 Authority may acquire any land in accordance with the  
and procedures stipulated under the Land Acquisition Act and  
Cap.118 the Land Act”;
- I:** In Clause 42 by deleting the words “Rural Water Agency” appearing in subsection (1) and substituting for them the words “Rural Water Supply and Sanitation Agency”;
- J:** In Clause 55 by deleting the word “shall” appearing in subclause (4) and substituting for it the word “may”;
- K:** In Clause 56 by deleting a reference to section “56” and substituting for it a reference to section “55”;
- L:** In Clause 58(1) by deleting the word “Investment” appearing in the second line;
- M** In Clause 59(3) by deleting the word “eight” appearing in paragraph (b)  
:  
and substituting for it the word “five”;
- N:** In Clause 61 by deleting the words “three million” appearing in the fifth line and substituting for them the words “five hundred thousand”;

- P:** In Clause 62(1) by inserting immediately after the word “off” appearing in the first line, the words “from water works”;
- O:** In Clause 62(3) by deleting the words “five million” appearing in the second line and substituting for them the words “five hundred thousand”;
- Q:** In Clause 63 by deleting the words “five million” appearing in the fifth line, and substituting for them the words “five hundred thousand”;
- R:** In Clause 64(1) by deleting the words “five million” appearing in the seventh line and substituting for them the words “five hundred thousand”;
- S:** In Clause 67(1), by-
- (a) deleting the word “or” appearing immediately after the word “months”;
  - (b) inserting immediately after the word “years” the word “or”;
- T:** In Clause 68(2) by deleting the word “shall” appearing in the second line and substituting for it the words “shall, upon”;
- U:** In Clause 72-
- (a) in subclause (1), by deleting the phrase “printed of written demand to be made” appearing in the fourth line, and substituting for it the phrase “written demand to be saved” and;
  - (b) in subclause (2), by deleting the word “debt” appearing in the fourth line, and substituting for it the word “suit”;
- V:** In Clause 80(2) by adding immediately after the word “force” appearing at the end of paragraph (b), the words “until repealed, revoked or replaced.”;
- W** By renumbering Parts XII to XVI as Parts XI to XV.

**X:** In paragraph 2(f) of the Second Schedule by deleting the word “from” appearing between the words “or” and “supplies”;

**Y:** In paragraph 1(2)(a) of the Third Schedule by deleting the words “from persons outside public service”;

Dodoma,  
....., 2019

MMM  
WM



**MWENYEKITI:** Ahsante hoja imeungwa mkono.

**MWENYEKITI:** Sasa namwita Mwenyekiti wa Kamati ya Kilimo, Mifugo na Maji iliyochoambua Muswada huu. Karibu Mheshimiwa Mwenyekiti, unazo dakika zako 20.

**MHE. MAHMOUD H. MGIMWA - MWENYEKITI WA KAMATI YA KUDUMU YA BUNGE YA KILIMO, MIFUGO NA MAJI:** Mheshimiwa Mwenyekiti, kwa mujibu wa Kanuni ya 86(5) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016, naomba kuwasilisha Maoni ya Kamati ya Kudumu ya Bunge ya Kilimo, Mifugo na Maji kuhusu Muswada wa Sheria ya Huduma za Maji na Usafi wa Mazingira wa mwaka 2018.

Mheshimiwa Mwenyekiti, Kamati inatoa pongezi kwa Serikali kwa hatua ya kuleta Muswada huu mbele ya Bunge lako Tukufu ili uweze kujadiliwa na hatimaye kutungwa kwa sheria itakayoimarisha upatikanaji wa maji safi na usafi wa mazingira nchini.

Mheshimiwa Mwenyekiti, uchambuzi wa Muswada na mapendekezo ya Kamati. Katika maelezo yake, Waziri wa Maji na Umwagiliaji alieleza Kamati kuwa madhumuni na sababu za sheria inayokusudiwa kutungwa ni kama ilivyoeleza kwenye ripoti ya kamati yetu.

Mheshimiwa Mwenyekiti, Sehemu ya Kwanza ya Muswada inayohusu masharti ya utangulizi. Katika sehemu hii ya kwanza, Kamati inatoa maoni na mapendekezo kama ifuatavyo:-

Kuongeza na kufuta baadhi ya maneno ambayo tafsiri ya maneno hayo ilileta mkanganyiko. Kufuta tafsiri ya neno *RUWA* na badala yake kuweka tafsiri ifuatayo: - *RUWASA means the Rural Water Supply and Sanitation Agency established under section 42.* Mapendekezo haya yanalenga kuufanya Wakala huo kuweka mkazo katika majukumu yote yanayohusu usambazaji wa maji.

Mheshimiwa Mwenyekiti, Sehemu ya Tatu ya Muswada inahusu utawala na muundo wa kitaasisi. Katika sehemu hii Kamati inapendekeza kufuta Ibara ya 5(j) na kubadilisha namba ya aya (k) kuwa (j). Maudhui ya ibara hiyo tayari yapo kwenye aya ya 5(d). Aidha Ibara ya 8(1)(c) iboreshwe kwa kufuta neno *and* lililopo katika mstari wa pili na badala yake kuweka alama ya mkato.

Mheshimiwa Mwenyekiti, Sehemu ya Nne inahusu Mamlaka za Maji Safi na Usafi wa Mazingira. Kamati inapendekeza marekebisho yafuatayo: -

Mheshimiwa Mwenyekiti, Ibara ya 13(2) kuongeza maneno *“it shall be lawful for”* mwanzoni mwa ibara hiyo, kwani ilivyo haeleweki na kwamba maneno hayo yataiboresha ibara na kuleta maana nzuri.

Mheshimiwa Mwenyekiti, ibara ya 17(3)(b), Kamati inapendekeza kufuta maneno *“eight years”* na badala yake kuweka maneno *“five years.”* Pendekezo hili linalenga kuboresha vigezo vya kuwapata Wakurugenzi Watendaji wa mamlaka za maji.

Mheshimiwa Mwenyekiti, kamati pia inapendekeza katika ibara ya 22 kuongeza Ibara mpya ya 22(2) ambayo itakuwa na maudhui kama ilivyoriptiwa kwenye Kamati.

Mheshimiwa Mwenyekiti, Sehemu ya Kumi inahusu Wakala wa Maji Vijijini. Kamati inapendekeza ifuatavyo: Ibara ya 42(1) ifutwe na kuandikwa upya ili isomeke *“There is hereby established an Agency to be known as the Rural Water Supply and Sanitation Agency with its acronym RUWASA”*. Msingi wa pendekezo hili ni kuweka mazingira sawia kwa Wakala huo kuweka mkazo katika majukumu yanayohusu usambazaji wa maji safi pamoja na usafi wa mazingira.

Mheshimiwa Mwenyekiti, Sehemu ya Kumi na Tatu inahusu Mfuko wa Maji wa Taifa. Kamati inapendekeza: - Ibara ya 55(4) kufuta neno *shall* na badala yake kuweka neno *may*. Pendekezo hili linalenga kuweka maboresho

yatakayowezesha kuweka masharti rafiki ya utoaji wa mikopo kulingana na uwezo wa Mfuko.

Mheshimiwa Mwenyekiti, ibara ya 56, Kamati inapendekeza kufuta rejea ya *section* 56 na badala yake isomeke rejea ya *section* 55.

Mheshimiwa Mwenyekiti, Ibara ya 58(1) kufuta neno *investment* katika rejea ya Mfuko wa Maji. Shabaha ya pendekezo hili ni kuoanisha na Ibara ya 55 inayopendekeza kuanzisha upya Mfuko huo ambayo imeandikwa *National Water Fund*.

Mheshimiwa Mwenyekiti, Sehemu ya Kumi na Nne inayohusu makosa ya jinai na adhabu, Kamati inapendekeza katika ibara ya 61 kuongeza neno *or* katika mstari wa mwisho baada ya maneno *five years*. Pendekezo hili ni maboresho ya kiuandishi.

Mheshimiwa Mwenyekiti, Ibara ya 62, Kamati inapendekeza kuifuta ibara ya 62(1) na (2) na kuandika upya kwa kuziunganisha kama ilivyoelezwa kwenye ripoti ya kamati.

Mheshimiwa Mwenyekiti, Ibara ya 62(3) kuwa ibara ya 62(2) na kuongeza *proviso* kama ilivyoelezwa kwenye ripoti ya Kamati. Kwa muktadha wa ibara ya 62, Kamati inapendekeza kuongeza tafsiri ya neno *misuse of water* katika ibara ya 3 inayohusu tafsiri; hii itaondoa mkanganyiko wa namna neno *misuse of water* linavyoweza kutafsirika kwa kulinganisha na mazingira tofauti.

Mheshimiwa Mwenyekiti, ibara ya 67(1), Kamati inapendekeza, kuongeza neno *or* katika mstari wa mwisho baada ya maneno *three years*. Maboresho ya kiuandishi.

Mheshimiwa Mwenyekiti, ibara ya 68(2), Kamati inapendekeza kuongeza neno *on* katika mstari wa pili kabla ya neno *conviction*. Maboresho ya kiuandishi.

Mheshimiwa Mwenyekiti, Sehemu ya Kumi na Tano inayohusu masharti ya jumla; Kamati inapendekeza kufuta ibara ya 72, kamati inapendekeza ibara ya 72 (1) kuongeza neno *copy* baada ya neno *printed*.

Mheshimiwa Mwenyekiti, Sehemu ya Kumi na Sita inayohusu masharti ya mpito, katika ibara ya 80(2)(b) Kamati inapendekeza kuongeza maneno *for the period of twelve months from the date of enactment of this Act*. Kusudi la pendekezo hili ni kuweka muda wa ukomo wa kipindi cha mpito.

Mheshimiwa Mwenyekiti, maoni na ushauri wa jumla. Kamati inashauri sehemu yote ya XIV inayohusu makosa na adhabu ifanyiwe maboresho makubwa kama ifuatavyo:-

(a) Kutenganisha makosa yanayofanywa na mtu (*individual*) na yale yanayofanywa na taasisi (*entities*) kama vile makampuni ya kibiashara pamoja na adhabu zake. Kamati inaona kuwa ni vema faini kwa makosa yanayomhusu mtu iwe kati ya shilingi laki tano na shilingi milioni tano. Aidha, makosa yanayohusu taasisi faini yake iwe kati ya shilingi milioni tano hadi shilingi milioni hamsini.

Mheshimiwa Mwenyekiti, kwenye makosa yanayohusiana na mabomba, ni vema kutenganisha makosa na adhabu zake kulingana na ukubwa wa bomba linalohusika katika kosa. Aidha, makosa yanayohusu wizi wa maji, ni vema kutenganisha makosa na adhabu zake kulingana na matumizi ya maji kwa ajili ya nyumbani (*domestic use*) na matumizi ya biashara (*commercial use*).

(b) Serikali iharakishe mchakato wa mapitio ya sheria mbalimbali zinazohusiana na maji hususan Sheria ya Usimamizi wa Rasilimali Maji (*The Water Resources Management Act*) na kanuni zake ili kuondoa masharti yote ambayo yanaweza kuwa ni kikwazo katika upatikanaji wa huduma ya maji safi na usafi wa mazingira.

Mheshimiwa Mwenyekiti, mwisho; kwa kuzingatia uchambuzi wa Kamati, madhumuni na sababu za kutungwa kwa sheria hii, kamati imeridhika kuwa ni wakati muafaka kwa nchi yetu kuwa na sheria hiyo itakayosimamia utoaji huduma za maji safi na usafi wa mazingira ambayo itaimarisha upatikanaji wa uhakika wa huduma ya maji safi na usafi wa mazingira.

Mheshimiwa Mwenyekiti, naomba kuwasilisha.  
(*Makofi*)

**MWENYEKITI:** Ahsante sana Mheshimiwa Mwenyekiti wa Kamati hiyo kwa wasilisho lako na uchambuzi mlioufanya.

**MAONI NA USHAURI WA KAMATI YA KUDUMU YA BUNGE YA KILIMO, MIFUGO NA MAJI KUHUSU MUSWADA WA SHERIA YA HUDUMA YA MAJI NA USAFI WA MAZINGIRA WA MWAKA 2018 (THE WATER SUPPLY AND SANITATION BILL, 2018) - KAMA ILIVYOWASILISHWA MEZANI**

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## **1.0 UTANGULIZI**

**Mheshimiwa Spika**, kwa mujibu wa Kanuni ya 86 (5) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016, naomba kuwasilisha Maoni ya Kamati ya Kudumu ya Bunge ya Kilimo, Mifugo na Maji Kuhusu Muswada wa Sheria ya Huduma za Maji na Usafi wa Mazingira wa Mwaka 2018.

**Mheshimiwa Spika**, Muswada wa Sheria ya Huduma za Maji na Usafi wa Mazingira wa Mwaka 2018 unalenga kutunga Sheria mpya ya Huduma za Maji na Usafi wa Mazingira ya Mwaka 2019 ambayo itasimamia utoaji wa huduma za majisafi na usafi wa mazingira nchini. Aidha inapendekeza kufutwa kwa Sheria za Huduma za Maji na Usafi wa Mazingira, Sura 272 na Sheria ya Mamlaka ya Majisafi na Majitaka Dar es salaam, Sura 273. Lengo ni kuwa na Sheria moja itakayosimamia kikamilifu shughuli zote za utoaji wa huduma za maji na usafi wa mazingira katika ngazi mbalimbali nchini.

**Mheshimiwa Spika**, madhumuni ya Muswada huu ni kuwa na Sheria madhubuti itakayosimamia masuala ya utoaji wa huduma za maji na usafi wa mazingira nchini. Aidha sheria inayokusudiwa itaweka vyombo mbalimbali vya usimamizi wa utoaji wa huduma za maji na usafi wa mazingira katika ngazi mbalimbali ili kuhakikisha usimamizi bora, ufanisi na uendelevu katika utoaji Huduma za Maji na Usafi wa Mazingira nchini.

**Mheshimiwa Spika**, Kamati inatoa pongezi kwa Serikali kwa hatua ya kuleta Muswada huu mbele ya Bunge lako Tukufu ili uweze kujadiliwa na hatimaye kutungwa kwa Sheria itakayoimarisha upatikanaji wa maji safi na usafi wa mazingira nchini.

**Mheshimiwa Spika**, baada ya Kamati kupokea Muswada wa Sheria inayokusudiwa kutungwa, Kamati ilitoa mwaliko kwa wadau mbalimbali kupitia vyombo vya habari, barua pepe na kwa kuwatumia barua na nakala ya Muswada kwa njia ya posta. Wajibu huu ulitekelezwa kwa mujibu wa Kanuni ya 84 (2) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016. Mwaliko uliotolewa ulikusudia kuwapa wadau fursa ya kutoa maoni yao kuhusu mapendekezo ya marekebisho ya sheria inayokusudiwa kutungwa na hatimaye kuisaidia Kamati kufanya uchambuzi wa kina wa muswada tajwa.

**Mheshimiwa Spika**, wadau waliofika mbele ya Kamati na kuwasilisha maoni yao ni pamoja na Chama cha Wanasheria Tanganyika (*Tanyanyika Law Society*), Mtandao wa Asasi za Kiraia zinazofanya kazi katika Sekta ya Maji na Usafi wa Mazingira Nchini (Jumuiko linahushisha Asasi 53) na Mtandao wa Jinsia Tanzania (*TGNP*). Aidha maoni mengine yalipokelewa kwa njia ya barua pepe kutoka kwa Wadau wa Maendeleo (*Development Partners- DP's*) na wananchi.

## 2.0 UCHAMBUZI WA MUSWADA NA MAPENDEKEZO YA KAMATI

**Mheshimiwa Spika**, kabla ya kuanza kuchambua Muswada tajwa, Kamati ilikutana na Waziri wa Maji na Umwagiliaji

tarehe 15 Januari, 2019, katika Ukumbi Na 41, ulioko jengo la Utawala Annex, Dodoma kwa lengo la kupokea maelezo ya Serikali kuhusu Muswada husika.

**Mheshimiwa Spika**, katika maelezo yake, Waziri wa Maji na Umwagiliaji alieleza Kamati kuwa Madhumuni na sababu za Sheria inayokusudiwa kutungwa ambayo muktadha wake unapatikana katika sehemu ya Muswada ijulikanayo kama madhumuni na sababu (*objects and reasons*) yanalenga kuwezesha yafuatayo kutokea:-

(i) Kubainisha Majukumu ya watendaji au wasimamizi mbalimbali, ikiwa ni pamoja na majukumu ya Waziri wa Maji na Umwagiliaji, Waziri wa Serikali za Mitaa, majukumu ya Sekretarieti ya Mkoa na majukumu ya Mamlaka za Serikali za Mitaa;

(ii) Kuanzishwa kwa Mamlaka za Maji na Usafi wa Mazingira (Water Supply and Sanitation Authorities), ambazo zitaanzishwa na Waziri wa Maji kwa kushirikiana na Serikaliza Mitaa;

(iii) Kuainishwa kwa majukumu ya Mamlaka za Maji;

(iv) Uteuzi wa Bodi za Mamlaka za Maji na masharti ya uteuzi wa watoa huduma (service provider);

(v) Kueleza Majukumu ya Mamlaka za Udhhibiti wa Huduma za Nishati na Maji (The Energy and Water Utilities Regulatory Authority- EWURA);

(vi) Ushiriki wa jamii kwa kuanzisha vyombo vya watumiaji maji (Community Based Water Supply Organisations) na kuainisha masharti mbalimbali yanayohusu uanzishwaji na umiliki wa pamoja yakiwemo masuala ya fedha;

(vii) Kuanzishwa kwa Wakala wa Maji Vijijini (Rural Water Agency-RUWA) ambao utasimamia miradi na utoaji wa huduma ya maji vijijini, ikiwemo uchimbaji wa visima na ujenzi wa mabwawa;

(viii) Kuainisha majukumu ya RUWA na uongozi wake ambao utasimamiwa na Bodi itakayoanzishwa kwa mujibu wa Sheria hii;

(ix) Kuendelea kutambuliwa kuanzishwa kwa Mfuko wa Taifa wa Maji (National Water Fund). Lengo la Mfuko huu ni kutafuta fedha kwa ajili ya kusaidia uwekezaji katika miradi ya maji; na

(x) Kuweka makosa na adhabu chini ya Sheria hii.

**Mheshimiwa Spika**, Kamati inaunga mkono madhumuni na sababu (*objects and reasons*) za Serikali kuhusu muswada huu kwani unalenga kuwa na usimamizi bora, ufanisi na uendelevu katika utoaji Huduma za Maji na Usafi wa Mazingira nchini. Malengo ambayo hayajaweza kufikiwa kupitia sheria zinazotumika kwa sasa.

**Mheshimiwa Spika**, wakati Kamati ikichambua Muswada huu, ilipata nafasi ya kutathimini uzoefu wa nchi zingine ambazo zimetunga sheria kwa ajili ya kusimamia masuala ya maji. Sheria hizo zinatofautiana kulingana na mazingira, desturi na matakwa ya nchi husika. Hata hivyo, uzoefu unaonesha kuwa uundaji wa vyombo mahususi kwa ajili ya kusimamia rasilimali za maji na vyombo vinavyosimamia utoaji wa huduma za maji, ndiyo mfumo unaotumika katika nchi nyingi.

Hali hiyo pia ipo katika ukanda wa nchi za Afrika ya Mashariki ambazo ni Burundi, Kenya, Rwanda, na Uganda. Kwa mfano nchi ya Kenya inayo sheria ya Maji (*The Water Act of 2002*) ambayo inahusika kusimamia rasilimali za maji na usambazaji wa maji mijini na vijijini na nchi ya Rwanda ina sheria ya Maji (*Water Law No 62 of 2008*) ambayo inahusika na utunzaji na uhifadhi wa rasilimali za maji.

**Mheshimiwa Spika**, pamoja na kutathimini uzoefu wa nchi zingine, Wajumbe walipata fursa ya kushiriki semina na mada mbalimbali kwa lengo la kuwajengea uwezo zaidi. Mada hizo ziliandaliwa na Idara ya Kamati za Bunge, Idara ya Mshauri wa Bunge Mambo ya Sheria pamoja na Wataalamu kutoka



katika Taasisi za Vyuu Vikuu na Taasisi Binafsi walioratibiwa kupitia Mradi wa Kuwajengea Wabunge Uwezo Awamu ya Pili (*Legislative Support Project -LSP II*).

**Mheshimiwa Spika**, kwa namna ya kipekee Kamati inatoa shukrani kwa Ofisi ya Bunge kupitia mradi wa *LSP II* kwa kuwawezesha Wabunge kuongeza ujuzi na uelewa kuhusu muktadha wa Muswada unaokusudiwa kutungwa. Mada zilizowasilishwa kwa wajumbe ni pamoja na;

i) Dhana Kuu kuhusu Muswada wa Sheria ya Huduma za Maji Safi na Usafi wa Mazingira wa Mwaka 2018;

ii) Uchambuzi wa Muswada wa Sheria ya Huduma za Maji na Usafi wa Mazingira wa Mwaka 2018 kwa kulinganisha na Sheria ya Huduma ya Maji na Usafi wa Mazingira wa Mwaka 2009 pamoja na Sheria ya Usimamizi wa Rasilimali za Maji;

iii) Mfumo wa Sheria zinazosimamia rasilimali za maji Nchini;

iv) Misingi Muhimu ya Kitaasisi na Kiusimamizi katika Mamlaka za Maji Safi na Maji taka;

v) Sheria na Mifumo Katika Usimamizi na Uendeshaji wa Sekta ya Maji; na

vi) Uchambuzi wa Muswada wa Sheria ya Huduma ya Maji na Usafi wa Mazingira kwa Mtizamo wa Kijinsia

**Mheshimiwa Spika**, uchambuzi wa Kamati ulibaini kuwa, Muswada huu una sehemu kumi na tano (15) na jumla ya ibara themanini na mbili (82) pamoja na majedwali manne (4) na kwa ukamilifu unasomeka kuwa ni Muswada wa Sheria wa Huduma za Maji na Usafi wa Mazingira wa Mwaka 2018. Katika sehemu na ibara hizo, Kamati ina maoni na mapendekezo yafuatayo:-

## 2.1 Sehemu ya kwanza ya muswada inayohusu masharti ya utangulizi

**Mheshimiwa Spika**, katika sehemu hii ya kwanza, Kamati inatoa maoni na mapendekezo kama ifuatavyo: Kuongeza na kufuta baadhi ya maneno ambayo tafsiri ya maneno hayo ilileta mkanganyiko. Kufuta tafsiri ya neno “RUWA” na badala yake kuweka tafsiri ifuatayo: - ***“RUWASA” means the Rural Water Supply and Sanitation Agency established under section 42***”. Mapendekezo haya yanalenga kuufanya wakala huo kuweka mkazo katika majukumu yote yanayohusu usambazaji wa maji safi pamoja na usafi wa mazingira vijijini. Maboresho haya yafanyike pia katika muswada wote hususani sehemu ya kumi (X) inayoanzisha wakala huo

## 2.2 Sehemu ya tatu ya muswada inahusu utawala na muundo wa kitaasisi

**Mheshimiwa Spika**, katika sehemu hii Kamati inapendekeza kufuta Ibara ya 5(j); na kubadilisha namba ya aya (k) kuwa (j). Maudhui ya ibara hiyo tayari yapo kwenye aya ya 5(d). Aidha Ibara ya 8 (1) (c) iboreshwe kwa kufuta neno ***“and”*** lililopo katika mstari wa pili na badala yake kuweka alama ya mkato. Marekebisho ya kiuandishi.

## 2.3 Sehemu ya nne inahusu mamlaka za maji safi na usafi wa mazingira

**Mheshimiwa Spika**, Kamati inapendekeza marekebisho yafuatayo:-

a) Ibara ya 13(2) kuongeza maneno ***“It shall be lawful for”*** mwanzo mwa ibara hiyo, kwani ilivyo haiieleweki. Na kwamba maneno hayo yataiboresha ibara na kuleta maana nzuri.

b) Ibara ya 17(3) (b) Kamati inapendekeza kufuta maneno ***“eight years”*** na badala yake kuweka maneno ***“five years”***. Pendekezo hili linalenga kuboresha vigezo vya kuwapata Wakurugenzi Watendaji wa mamlaka za maji.

c) Kamati pia inapendekeza katika ibaraya 22 kuongeza Ibara mpya ya 22(2) ambayo itakua na maudhui kama ifuatavyo;

***“Where in the course of taking control over land under subsection (1), the water authority or service provider affects injuriously the interest of any owner or occupier of the land over which that control extend, the water authority or service provider as the case may be, shall pay full, fair and prompt compensation to such owner or occupier as per the Land Act.”***

Msingi wa pendekezo hili ni kwamba, kuna uwezekano mkubwa wa hatua hiyo kuathiri maeneo ambayo tayari yanamikiwa na kuendelezwa na wananchi hivyo ni vyema maboresho yakafanyika kwa kuweka masharti kuwa ulipaji wa fidia ya haki na kwa wakati ufanyike wakati wa kuyatenga maeneo ya hifadhi ili kupunguza usumbufu kwa wananchi. Na ibara ya 22 (2) iwe ibara ya 22 (3).

#### **2.4 Sehemu ya kumi inahusu wakala wa maji vijijini**

**Mheshimiwa Spika**, Kamati inapendekeza kwamba; Ibara ya 42(1) ifutwe na kuandikwa upya ili isomeke ***“There is hereby established an Agency to be known as the Rural Water Supply and Sanitation Agency with its acronym RUWASA”***. Msingi wa pendekezo hili ni kuweka mazingira sawia kwa wakala huo kuweka mkazo katika majukumu yote yanayohusu usambazaji wa maji safi pamoja na usafi wa mazingira vijijini.

#### **2.5 Sehemu ya kumi na tatu inayohusu mfuko wa taifa wa maji**

**Mheshimiwa Spika**, Kamati inapendekeza:-

a) Ibara ya 55(4) kufuta neno ***“shall”*** na badala yake kuweka neno ***“may”***. Pendekezo hili linalenga kuweka maboresho yatakayowezesha kuweka masharti rafiki ya utoaji wa mikopo kulingana na uwezo wa Mfuko.

b) Ibara ya 56, Kamati inapendekeza kufuta rejea ya ***“section 56”*** na badala yake isomeke rejea ya ***“section 55”***.

c) Ibara ya 58 (1) kufuta neno ***“Investment”*** katika rejea ya Mfuko wa Maji. Shabaha ya pendekezo hili ni kuoanisha na Ibara ya 55 inayopendekeza kuanzisha upya Mfuko huo ambayo imeandikwa ***“National Water Fund”***

## 2.6 Sehemu ya kumi na nne inayohusu makosa ya jinai na adhabu

**Mheshimiwa Spika**, Kamati inapendekeza;

a) Katika Ibara ya 61 kuongeza neno ***“or”*** katika mstari wa mwisho baada ya maneno ***“five years”***. Pendekezo hili ni maboresho ya kiuandishi.

b) Ibara ya 62, Kamati inapendekeza kuifuta ibara ya 62(1) na (2) na kuandika upya kwa kuziunganisha kama ifuatavyo: ***“Without prejudice to sections 11, 12 and 52 of the Water Resources Management Act, any person who abstracts or draws off water from water works under the control of water authority, RUWASA or community organization whereby water may be conveyed or retained contrary to the provisions of this Act commits an offence.”***. Msingi wa pendekezo hili ni kutokana na kwamba Sheria ya Usimamizi wa Rasilimali za Maji imeweka namna ambayo watu wanaweza kupata maji kwa matumizi ya nyumbani, kuvuna maji ya mvua au kutumia maji kwa mujibu wa haki za maji za kimila bila ya kuwa na kibali cha matumizi ya maji. Hivyo, ni vyema sheria hii ikatambua haki hizo ili kuepusha mgongano wa muswada huu na sheria hiyo.

c) Ibara ya 62(3) kuwa ibara ya 62(2) na kuongeza proviso ifuatayo:- ***“Provided that the Court shall order the person convicted to reconstruct the damage caused or pay compensation equivalent to the amount of the asset stolen or damaged.”*** . Msingi wa pendekezo hili ni kuwezesha urejeshwaji wa huduma ya maji kama ilivyokuwa kabla ya kosa kutendeka.

d) Kwa muktadha wa ibara ya 62, Kamati inapendekeza kuongeza tafsiri ya neno ***“misuse of water”*** katika ibara ya 3

inayohusu tafsiri; hii itaondoa mkanganyiko wa namna neno "*misuse of water*" linavyoweza kutafsirika kwa kulingana na mazingira tofauti.

e) Ibara ya 67(1), Kamati inapendekeza, kuongeza neno "*or*" katika mstari wa mwisho baada ya maneno "*three years*". Maboresho ya kiuandishi.

f) Ibara ya 68(2), Kamati inapendekeza kuongeza neno "*on*" katika mstari wa pili kabla ya neno "*conviction*". Maboresho ya kiuandishi.

## 2.7 Sehemu ya kumi na tano inayohusu masharti ya jumla

**Mheshimiwa Spika**, katika ibara ya 71, Kamati inapendekeza kufuta Ibara ya 72, Kamati inapendekeza Ibara ya 72 (1) kuongeza neno "*copy*" baada ya neno "*printed*" lililopo katika msatri wa nne. Vilevile Ibara ya 72(2) kufuta neno "*debt*" katika mstari wa tatu na badala yake kuweka neno "*suit*". Maboresho ya kiuandishi.

## 2.8 Sehemu ya kumi na sita inayohusu masharti ya mpito

**Mheshimiwa spika**, katika ibara ya 80 (2) (b) Kamati inapendekeza kuongeza maneno "*for the period of twelve months from the date of enactment of this Act*". Kusudi la pendekezo hili ni kuweka muda wa ukomo wa kipindi cha mpito.

**Mheshimiwa Spika**, Kamati pia inapendekeza kurekebisha namba ya Sehemu ya XII, XIII, XIV, XV na XVI kuwa Sehemu ya XI, XII, XIII, XIV na XV mtawalia. Maboresho ya kiuandishi.

## 2.9 Sehemu ya Majedwali - Jedwali la Kwanza

**Mheshimiwa Spika**, katika sehemu hii, aya ya 1(5) Kamati inapendekeza kufuta maneno "*one third*" na badala yake kuweka "*fifty percent*". Msingi wa pendekezo hili ni kuzingatia usawa wa kijinsia na ukweli kwamba matatizo ya maji katika

jamii zetu yamekuwa mzigo mkubwa kwa wanawake ikilinganishwa na wanaume.

**Mheshimiwa Spika**, hoja zilizoainishwa hapo juu zimetokana na uchambuzi uliofanywa na Kamati na kujadiliwa kwa pamoja na Serikali. Aidha, baadhi ya hoja hazikukubaliwa na Serikali kama zinavyoonekana kwenye kiambatanisho ambacho ni Jedwali la Uchambuzi wa Muswada.

**Mheshimiwa Spika**, pamoja na Kamati kuunga mkono mapendekezo ya Sheria inayokusudiwa kutungwa, yapo mambo kadhaa ambayo yaliibua wasiwasi kwa Wajumbe wa Kamati wakati wa uchambuzi wa Muswada na hivyo kuhitaji ufafanuzi wa kina kutoka kwa Serikali. Mambo hayo ni pamoja na:-

i) Kuanzishwa kwa RUWA kutasimamia utoaji huduma za maji katika maeneo ya vijijini. Kamati ilitaka kujua ni utaratibu gani utatumika kuepusha migongano isiyokua ya lazima, ikizingatiwa kuwa baadhi ya maeneo ya vijiji tayari yanasimamiwa na Mamlaka za Maji katika baadhi ya Halmashauri na Manispaa husika.

ii) Pamoja na majukumu mengine, Muswada unaopendekezwa umeipa RUWA jukumu la kuchimba visima. Kamati ilitaka kujua kama Wakala wa Serikali wa Uchimbaji visima na mabwawa (DDCA) umefutwa au utaendelea na majukumu yake.

iii) Muswada umeainisha jukumu la RUWA kujenga miradi ya maji, hata hivyo jukumu la kusimamia matumizi endelevu ya hiyo miradi halijaainishwa. Kamati ilitaka kujua ni kwa namna gani, miradi ya maji itakayojengwa na itaendelea kusimamiwa, ili kuwa na matumizi endelevu na yenye tija.

iv) Muswada unaopendekezwa unalenga kuimarisha utoaji huduma za maji safi na usafi wa mazingira nchini. Hata hivyo utekelezaji wake utakwamishwa na dosari zilizopo katika Sheria ya Usimamizi wa Rasilimali Maji ya Mwaka 2009. Kamati ilitaka kujua ni lini Serikali italeta Bungeni Sheria hiyo pamoja

na Sheria nyingine zinazoashiria kukwamisha utekelezaji wa Sheria inayokusudiwa kutungwa.

**Mheshimiwa Spika**, napenda kuliarifu Bunge lako kuwa, Kamati ilifanya kikao cha majumuisho na Wizara ya Maji na Umwagiliaji ambapo Waziri alitoa ufafanuzi wa hoja zote zilizoibuliwa.

### 3.0 MAONI NA USHAURI WA JUMLA

a) Kamati inashauri Sehemu yote ya XIV inayohusu Makosa na Adhabu ifanyiwe maboresho makubwa kama ifuatavyo:

i) Kutenganisha makosa yanayofanywa na mtu (*individual*) na yale yanayofanywa na taasisi (*entities*) kama vile makampuni ya kibiashara pamoja na adhabu zake. Kamati inaona kuwa ni vema faini kwa makosa yanayomhusu mtu iwe kati ya shilingi laki tano na shilingi milioni tano. Aidha, makosa yanayohusu taasisi faini yake iwe kati ya shilingi milioni tano hadi shilingi milioni hamsini.

ii) Kwenye makosa yanayohusiana na mabomba, ni vema kutenganisha makosa na adhabu zake kulingana na ukubwa wa bomba linalohusika katika kosa.

iii) Aidha, makosa yanayohusu wizi wa maji, ni vema kutenganisha makosa na adhabu zake kulingana na matumizi ya maji kwa ajili ya nyumbani (*domestic use*) na matumizi ya biashara (*commercial use*).

b) Serikali iharakishe mchakato wa mapitio ya sheria mbalimbali zinazohusiana na maji hususani Sheria ya Usimamizi wa Rasilimali Maji (*The Water Resources Management Act*) na kanuni zake ili kuondoa masharti yote ambayo yamekuwa ni kikwazo katika upatikanaji wa huduma ya maji safi na usafi wa mazingira.

### 4.0 HITIMISHO

**Mheshimiwa Spika**, Kwa kuzingatia uchambuzi wa Kamati, madhumuni na sababu za kutungwa kwa Sheria hii,

Kamati imeridhika kuwa ni wakati muafaka kwa nchi yetu kuwa na sheria moja itakayosimamia utoaji huduma za maji safi na usafi wa mazingira ambayo itaimarisha upatikanaji wa uhakika wa huduma ya maji safi na usafi wa mazingira.

**Mheshimiwa Spika**, kwa niaba ya Wajumbe wa Kamati napenda kumpongeza Waziri wa Maji na Umwagiliaji Mhe.Prof. Makame M. Mbarawa (Mb), Naibu Waziri wa Maji na Umwagiliaji Mhe. Jumaa H. Aweso, Mb, Mwanasheria Mkuu wa Serikali pamoja na wataalamu wa Ofisi ya Mwanasheria Mkuu wa Serikali, Wataalamu kutoka Wizara ya Maji na Umwagiliaji na wadau wote wanaoguswa na sheria inayokusudiwa kutungwa.

Aidha, nachukua fursa hii pia kuwashukuru wadau wote waliofika mbele ya Kamati na kuwasilisha maoni yao. Kipekee nawashukuru ; Chama cha Wanasheria cha Tanganyika (*Tanyanyika Law Society*), Mtandao wa Asasi za Kiraia zinazofanya kazi katika Sekta ya Maji na Usafi wa Mazingira Nchini (Jumuiko la Asasi 53), Mtandao wa Jinsia Tanzania (*TGNP*), Wadau wa Maendeleo pamoja na watu binafsi ambao michango yao ya kitaalam imeisaidia Kamati kuboresha Muswada huu.

**Mheshimiwa Spika**, vilevile nawashukuru Wajumbe wa Kamati ya Bunge ya Kilimo, Mifugo na Maji kwa kuchambua kikamilifu maoni yaliyowasilishwa na wadau na hivyo kuwawezesha kuchambua Muswada kwa kina na hatimaye kukamilisha taarifa hii.

**Mheshimiwa Spika**, kwa heshima na taadhima, naomba kuwatambua Wajumbe hao kwa kuwataja majina kama ifuatavyo:-

1. Mhe. Mahmoud Hassan Mgimwa Mb Mwenyekiti
2. Mhe. Dkt. Christine G. Ishengoma, Mb M/Mwenyekiti
3. Mhe. Dkt. Mary Michael Nagu, Mb Mjumbe
4. Mhe. Prof. Sospeter Mwijarubi Muhongo, Mb "
5. Mhe. Eng. Edwin A. Ngonyani, Mb "
6. Mhe. Jitu V.Soni, Mb "



7. Mhe. Khadija Hassan Aboud, Mb "
8. Mhe. Haroon Mulla Pirmohamed, Mb "
9. Mhe. Ritta Enespher Kabati, Mb "
10. Mhe. Mattar Ali Salum, Mb "
11. Mhe. Lucy Simon Magereli, "
12. Mhe. Justin Joseph Monko "
13. Mhe. Omar Abdallah Kigoda, Mb "
14. Mhe. Anna Richard Lupembe, Mb "
15. Mhe. Pascal Yohana Haonga "
16. Mhe. Salim Mbaraku Bawazir Mb "
17. Mhe. Deo Kasenyenda Sanga, Mb "
18. Mhe. Devotha Methew Minja, Mb "
19. Mhe. Haji Ameir Haji, Mb "
20. Mhe. Haji Khatib Kai, Mb "
21. Mhe. Sikudhani Yasini Chikambo, Mb "
22. Mhe. Juma Ali Juma, Mb "
23. Mhe. Emmanuel Papian John, Mb "
24. Mhe. Anthony Calist Komu "
25. Mhe. Kunti Yusuph Majala, Mb "
26. Mhe. Katani Ahmad Katani Mb "

**Mheshimiwa Spika**, mwisho lakini sio kwa umuhimu, Kamati inamshukuru Katibu wa Bunge Ndg. Stephen Kagaigai kwa kuiwezesha Kamati wakati wote ilipokua ikitekeleza majukuu yake. Vilevile Kamati inaishukuru Sekretarieti ya Kamati ikiongozwa na Mkurugenzi wa Idara ya Kamati Ndg. Athuman Hussein, Mkurugenzi Msaidizi Ndg. Dickson Bisile pamoja na Makatibu wa Kamati Ndg. Virgil Mtui, Ndg. Rachel Nyega, Ndg. Martha Chassama, Mshauri wa Bunge Mambo ya Sheria Ndg. Stephano Mbutu na Watumishi wote wa Ofisi ya Bunge kwa kuratibu vyema shughuli za Kamati hadi kukamilika kwa taarifa hii.

**Mheshimwa Spika**, baada ya kusema hayo, naomba kuwasilisha na ninaunga mkono hoja.

Mahmoud Hassan Mгимwa (Mb)

**MWENYEKITI**

**KAMATI YA KILIMO, MIFUGO NA MAJI**

31 Januari, 2019

**MWENYEKITI:** Sasa namwita Msemaji Mkuu wa Kambi Rasmi ya Upinzani kuhusu Wizara hii tupate maoni ya kambi hiyo. Mheshimiwa Bobali, una dakika zisizozidi ishirini.

**MHE. HAMIDU H. BOBALI – MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI KWA WIZARA YA MAJI NA UMWAGILIAJI:** Mheshimiwa Mwenyekiti, nakushukuru. Natumia Kanuni ya 86(6) ya Kanuni za Bunge, Toleo la mwaka 2016, kuwasilisha maoni na mapendekezo ya Kambi ya Upinzani juu ya muswada huu wa Sheria ya Maji.

Mheshimiwa Mwenyekiti, hotuba yangu itajikita kwenye maeneo matatu; eneo la kwanza ni utangulizi, sehemu ya pili itakuwa uchambuzi wa Muswada na mapendekezo na sehemu ya tatu ni hitimisho.

Mheshimiwa Mwenyekiti, sekta ya huduma ya maji ni moja ya sekta muhimu sana ambayo inagusa maisha ya kila mtu. Ni kwa bahati mbaya sana kwa takribani miaka 58 sasa tangu nchi yetu ipate uhuru suala la upatikanaji wa maji safi na salama limekuwa ni ndoto kubwa. Tatizo la maji nchini limeendelea kuwa kichocheo cha kukumbatia maadui wakubwa watatu ambao Hayati Baba wa Taifa aliwataja tangu enzi ya utawala wake ambapo mpaka sasa hakuna Serikali yoyote iliyoshika madaraka imeweza kuwaondoa.

Mheshimiwa Mwenyekiti, ni takribani miongo sita sasa maadui zetu watatu yaani ujinga, umaskini na maradhi wameendelea kuwa walewale tena wakizidi kuwa wabaya. Hili linajidhihirisha wazi kwenye changamoto kubwa ya maji inayowafanya wananchi kuendelea kuishi kwenye dimbwi la umaskini na maradhi na hata watoto kushindwa kupata elimu kutokana na adha ya maji.

Mheshimiwa Mwenyekiti, tutakumbuka ndani ya Bunge lako Tukufu, Mei, 2017, Waheshimiwa Wabunge walionesha kukwazika sana na upungufu mkubwa wa fungu la bajeti ya maji ambalo lilipungua sana kwenye miradi ya maendeleo eneo la Usambazaji wa Huduma za Majisafi na Majitaka Vijijini (*Rural Water Supply and Sanitation*) jambo

lililosababisha Wabunge kutaka kuongeza shilingi 50 kwenye kila lita ya petroli na dizeli ili kufidia ukosefu huo wa fedha za miradi ya maji kwa umuhimu wake katika kuchochea uchumi na ustawi na jamii.

Mheshimiwa Mwenyekiti, ni dhahiri kuwa Serikali inatambua gharama kubwa inayowakabili wananchi katika ununuzi wa maji. Mathalani, katika maeneo mengi ya Dar es Salaam bei ya pipa moja la maji lenye ujazo wa lita 1,000 huuzwa kwa kiasi cha Sh.15,000. Katika maeneo yenye uhaba mkubwa wa maji bei ya pipa lenye ujazo wa lita 20 hununuliwa kwa Sh.300 mpaka Sh.1000 kama ilivyo katika Wilaya ya Newala kule Mtwara.

Mheshimiwa Mwenyekiti, ugharamiaji wa huduma za maji umekuwa ni mzigo mzito kwa Watanzania. Hii ni kutokana na hali ngumu ya kiuchumi kwani mpaka mwaka 2017 wastani wa pato la kila mtu kwa mwaka lilikadiriwa kuwa shilingi milioni 2.5 tu. Katika maeneo ya mijini ambapo maji hununuliwa kwa gharama kubwa kulingana na mahitaji ndani ya familia, bado fedha nyingi hutumika kwenye gharama za matibabu zinazosababishwa na magonjwa yanayotokana na maji kama vile kuhara, homa za matumbo, saratani mbalimbali zinazotokana na kemikali za sumu zinazojipenyeza katika mitambo na mabomba ya usambazaji maji.

Mheshimiwa Mwenyekiti, kuja kwa Muswada huu wa Sheria mpya ya Huduma za Maji na Usafi wa Mazingira 2018, ambayo inafuta Sheria ya Huduma za Maji na Usafi wa Mazingira Sura 272 na Sheria ya Majisafi na Majitaka Dar es Salaam, Sura ya 273 iwe ni kichocheo cha kuondoa adha ya maji nchini badala ya kuwa na mamlaka au vyombo vingi vinavyojishughulisha na jambo moja ambapo kimsingi havileti tija katika kutatua changamoto za maji nchini.

Mheshimiwa Mwenyekiti, uchambuzi wa Muswada. Tunafahamu kwamba katika vipindi tofautitofauti Serikali imekuwa ikileta maboresho mbalimbali ya kisheria katika utoaji na usambazaji wa huduma za maji. Baadhi ya Sheria hizo ni *Water Ordinance Act (1923)*, *Waterworks Act (1949)*,

*NUWA Act (1981), DAWASA Act* ya mwaka 1997 na marekebisho yake ya mwaka 1981 na 2001, *EWURA Act (2006)* na kadhalika.

Mheshimiwa Mwenyekiti, katika Muswada huu kuna mamlaka au taasisi mbalimbali zilizotajwa katika shughuli za usimamizi na utoaji huduma za majisafi na majitaka. Kimsingi mamlaka hizi zinaingiliana sana katika utendaji au zimekuwa kama sehemu ya urasimu katika suala zima la utoaji wa huduma za maji. Mathalani katika masuala ya utafutaji wa fedha au vyanzo vya mapato, masuala ya leseni hata kama ni katika ngazi tofauti tofauti.

Mheshimiwa Mwenyekiti, vilevile katika mwingiliano huo wa kimajukumu utakuta mamlaka hizi zote zina jukumu la kuhakikisha ubora wa huduma. Katika sheria hii ambayo haijatambua uwepo wa Wakala wa Uchimbaji wa Visima na Mabwawa (*DDCA*), majukumu yaliyoorodheshwa katika Sura ya 43(1) hususani kipengele (b) na (c) chini ya majukumu ya *RUWA* kimsingi ni majukumu yanayofanywa na *DDCA*.

Mheshimiwa Mwenyekiti, ni vyema Serikali ikatambua kuwa uwepo wa mamlaka mbalimbali au wingi wa taasisi katika kusimamia jambo moja hakuongezi ufanisi wa kiutendaji. Mambo yanayoweza kuongeza ufanisi katika mamlaka ya kiutendaji ni pamoja na uwajibikaji na kufanya kazi kwa weledi huku Serikali ikitoa vitendea kazi na motisha kwa watendaji. Utakumbuka katika Jiji la Dar es Salaam kulikuwepo *DAWASCO* na *DAWASA*, matokeo yake taasisi hizi zilishindwa kutoa huduma bora ya usambazaji wa maji kutokana na mwingiliano wa kimajukumu, hivyo, *DAWASCO* ililazimika kuondolewa. Pamoja na hayo, Serikali ilikuwa ikitumia fedha nyingi katika kuvihudumia vyombo hivi. Kambi Rasmi ya Upinzani Bungeni inaitaka Serikali kuangalia upya namna bora ya kuongeza ufanisi wa taasisi na sio kuongeza wingi wa taasisi kama ambavyo imekuwa ikifanya mara zote.

Mheshimiwa Mwenyekiti, hakikisho la upatikanaji wa maji safi na salama kwa wananchi ni mojawapo ya kazi za msingi za Serikali yetu. Kwa muktadha wa Tanzania jukumu

hili kwa sehemu kubwa limekuwa chini ya Mamlaka ya Serikali za Mitaa, kwa kuwa ndiyo mamlaka iliyo karibu zaidi na wananchi kimuundo wa utawala kuliko Serikali Kuu.

Mheshimiwa Mwenyekiti, utoaji wa huduma chini ya Mamlaka za Serikali za Mitaa kwa kiasi kikubwa zinategemea uibuaji wa changamoto, usimamizi na utekelezaji wake kutoka kwa Baraza la Madiwani chini ya uangalizi wa Mkurugenzi ambaye ni mwakilishi wa Mheshimiwa Waziri mwenye dhamana na Serikali za Mitaa. Kutokana na mwenendo wa utawala ulivyo katika Awamu hii ya Tano inaonesha kuwa sasa madaraka ya uibuaji, usimamizi na utekelezaji wa miradi na huduma za msingi za kijamii jukumu hilo kwa sasa linaanza kurejeshwa Serikali Kuu.

Mheshimiwa Mwenyekiti, jambo hili limekuwa likijitokeza kwa kasi sana ambapo mpaka sasa vyanzo vya mapato vya halmashauri vingi vimepokwa na Serikali Kuu. Kumekuwepo na uundwaji wa taasisi ambazo haziwajibiki moja kwa moja kwa Baraza la Madiwani kama chombo cha uwakilishi wa wananchi kwenye ngazi za chini yaani Serikali za Mitaa, au kwa ofisi ya Mkurugenzi na badala yake vyombo hivi vinavyotekeleza majukumu yake kwenye ngazi za chini vinawajibika moja kwa moja Serikali Kuu.

Mheshimiwa Mwenyekiti, ukusoma Muswada huu ulio mbele ya Bunge lako ni kwamba ngazi za uwajibikaji ni nyingi kiasi kushindwa kuelewa kuwa mtoaji wa huduma kwa mwananchi anawajibika kwa nani hasa, kwa kuwa katika Muswada huu ngazi za uwajibikaji haziko wazi. Ukisoma majukumu ya *RUWA* na uwajibikaji wa chombo hiki utagundua kuwa kuna mkanganyiko mkubwa katika uwajibikaji. Mfano, katika kifungu cha 48(h) na 49, Mkurugenzi wa Halmashauri na Baraza la Madiwani ambao wanatekeleza majukumu yao chini ya Waziri mwenye dhamana na Serikali za Mitaa mamlaka yao kwa watoa huduma hayako wazi. Kambi Rasmi ya Upinzani inaona jambo hili ni vyema likawekwa wazi kwani kumekuwepo na tabia ya makusudi ya kupoka madaraka ya Serikali za Mitaa kama

ambavyo Kambi Rasmi ya Upinzani Bungeni imekuwa ikilipigia kelele jambo hili.

Mheshimiwa Mwenyekiti, pamoja na hilo, Muswada unaonesha kuwa kwa mujibu wa Sheria ya Mamlaka za Serikali za Mitaa, Sura ya 288 zitakuwa na wajibu wa kutunga sheria ndogo (*by-laws*) kwa ajili ya Makundi ya Kijamii (*Community Based Organizations*) ambayo yatakuwa yanajihusisha na utoaji wa huduma za maji katika maeneo yao. Hata hivyo, sheria hii haijaweka wazi kama mamlaka nyingine kama RUWA nao watahusika na hizi sheria ndogo au la kwa kuwa wanawajibika Serikali Kuu na wanatekeleza majukumu yao kwa kushirikiana kwa karibu sana na Serikali za Mitaa.

Mheshimiwa Mwenyekiti, katika mkanganyiko wa baadhi ya vifungu katika Muswada huu utaona katika kifungu cha 6(b) na 7(b) ambavyo vinazungumzia majukumu ya Waziri mwenye dhamana na Serikali za Mitaa na majukumu ya Katibu Tawala wa Mkoa yaani RAS yakiwa yamefanana sana. Vifungu hivi vinasomeka kama ifuatavyo: "6.- *For the purpose of implementation of this Act, the Minister responsible for Local Government shall be responsible for creating a conducive environment. (b) Water Authorities, RUWA and Community organizations in the execution of functions connected with provisions of water supply and sanitation services*".

Mheshimiwa Mwenyekiti, katika kifungu cha 7 kinasema: "*With respect to the implementation of this Act and without prejudice to the Regional Administration Act, the Regional Secretariat shall (b) create a conducive environment for water authorities, RUWA and Community Organizations in the execution of functions connected with provisions of water supply and sanitation services in the Region*". Hii inaonesha wazi kuwa vifungu vya namna hii vya sheria vinahalalisha uzembe wa kurushiana mpira katika utekelezaji wa majukumu. Tumeweza kuyaona haya hata katika utendaji wa Wizara mbalimbali kama ilivyo kwa TAMISEMI na Wizara ya Elimu au TAMISEMI na Wizara ya Afya.

Mheshimiwa Mwenyekiti, kifungu cha 4(1) cha Muswada kinatoa hakikisho la haki ya kupata maji ya kutosha, uhakika na uendeleu wa utoaji wa huduma za maji kwa matumizi yote kama ilivyoelezwa kwenye madhumuni na kanuni za msingi za Muswada huu. Katika kuangalia kanuni za msingi kama zilivyoainishwa katika kifungu cha 4(1) (a – j), katika vifungu hivyo vinaonesha dhana nzima ya uendeleu kwa huduma ya upatikanaji wa maji safi na salama pamoja na huduma zote zinazohusiana na maji ikiwemo ukasimishaji wa huduma katika ngazi za chini za kimamlaka jambo ambalo haliko bayana sana na zaidi ya yote ushirikishwaji wa sekta binafsi.

Mheshimiwa Mwenyekiti, Kambi Rasmi ya Upinzani inatambua kwa uzoefu kuwa kuna miradi mingi ya Serikali, imeshindwa kuwa endelevu kutokana na kukosekana kwa dhana nzima ya umiliki. Dhana ya umiliki huleta mantiki zaidi pale ambapo kunakuwepo na ushirikishwaji mkubwa wa sekta binafsi. Ili kutoa huduma bora na zenye uhakika kwa wananchi ni vyema sana halmashauri zetu zikaingia ubia na sekta binafsi katika utoaji wa huduma hizi.

Mheshimiwa Mwenyekiti, Kambi Rasmi ya Upinzani Bungeni inaamini kabisa katika kufanya hivyo miundombinu yote ya maji kuanzia kwenye vyanzo mpaka kwa wananchi itakuwa salama muda wote na huduma zitapatikana kwa uhakika zaidi. Jambo hili linaweza kufanikiwa zaidi ikiwa Serikali itashirikiana ipasavyo na wabia hao, kufuatilia ufanisi na kutengeneza mazingira mazuri ya ushindani wa kibiashara.

Mheshimiwa Mwenyekiti, katika kifungu cha 9(3) cha Muswada kinasema kuwa: *“Minister may declare any water Authority established under subsection (1) to be a Commercial Water Supply and Sanitation Authority basing on the criteria as the Minister may determine”*. Kifungu hiki kinabainisha wazi kuwa maji ni bidhaa muhimu inayohitaji kuhudumiwa. Vifaa vya usambazaji maji kama mabomba, pampu na kadhalika vinahitaji kutunzwa, kutengenezwa na kuboreshwa ili huduma iwe endelevu. Hivyo, kuchochea au

kuamsha ari ya wananchi katika uchangiaji wa huduma hii ni muhimu sana katika karne hii.

Mheshimiwa Mwenyekiti, katika dhana ya kibiashara na utoaji wa huduma endelevu Serikali haiwezi kutoa huduma iliyo bora peke yake bila kuwashirikisha wananchi na wadau wengine ili kuongeza ufanisi. Hivyo, badala ya Waziri kuchagua baadhi ya mamlaka kutoa huduma kibiashara, ni vyema akazingatia namna bora zaidi ya kuwawezesha wananchi kujisikia fahari kuwa sehemu ya uendelezaji wa huduma hii.

Mheshimiwa Mwenyekiti, katika kifungu cha 30(3) ambacho kinapendekeza utolewaji wa leseni ya biashara katika shughuli za usambazaji wa huduma za majisafi na majitaka ambapo kifungu hiki kinataka leseni hiyo iweze kutumika kwa kipindi cha miaka 10. Kambi Rasmi ya Upinzani inashauri leseni hiyo itumike katika kipindi cha muda wa miaka 15 kabla ya kukata upya. Hii ikiwa na maana kwamba kutokana na changamoto za kibiashara ikiwemo uwekezaji wa mitaji mara nyingi huchukua muda mrefu mwekezaji kurudisha gharama za uwekezaji au kuanza kuona faida. Hivyo, ni vyema sana kifungu hiki kingebadilishwa muda huo wa miaka 10 na badala yake leseni iwe ya miaka 15.

Mheshimiwa Mwenyekiti, katika kifungu cha 38(d) cha Muswada huu kina pendekeza kuwa fedha zinazopatikana kwa ajili ya uendeshaji wa shughuli za vyombo vya jamii katika usambazaji wa huduma za maji kuwa ni lazima ziweze kupitishwa na Waziri. Kifungu hiki kinasomeka kuwa: *“any moneys that the community organization may obtain with the approval of the Minister from donations, loans or other financial assistance.”*

Mheshimiwa Mwenyekiti, kifungu hiki kinaonesha dhahiri kutakuwa na urasimu mkubwa katika masuala ya utoaji fedha kwa ajili ya kuvisaidia vyombo hivi katika kufanya kazi zake. Ni lazima tuweze kutambua kuwa vyombo hivi ni vingi na zaidi ya yote masuala ya fedha yanahitaji umakini mkubwa sana. Kuacha mamlaka haya makubwa chini ya



mtu mmoja yatakwamisha utendaji kazi kwa wakati na kupunguza ufanisi.

Mheshimiwa Mwenyekiti, katika kifungu cha 43(f) kinachozungumzia majukumu ya *RUWA* kinaonesha kuwa moja ya jukumu ni kutoa msaada wa kifedha na utalaamu kwa vyombo vya kijamii kwa ajili ya maboresho makubwa ya miradi mbalimbali ya maji. Mantiki ya kifungu hiki yanatakiwa kuonekana wazi katika kifungu cha 38 cha Muswada huu kinachoelezea vyanzo vya mapato ya vyombo vya kijamii.

Mheshimiwa Mwenyekiti, katika kifungu cha 55 cha Muswada huu kinapendekeza uundwaji wa Mfuko wa Taifa wa Maji. Jina la Mfuko huu ni vyema sana likaakisi madhumuni ya Muswada huu na majukumu ya mfuko ikiwa ni pamoja na kutafuta fedha kwa ajili ya shughuli za huduma za maji pamoja na usafi wa mazingira (*sanitation*).

Mheshimiwa Mwenyekiti, katika Sheria ya Maji mwaka 2009, mfuko huu ulikuwa ukijulikana kama Mfuko wa Uwekezaji wa Maji (*National Water Investment Fund*). Kutokana na neno *investment* kuondolewa ni dhahiri Serikali hii inaamini suala la 'uwekezaji' katika maji limemalizika. Tunafahamu wazi kuwa bado maeneo mengi ya nchi hayana kabisa miundombinu ya maji na mamilioni wanakunywa maji yasiyo safi na salama, mifumo ya maji taka ni mibovu sana.

Mheshimiwa Mwenyekiti, katika kifungu cha 55(5), kinachosomeka: *"The Minister may make regulations prescribing procedures for the performance of the functions..."*

Mheshimiwa Mwenyekiti, kwa kuwa hotuba yangu ni ndefu na muda unaelekea kuisha, naomba niongelee kifungu cha 65 kinazungumzia makosa ya kutumia maji kinyume na matumizi yaliyoidhinishwa. Kifungu hiki kimeainisha faini ya kiasi cha shilingi milioni tano au kifungo kisichopungua miezi sita. Ni vyema sana kifungu hiki kikaeleza matumizi

yaliyoainishwa ni yapi ili kuondoa mkanganyiko huu ili adhabu ionekane kama kweli ni ya haki au ni uonevu.

Mheshimiwa Mwenyekiti, katika kifungu cha 66 cha Muswada kimebainisha adhabu kwa makosa kama ya kuosha au kufua, kuoga, kutupa, kusababisha au kuruhusu kitu kuingia kwenye miundombinu ya maji. Mtu yeyote atakayepatikana na hatia atalazimika kulipa faini ya kiasi cha shilingi elfu hamsini au isiyozidi shilingi milioni moja na kifungu cha mwezi mmoja.

Mheshimiwa Mwenyekiti, pamoja na kuwa Muswada huu umeeleza kuwa maeneo yaliyotengwa kwa ajili ya miradi yatawekewa alama kama inavyosomeka kwenye kifungu cha 22 cha Muswada huu, ni vyema maeneo haya ya miradi yakawekewa pia matangazo ya makatazo ili kuhakikisha kuwa hakuna mwananchi atakayeonewa kwa kutokujua sheria. (*Makofi*)

Mheshimiwa Mwenyekiti, kutokana na umuhimu wa kifungu cha 69, Kambi Rasmi ya Upinzani inashauri jukumu hili la Waziri liwe ni jambo la lazima kwa kuwa wananchi wengi wamejikuta katika mgogoro na sheria kutokana na mambo mengi kuachwa kuwekwa wazi katika sheria au kanuni.

Mheshimiwa Mwenyekiti, hitimisho. Suala la maji linagusa maisha ya kila Mtanzania. Suala la maji limekuwa ni kipimo kikubwa kwa wanasiasa na kipimo kikubwa kwa Serikali. Katika Muswada huu nafasi ya sekta binafsi imebinywa sana, Serikali imebeba jukumu kubwa ambalo kimsingi kwa miaka mingi haijaweza kulitekeleza.

Mheshimiwa Mwenyekiti, Muswada huu muhimu unatoa taswira ya kuitaka Serikali kuangalia upya vipaumbele vyake vya uwekezaji kwa kuwa suala la maji linagusa moja kwa moja maisha ya kila siku ya Watanzania wote. Hivyo, Kambi Rasmi ya Upinzani inashauri kuwa Serikali iangalie upya suala la ushirikishwaji mpana wa sekta binafsi ili kuleta ufanisi na tija zaidi katika huduma za maji na usafi wa Mazingira.

Mheshimiwa Mwenyekiti, naomba kuwasilisha.  
(Makofi)

**HOTUBA YA MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI  
BUNGENI MHESHIMIWA HAMIDU HASSAN BOBALI (MB) –  
WIZARA YA MAJI AKIWASILISHA BUNGENI MAONI YA KAMBI  
RASMI YA UPINZANI KUHUSU MUSWADA WA SHERIA YA  
HUDUMA ZA MAJI NA USAFI WA MAZINGIRA MWAKA 2018-  
(THE WATER SUPPLY AND SANITATION ACT, 2018)  
KAMA ILIVYOWASILISHWA MEZANI**

(Yanatolewa chini ya Kanuni ya 86(6) ya Kanuni za Bunge,  
Toleo la mwaka 2016)

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**1. UTANGULIZI**

**Mheshimiwa Spika**, sekta ya huduma ya maji ni moja ya sekta muhimu sana ambayo inagusa maisha ya kila mtu. Ni kwa bahati mbaya sana kwa takribani miaka 58 sasa tangu nchi yetu ipate uhuru suala la upatikanaji wa maji safi na salama limekuwa ni ndoto kubwa. Tatizo la maji nchini limeendelea kuwa kichocheo cha kukumbatia maadui wakubwa watatu ambao Hayati Baba wa Taifa aliwataja tangu enzi ya utawala wake ambapo mpaka sasa hakuna serikali yoyote iliyoshika madaraka imeweza kuwaondoa.

**Mheshimiwa Spika**, ni takribani miongo 6 sasa maadui zetu watatu (3) yaani ujinga, umaskini na maradhi wameendelea kuwa walewale tena wakizidi kuwa wabaya. Hili linajidhihirisha wazi kwenye changamoto kubwa ya maji inayowafanya wananchi kuendelea kuishi kwenye dimbwi la umaskini na maradhi na hata watoto kushindwa kupata elimu kutokana na adha ya maji.

**Mheshimiwa Spika**, tutakumbuka ndani ya Bunge lako Mwezi Mei, Mwaka 2017, Waheshimiwa Wabunge walionyesha kukwazika sana na upungufu mkubwa wa fungu la bajeti ya maji ambalo lilipungua sana kwenye miradi ya maendeleo eneo la usambazaji wa huduma za majisafi na majitaka vijijini

(Rural Water Supply and Sanitation) jambo lililopelekea Wabunge kutaka kuongeza shilingi 50 kwenye kila lita ya petroli na dizeli ili kufidia ukosefu huo wa fedha za miradi ya maji kwa umuhimu wake katika kuchochea uchumi na ustawi na jamii.

**Mheshimiwa Spika**, ni dhahiri kuwa Serikali inatambua gharama kubwa inayowakabili wananchi katika ununuzi wa maji. Mathalani, katika maeneo mengi ya Dar es Salaam bei ya pipa moja la maji lenye ujazo wa lita 1,000 huuzwa kwa kiasi cha shilingi 15,000. Katika maeneo yenye uhaba mkubwa wa maji bei ya pipa lenye ujazo wa lita 20 hununuliwa kwa shilingi 300 mpaka 1000 kama ilivyo katika Wilaya ya Newala.

**Mheshimiwa Spika**, ugharamiaji wa huduma za maji umekuwa ni mzigo mzito kwa Watanzania. Hii ni kutokana na hali ngumu ya kiuchumi kwani mpaka mwaka 2017 wastani wa pato la kila mtu kwa mwaka lilikadiriwa kuwa shilingi mil. 2.5 tu. Katika maeneo ya mijini ambapo maji hununuliwa kwa gharama kubwa kulingana na mahitaji ndani ya familia, bado fedha nyingi hutumika kwenye gharama za matibabu zinazosababishwa na magonjwa yanayotokana na maji kama vile kuhara, homa za matumbo, saratani mbalimbali zinazotokana na kemikali za sumu zinazojipenyeza katika mitambo na mabomba ya usambazaji maji.

**Mheshimiwa Spika**, kuja kwa muswada huu wa sheria mpya ya Huduma za Maji na Usafi wa Mazingira 2018, ambayo inafuta sheria ya huduma za Maji na Usafi wa Mazingira Sura 272 na Sheria ya Majisafi na Majitaka Dar es Slaam, Sura ya 273 iwe ni kichocheo cha kuondoa adha ya maji nchini badala ya kuwa na mamlaka au vyombo vingi vinavyojishughulisha na jambo moja ambapo kimsingi havileti tija katika kutatua changamoto za maji nchini.

## 2. UCHAMBUZI WA MUSWADA

**Mheshimiwa Spika**, tunafahamu kwamba katika vipindi tofauti tofauti Serikali imekuwa ikileta maboresho mbalimbali ya kisheria katika utoaji na usambazaji wa huduma za maji.

Baadhi ya Sheria hizo ni Water Ordinance Act (1923), Waterworks Act 1949), NUWA Act (1981), DAWASA Act (1997/1981,2001), EWURA Act (2006)n.k

**Mheshimiwa Spika**, katika muswada huu kuna mamlaka au taasisi mbalimbali zilizotajwa katika shughuli za usimamizi na utoaji huduma za majisafi na majitaka. Kimsingi mamlaka hizi zinaingiliana sana katika utendaji au zimekuwa kama sehemu ya urasimu katika suala zima la utoaji wa huduma za maji. Mathalani katika masuala ya utafutaji wa fedha au vyanzo vya mapato, masuala ya leseni hata kama ni katika ngazi tofauti tofauti n.k.

**Mheshimiwa Spika**, vilevile katika mwingiliano huo wa kimajukumu utakuta Mamlaka hizi zote zina jukumu la kuhakikisha ubora wa huduma. Katika Sheria hii ambayo haijatambua uwepo wa Wakala wa Uchimbaji wa Visima na Mabwawa (DDCA), majukumu yaliyoorodheshwa katika Sura ya 43(1) hususani kipengele (b) na (c) chini ya majukumu ya RUWA kimsingi ni majukumu yanayofanywa na DDCA.

**Mheshimiwa Spika**, ni vyema Serikali ikatambua kuwa uwepo wa mamlaka mbalimbali au wingi wa taasisi katika kusimamia jambo moja hakuongezi ufanisi wa kiutendaji. Mambo yanayoweza kuongeza ufanisi katika mamlaka ya kiutendaji ni pamoja na uwajibikaji na kufanya kazi kwa weledi huku Serikali ikitoa vitendea kazi na motisha kwa watendaji. Utakumbuka katika Jiji la Dar es Salaam kulikuwepo DAWASCO na DASAWA matokeo yake taasisi hizi zilishindwa kutoa huduma bora ya usambazaji maji kutokana na mwingiliano wa kimajukumu. Hivyo, DAWASCO ililazimika kuondolewa. Pamoja na hayo Serikali ilikuwa ikitumia fedha nyingi katika kuvihudumia vyombo hivi.

**Mheshimiwa Spika**, Kambi Rasmi ya Upinzani Bungeni inaitaka Serikali kuangalia upya namna bora ya kuongeza ufanisi wa taasisi na sio kuongeza wingi wa taasisi kama ambavyo imekuwa ikifanya mara zote.

**Mheshimiwa Spika**, hakikisho la upatikanaji wa maji safi na salama kwa wananchi ni mojawapo ya kazi za msingi za Serikali yetu. Kwa muktadha wa Tanzania jukumu hili kwa sehemu kubwa limekuwa chini ya Mamlaka ya Serikali za Mitaa, kwa kuwa ndiyo mamlaka iliyo karibu zaidi na wananchi kimuundo wa utawala kuliko Serikali Kuu.

**Mheshimiwa Spika**, utoaji wa huduma chini ya Mamlaka za Serikali za Mitaa kwa kiasi kikubwa zinategemea uibuaji wa changamoto, usimamizi na utekelezaji wake kutoka kwa Baraza la Madiwani chini ya uangalizi wa Mkurugenzi ambaye ni mwakilishi wa Mheshimiwa Waziri mwenye dhamana na Serikali za Mitaa.

**Mheshimiwa Spika**, kutokana na mwenendo wa utawala ulivyo katika awamu hii ya tano inaonesha kuwa sasa madaraka ya uibuaji, usimamizi na utekelezaji wa miradi na huduma za msingi za kijamii jukumu hilo kwa sasa linaanza kurejeshwa Serikali Kuu. Jambo hili limekuwa likijitokeza kwa kasi sana ambapo mpaka sasa vyanzo vya mapato vya Halmashauri nyingi vimepokwa na Serikali Kuu. Kumekuwepo na uundwaji wa taasisi ambazo haziwajibiki moja kwa moja kwa Baraza la Madiwani kama chombo cha uwakilishi wa wananchi kwenye ngazi za chini yaani Serikali za Mitaa, au kwa Ofisi ya Mkurugenzi, na badala yake vyombo hivi zinavyotekeleza majukumu yake kwenye ngazi za chini vinawajibika moja kwa moja Serikali Kuu.

**Mheshimiwa Spika**, ukisoma muswada huu uliombele ya Bunge lako ni kwamba ngazi za uwajibikaji ni nyingi kiasi kushindwa kuelewa kuwa mtoaji wa huduma kwa mwananchi anawajibika kwa nani hasa, kwa kuwa katika muswada huu ngazi za uwajibikaji haziko wazi. Ukisoma majukumu ya RUWA na uwajibikaji wa chombo hiki utagundua kuwa kuna mkanganyiko mkubwa katika uwajibikaji. Mfano, katika kifungu cha 48(h) na 49. Mkurugenzi wa Halmashauri na Baraza la Madiwani ambao wanatekeleza majukumu yao chini ya Waziri mwenye dhamana na Serikali za Mitaa mamlaka yao kwa watoa huduma hayako wazi. Kambi Rasmi ya Upinzani inaona jambo

hili ni vyema likawekwa wazi kwani kumekuwepo na tabia ya makusudi ya kupoka madaraka ya Serikali za Mitaa kama ambavyo Kambi Rasmi ya Upinzani Bungeni imekuwa ikilipigia kelele jambo hilo.

**Mheshimiwa Spika**, pamoja na hilo, muswada unaonesha kuwa kwa mujibu wa Sheria ya Mamlaka za Serikali za Mitaa, Sura ya 288 zitakuwa na wajibu wa kutunga sheria ndogo (by-laws) kwa ajili ya makundi ya kijamii (***Community base Organization***) ambayo yatakuwa yanajihusisha na utoaji wa huduma za maji katika maeneo yao. Hata hivyo, sheria hii haijaweka wazi kama mamlaka nyingine kama RUWA nao watahusika na hizi sheria ndogo au la kwa kuwa wanawajibika Serikali Kuu na wanatekeleza majukumu yao kwa kushirikiana kwa karibu sana na Serikali za Mitaa.

**Mheshimiwa Spika**, katika mkanganyiko wa baadhi ya vifungu katika muswada huu utaona katika kifungu cha 6(b) na 7(b) ambavyo vinazungumzia majukumu ya Waziri mwenye dhamana na Serikali za Mitaa na majukumu ya Katibu Tawala wa Mkoa yaani RAS yakiwa yamefanana sana. Vifungu hivi vinasomeka kama ifuatavyo 6 For the purpose of implementation of this Act, the Minister responsible for local government shall be responsible for creating a conducive environment ***(b) Water Authorities, RUWA and Community organizations in the execution of functions connected with provisions of water supply and sanitation services.*** Katika kifungu cha 7 kinasema "With respect to the implementation of this Act and without prejudice to the Regional Administration Act, the Regional Secretariat shall ***(b) create a conducive environment for water authorities, RUWA and Community Organizations in the execution of functions connected with provisions of water supply and sanitation services in the Region***". Hii inaonyesha wazi kuwa vifungu vya namna hii, sheria vinahalalisha uzembe wa kurushiana mpira katika utekelezaji wa majukumu. Tumeweza kuyaona haya hata katika utendaji wa Wazira mbalimbali kama ilivyo kwa TAMISEMI na Wizara ya Elimu au TAMISEMI na Wizara ya Afya.

**Mheshimiwa Spika**, Kambi Rasmi ya Upinzani inashauri kuwa ili kuondoa mkanganyiko huu ni vyema sana RAS akaondolewa katika sheria hii na badala yake majukumu haya yabaki chini ya Waziri mwenye dhamana na Serikali za Mitaa.

**Mheshimiwa Spika**, kifungu cha 4(1) cha muswada kinatoa hakikisho la haki ya kupata maji ya kutosha , uhakika na uendeleu wa utoaji wa huduma za maji kwa matumizi yote kama ilivyoelezwa kwenye madhumuni na kanuni za msingi za muswada huu.

Mheshimiwa Spika, katika kuangalia kanuni za msingi kama zilivyoainishwa katika kifungu cha 4(1) (a - j), katika vifungu hivyo vinaonesha dhana nzima ya uendeleu kwa huduma ya upatikanaji wa maji safi na salama pamoja na huduma zote zinazohusiana na maji ikiwemo ukasimishaji wa huduma katika ngazi za chini za kimamlaka japo jambo hili haliko bayana sana na zaidi ya yote ushirikishwaji wa sekta binafsi.

**Mheshimiwa Spika**, Kambi Rasmi ya Upinzani inatambua kwa uzoefu kuwa kuna miradi mingi ya Serikali, imeshindwa kuwa endeleu kutokana na kukosekana kwa dhana nzima ya umiliki. Dhana ya umiliki huleta mantiki zaidi pale ambapo kunakuwepo na ushirikishwaji mkubwa wa sekta binafsi. Ili kutoa huduma bora na zenye uhakika kwa wananchi ni vyema sana Halmashauri zetu zikaingia ubia na sekta binafsi katika utoaji wa huduma hizi. Kambi Rasmi ya Upinzani Bungeni inaamini kabisa katika kufanya hivyo miundombinu yote ya maji kuanzia kwenye vyanzo mpaka kwa mwananchi itakuwa salama muda wote na huduma zitapatikana kwa uhakika zaidi. Jambo hili linaweza kufanikiwa zaidi ikiwa Serikali itashirikiana ipasavyo na wabia hao, kufuatilia ufanisi na kutengeneza mazingira mazuri ya ushindani wa kibiashara.

**Mheshimiwa Spika**, kitendo cha kuundwa kwa taasisi nyingine mpya za Serikali kama RUWA katika utoaji wa huduma za maji ni kuzidi kuiongezea Serikali mzigo mkubwa wa uendeshaji wake na hivyo dhana pana ya ugatuaji wa madaraka inazidi kukosa maana katika utawala huu wa



awamu ya tano. Kambi Rasmi ya Upinzani inazidi kusisitiza wingi wa vyombo vya utoaji wa huduma sio utoaji bora wa huduma hasa katika dunia ya sasa ambapo nchi nyingi duniani zinalenga kupunguza gharama za uendeshaji wa Serikali kwa kuunganisha mifumo ya utoaji wa huduma na kuongeza tija na ufanisi katika utekelezaji wa majukumu.

**Mheshimiwa Spika**, katika kifungu cha 9(3) cha muswada kinasema kuwa; *“Minister may declare any water Authority established under sub section (1) to be a Commercial Water Supply and Sanitation Authority basing on the criteria as the Minister may determine”*.

**Mheshimiwa Spika**, kifungu hiki kinabainisha wazi kuwa maji ni bidhaa muhimu inayohitaji kuhudumiwa. Vifaa vya usambazaji maji kama mabomba, pampu n.k vinahitaji kutunzwa, kutengenezwa na kuboreshwa ili huduma iwe endelevu. Hivyo, kuchochea au kuamsha ari ya wananchi katika uchangiaji wa huduma hii ni muhimu sana katika karne hii.

**Mheshimiwa Spika**, katika dhana ya kibiashara na utoaji wa huduma endelevu Serikali haiwezi kutoa huduma iliyobora peke yake bila kuwashirikisha wananchi na wadau wengine ili kuongeza ufanisi. Hivyo, badala ya Waziri kuchagua **baadhi** ya mamlaka kutoa huduma kibiashara ni vyema akazingatia namna bora zaidi ya kuwawezesha wananchi kujisikia fahari kuwa sehemu ya uendelezaji wa huduma hii. Pia, ni vyema sana wananchi wakapata fursa ya kuiwajibisha Serikali pale ambapo wanakosa huduma ambayo wameichangia au na wao ni sehemu ya huduma hiyo.

**Mheshimiwa Spika**, katika kifungu cha 30(3) ambacho kinapendekeza utolewaji wa leseni ya biashara katika shughuli za usambazaji wa huduma za majisafi na majitaka ambapo kifungu hiki kinataka leseni hiyo iweze kutumika kwa kipindi cha miaka kumi.

**Mheshimiwa Spika**, Kambi Rasmi ya Upinzani inashauri leseni hiyo itumike katika kipindi cha muda wa miaka kumi na tano

(15) kabla ya kukata upya. Hii ikiwa na maana kwamba kutokana na changamoto za kibiashara ikiwemo uwekezaji wa mitaji mara nyingi huchukua muda mrefu mwekezaji kurudisha gharama za uwekezaji au kuanza kuona faida. Hivyo ni vyema sana kifungu hiki kingebadilishwa muda huo wa miaka kumi (10) na badala yake leseni iweze kuombwa tena (renewed) baada ya kutimiza masharti kupitia mamlaka husika baada ya kipindi cha miaka kumi na tano (15).

**Mheshimiwa Spika**, katika kifungu cha 38 (d) cha muswada huu kina pendekeza kuwa fedha zinazopatikana kwa ajili ya uendeshaji wa shughuli za vyombo vya jamii katika usambazaji wa huduma za maji kuwa ni lazima ziweze kupitishwa na Waziri. Kifungu hiki kinasomeka kuwa ***“any moneys that the community organization may obtain with the approval of the Minister from donations, loans or other financial assistance.”***

**Mheshimiwa Spika**, kifungu hiki kinaonyesha dhahiri kutakuwa na urasimu mkubwa katika masuala ya utoaji fedha kwa ajili ya kuvisaidia vyombo hivi katika kufanya kazi zake. Ni lazima tuweze kutambua kuwa vyombo hivi ni vingi, na zaidi ya yote masuala ya fedha yanahitaji umakini mkubwa sana. Kuacha mamlaka haya makubwa chini ya mtu mmoja yatakvamisha utendaji kazi kwa wakati na kupunguza ufanisi.

**Mheshimiwa Spika**, Kambi Rasmi ya Upinzani Bungeni inapendekeza kuwa badala ya Waziri kuwa na mamlaka ya kufanya approval ni vyema mamlaka hayo yakaachwa chini ya RUWA na taarifa hizo zikapelekwa kwenye Wizara husika kwa ajili ya rejea. Katika kifungu cha 40(2) katika moja ya jukumu la RUWA ni kupima utendaji kazi na matumizi ya fedha wa vyombo hivyo vya kijamii.

**Mheshimiwa Spika**, katika kifungu cha 43(f) kinachozungumzia majukumu ya RUWA kinaonyesha kuwa moja ya jukumu ni kutoa msaada wa kifedha na utalaamu kwa vyombo vya kijamii kwa ajili ya maboresho makubwa ya miradi mbalimbali ya maji. Mantiki ya kifungu hiki yanatakiwa kuonekana wazi katika kifungu cha 38 cha

Muswada huu kinachoelezea vyanzo vya mapato ya vyombo vya kijamii.

**Mheshimiwa Spika**, katika kifungu cha 55 cha muswada huu kinapendekeza uundwaji wa Mfuko wa Taifa wa Maji. Jina la Mfuko huu ni vyema sana likaakisi madhumuni ya muswada huu na majukumu ya mfuko ikiwa ni pamoja na kutafuta fedha kwa ajili ya shughuli za huduma za maji pamoja na usafi wa mazingira (Sanitation).

**Mheshimiwa Spika**, katika sheria ya Maji Mwaka 2009, Mfuko huu ulikuwa ukijulikana kama Mfuko wa Uwekezaji wa Maji (National Water Investment Fund). Kutokana na neno 'Investment' kuondolewa ni dhahiri Serikali hii inaamini suala la 'uwekezaji' katika maji limemalizika. Tunafahamu wazi kuwa bado maeneo mengi ya nchi hayana kabisa miundombinu ya maji na mamilioni wanakunywa maji yasiyo safi na salama, mifumo ya maji taka ni mibovu sana.

**Mheshimiwa Spika**, pamoja na kuwa Serikali imeondoa neno Investment katika jina la Muswada, Kambi Rasmi ya Upinzani Bungeni inapendekeza kuwa jina la Mfuko huu liweze kuakisi jina la Muswada huu wa Sheria, malengo na kanuni. Hivyo basi, jina la Mfuko huu lisomeke kama **"National Water and Sanitation Fund"**.

**Mheshimiwa Spika**, katika kifungu cha 55 (5), kinachosomeka; *"the Minister may make regulations prescribing procedures for the performance of the functions and the use of the funds for the operations of the Fund"*. Katika kifungu hiki ni muhimu sana Waziri akatengeneza mwongozo juu ya uendeshaji wa Mfuko huu kutokana na uzito wa mfuko huu. Hivyo, Kambi Rasmi ya Upinzani inapendekeza jambo hili liwe la lazima ili kuhakikisha kuwa kunakuwa na dhana ya uwajibikaji endapo kunatokea jambo lolote litakalokiuka malengo ya kuanzishwa kwa mfuko huu. Hivyo neno 'may' liondolewe na badala yake litumike neno 'shall'.

**Mheshimiwa Spika**, pamoja na kifungu cha 55(1) kinachotoa pendekezo la jina la Mfuko wa Maji wa Taifa kifungu cha 58

kinaeleza na kutoa jina la Bodi ya Mfuko wa Maji wa Taifa, yaani kutakuwa na Bodi ya Mfuko wa Uwekezaji wa Taifa itakayojulikana kama *'Board of the National Water Investment Fund'*. Hii ikiwa na maana kwamba pengine Serikali haikuwa makini katika kurejea sheria ya zamani kabla ya kuleta sheria hii mpya ili jina la Bodi liweze kuendana na jina la Mfuko husika. Hivyo, Kambi Rasmi ya Upinzani inapendekeza Jina la Bodi nalo liweze kusomeka kama Board of the National Water and Sanitation Fund.

**Mheshimiwa Spika**, kuanzia kifungu cha 61 mpaka 69 cha Muswada huu kinazungumzia makosa mbalimbali ya adhabu. Sote tunatambua kwamba huduma ya maji ni huduma muhimu kwa jamii. Hivyo ni lazima kila mwananchi ahakikishe ana jukumu la kulinda miundombinu yote ya maji.

**Mheshimiwa Spika**, pamoja na kwamba ni kosa kisheria kuharibu mali ya umma ikiwa ni pamoja na miundombinu hiyo ya maji, ni muhimu sana Serikali isitumie makosa ya wananchi kama chanzo cha mapato. Faini zilizowekwa katika makosa haya ni kubwa sana ukilinganisha na uzito wa kosa ambalo lingehitaji tu kuelimishwa.

**Mheshimiwa Spika**, Katika makosa yaliyotajwa ni pamoja na kosa la kutumia maji vibaya chini ya kifungu cha 63. Kifungu hiki hakijaeleza maana ya matumizi mabaya ya maji. Hivyo, kifungu hiki kinaweza kuwaweka wananchi wengi matatani pale kitakapotumika vibaya. Katika kosa hili faini iliyowekwa ni kiasi cha shilingi mil. 5 mpaka mil. 10. Kambi Rasmi ya Upinzani inaitaka Serikali kueleza bayana maana ya matumizi mabaya ya maji na kuyataja matumizi hayo bayana.

**Mheshimiwa Spika**, kifungu cha 65 kinazungumzia makosa ya kutumia maji kinyume na matumizi yaliyoidhinishwa. Kifungu hiki kimeainisha faini ya kiasi cha shilingi mil. 5 au kifungu kisichopungua miezi 6, ni vyema sana kifungu hiki kikaeleza matumizi yaliyoainishwa ni yapi ili kuondoa mkanganyiko huu, ili adhabu ionekane kama kweli ni ya haki au ni uonevu.

**Mheshimiwa Spika**, katika kifungu cha 66 cha muswada kimebainisha adhabu kwa makosa kama ya kuosha au kufua,kuoga, kutupa,kusababisha au kuruhusu kitu kuingia kwenye miundombinu ya maji. Mtu yeyote atakayepatikana na hatia atalazimika kulipa faini ya kiasi cha shilingi elfu hamsini (50,000) na isiyozidi shilingi milioni moja (1,000,000) au kifungu cha mwezi mmoja.

**Mheshimiwa Spika**, pamoja na kuwa muswada huu umeeleza kuwa maeneo yaliyotengwa kwa ajili ya miradi yatawekewa alama kama inavyosomeka kwenye kifungu cha 22 cha muswada huu ni vyema maeneo haya ya miradi yakawekewa pia matangazo ya makatazo ili kuhakikisha kuwa hakuna mwananchi atakayeonewa kwa kutokujua sheria.

**Mheshimiwa Spika**, ni dhahiri kuwa wananchi wengi hususani waishio vijijini hufanya shughuli zao za kila siku kama kufua au kuoga katika maeneo yenye maji kutokana na umbali wa kupata huduma hii. Hivyo, ni muhimu sana wananchi hawa wakapewa elimu katika mikutano yao ya vijiji,wakaelimishwa kabla na baada ya kuanza kwa miradi ili wawe walenzi wazuri wa miradi hiyo.

**Mheshimiwa Spika**, katika kifungu cha 69(4) ambacho kinasomeka; " the Minister may make regulations prescribing procedure for compounding offences under this Act".

**Mheshimiwa Spika**, kutokana na umuhimu wa kifungu hiki Kambi Rasmi ya Upinzani inashauri jukumu hili la Waziri liwe ni jambo la lazima kwa kuwa wananchi wengi wamejikuta katika mgogoro na sheria kutokana na mambo mengi kuachwa kuwekwa wazi katika sheria au kanuni.

## HITIMISHO

**Mheshimiwa Spika**, suala la maji linagusa maisha ya kila Mtanzania. Suala la maji limekuwa ni kipimo kikubwa kwa wanasiasa na kipimo kikubwa kwa Serikali. Katika Muswada huu nafasi ya Sekta Binafsi imebinywa sana, Serikali imebeba

jukumu kubwa ambalo kimsingi kwa miaka mingi haijaweza kulitekeleza. Muswada huu muhimu unatoa taswira ya kuitaka Serikali kuangalia upya vipaumbele vyake vya uwekezaji kwa kuwa suala la maji linagusa moja kwa moja maisha ya kila siku ya Watanzania wote. Hivyo basi, Kambi Rasmi ya Upinzani inashauri kuwa Serikali iangalie upya ndani suala la ushirikishwaji mpana wa sekta binafsi ili kuleta ufanisi na tija zaidi katika huduma za maji na usafi wa Mazingira.

**Mheshimiwa Spika**, Baada ya kusema hayo kwa niaba ya Kambi Rasmi ya Upinzani, naomba kuwasilisha.

.....  
Hamidu Hassan Bobali, Mb

**MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI - WIZARA YA  
MAJI**  
31-01-2019

**MWENYEKITI:** Ahsante kwa wasilisho lako. Tunaendelea sasa na wasilisho la Muswada wa pili. Nimuite Mheshimiwa Mwanasheria Mkuu wa Serikali, karibu Mheshimiwa Profesa Kilangi, dakika 20 au chini ya hapo.

**Muswada wa Sheria ya Marebicho ya Sheria mbalimbali  
(Na.4) wa Mwaka 2018 [The Written Laws (Miscellaneous  
Amendments) No.4) Bill, 2018]**

**MWANASHERIA MKUU WA SERIKALI:** Mheshimiwa Mwenyekiti, kwa unyenyekevu mkubwa na kwa kuzingatia masharti ya Kanuni ya 86 ya Kanuni za Kudumu za Bunge, Toleo la Mwaka 2016, naomba kutoa hoja kwamba Muswada wa Sheria ya Marekebicho ya Sheria Mbalimbali Na. 4 wa mwaka 2018 [The Written Laws (Miscellaneous Amendments) (No. 04) Act, 2018], kama ulivyorekebisha kwa mujibu wa Jedwali la Marekebicho, sasa Usomwe Mara ya Pili na Bunge lako tukufu lijadili na hatimaye lipitisha Muswada huu kuwa sehemu ya sheria za nchi.

Mheshimiwa Mwenyekiti, awali ya yote, naomba kabla ya kutoa maelezo kuhusu Muswada huu, nianze kwa kumshukuru sana Mwenyezi Mungu, mwingi wa rehema kwa kutujalia neema zake na hatimaye tukavuka salama na kuingia mwaka mpya 2019. Kwa namna ya pekee naomba nichukue fursa hii kuwatakiya nyote heri ya mwaka mpya 2019.

Mheshimiwa Mwenyekiti, naomba pia Mwenyezi Mungu aendelee kutulinda na kutuongezea busara katika kutekeleza majukumu yetu ya Kibunge. Pili, naomba nichukue nafasi hii kumshukuru tena Mwenyezi Mungu kwa kuniwezesha kusimama mbele ya Bunge lako Tukufu kuwasilisha Muswada huu wa Sheria ya Marekebisho ya Sheria Mbalimbali Na. 4 wa mwaka 2018 [*The Written Laws (Miscellaneous Amendments) (No. 4) Act, 2018*].

Mheshimiwa Mwenyekiti, napenda nitumie nafasi hii kumpongeza Mheshimiwa Dkt. John Pombe Magufuli, Rais wa Jamhuri ya Muungano wa Tanzania kwa kuendelea kuiongoza nchi kwa malengo, ujasiri na uzalendo wa hali ya juu. Nawashauri Watanzania wote tuendeleo kumuunga mkono na pia kumuomba kwa Mwenyezi Mungu. (*Makofi*)

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

Mheshimiwa Mwenyekiti, nawashukuru pia Mawaziri wote kwa ushirikiano wanaoipatia Ofisi ya Mwanasheria Mkuu wa Serikali katika utekelezaji wa majukumu yake. Kwa namna ya pekee, naomba nimshukuru Waziri wa Nchi, Ofisi ya Rais, Tawala za Mikoa na Serikali za Mitaa, Mheshimiwa Selemeni Saidi Jafo na Waziri wa Maliasili na Utalii, Mheshimiwa Dkt. Hamisi Andrea Kigwangalla, kwa ushirikiano wao mkubwa

waliopatia Ofisi ya Mwanasheria Mkuu wa Serikali katika uandaaji wa muswada huu.

Mheshimiwa Mwenyekiti, nakupongeza pia wewe mwenyewe, nampongeza Mheshimiwa Spika, Mheshimiwa Naibu Spika na Wenyeviti wengine wote wa Bunge kwa kuongoza na kusimamia vikao na mijadala ndani ya Bunge letu kwa umahiri na kwa kuzingatia sheria na kanuni zinazollongoza Bunge hili. Pia nawapongeza Waheshimiwa Wabunge kwa kuendelea kutekeleza ipasavyo wajibu wao wa Kikatiba wa kutunga sheria pamoja na kuisimamia Serikali. Naishukuru Ofisi ya Bunge na Wabunge wote kwa ushirikiano mnaopatia Ofisi ya Mwanasheria Mkuu wa Serikali nchini.

Mheshimiwa Spika, nawapongeza pia watumishi wote wa Ofisi ya Mwanasheria Mkuu wa Serikali wakiongozwa na Naibu Mwanasheria Mkuu wa Serikali, Dkt. Evaristo Emmanuel Longopa kwa kuendelea kutekeleza majukumu na kazi za Ofisi ya Mwanasheria Mkuu wa Serikali kwa ufanisi ipasavyo licha ya kukabiliana na changamoto mbalimbali.

Mheshimiwa Mwenyekiti, kuhusu Muswada wa Sheria ya Marekebisho ya Sheria mbalimbali Na. 4 wa mwaka 2018 yaani *The Written Laws Miscellaneous Amendments No, 4 Act, 2018* ambao uko mbele ya Bunge lako tukufu. Ninapenda kuishukuru sana Kamati ya Kudumu ya Bunge ya Katiba na Sheria inayoongozwa na Mwenyekiti wake Mheshimiwa Mohamed Omary Mchengerwa Mbunge na Makamu Mwenyekiti - Mheshimiwa Najma Murtaza Giga Mbunge, kwa ushirikiano na ushauri waliotupatia wakati wa kupitia Muswada huu mbele ya Kamati hiyo.

Mheshimiwa Mwenyekiti, Kamati hii ilifanya kazi kubwa na nzuri sana ya kuchambua Muswada huu kwa makini na kusikiliza na kuchambua maoni yaliyowasilishwa na wadau mbalimbali walioitwa mbele ya Kamati hiyo na kuishauri Serikali kuboresha Muswada huu. Serikali imezingatia ushauri wa Kamati na imeleta jedwari la marekebisho kwa kuzingatia ipasavyo ushauri huo muhimu.



Mheshimiwa Mwenyekiti, Muswada wa Sheria ya Marekebisho ya Sheria mbalimbali Na. 4 ya mwaka 2018 unapendekeza kufanya marekebisho katika sheria nne na lengo la marekebisho yanayopendekezwa ni kurahisisha utekelezaji wa sheria hizo kwa kuondoa upungufu uliojitokeza wakati wa kutumia masharti ya sheria hizo. Pia kuoanisha masharti ya Sheria zinazorekebishwa na masharti yaliyo katika Sheria nyingine zilizopo. Baadhi ya masuala yaliyozingatwa katika muswada huu ni kubadilisha vifungu vya Sheria kwa kufuta baadhi ya vifungu vya sheria hizo na kuviandika upya. Kufuta baadhi ya maneno kwenye vifungu vya sheria na kuingiza maneno mapya pamoja na kuongeza vifungu vipya.

Mheshimiwa Mwenyekiti, sheria zinazopendekezwa kurekebishwa kupitia Muswada huu, kama ulivyowasilishwa Bungeni kwa mara ya kwanza mnamo tarehe 16 Novemba, 2018 ni kama ifuatavyo:-

Mheshimiwa Mwenyekiti, kwanza, Sheria ya Serikali za Mitaa, Mamlaka ya Miji, Sura ya 288, yaani *The Local Government Urban Authorities Act Cap, 288;*

Pili, Sheria ya Mafao ya Kustaafu Katika Utumishi wa kisiasa Sura ya 225 yaani *The Political Service Retirement Benefit Act Cap 255;*

Tatu, Sheria ya *Passport* na Hati za Kusafiria Sura ya 42 yaani *The Tanzania Passports and Travel Documents Act Cap 42;* na

Nne Sheria ya Bodi ya Utalii Tanzania Sura ya 364 yaani *The Tanzania Tourist Board Cap 364.*

Mheshimiwa Mwenyekiti, hata hivyo baada ya majadiliano ya kina kati ya Kamati ya Bunge ya Katiba na Sheria na Serikali, Serikali imetafakari kwa kina ushauri wa Kamati na hatimaye imeridhia kwamba kwa sasa mapendekezo yote yanayohusu masuala ya *passport* kupitia mapendekezo ya marekebisho ya Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa yaani hiyo Sura ya 225

*The Political Service Retirement Benefits Act Cap 225.* Ambayo ni sehemu ya tatu ya Muswada na Mapendekezo ya Marekebisho ya Sheria ya *Passport* na Hati za Kusafiria, Sura ya 42 yaani *The Tanzania Passports and Travel Documents Act Cap 42*, ambayo ni sehemu ya nne ya muswada yasitishwe ili Serikali iendelee kufanyia kazi mapendekezo yaliyowasilishwa na Kamati. Mapendekezo ya marekebisho haya yamefutwa kupitia jedwali la marekebisho litakalowasilishwa hapa Bungeni.

Mheshimiwa Mwenyekiti, muswada huu sasa umegawanyika katika sehemu kuu tatu, ambapo sehemu ya kwanza ya muswada inaainisha masharti ya utangulizi ikiwa ni pamoja na jina la sheria inayopendekezwa na tamko la marekebisho ya sheria mbalimbali zinazokusudiwa kufanyiwa marekebisho kupia muswada huu.

Sehemu ya pili ya muswada inapendekeza marekebisho katika Sheria ya Serikali za Mitaa, Mamlaka ya Miji Sura ya 288 na kifungu cha 97 cha sheria hiyo kinaainisha kuwa adhabu kwa mtu anayekiuka Sheria Ndogo zilizotungwa na Mamlaka ya Miji chini ya kifungu hicho ni faini isiyoziidi shilingi 50,000 au kifungu kisichozidi miezi 12 au vyote kwa pamoja.

Mheshimiwa Mwenyekiti, katika utekelezaji wa kifungu hicho adhabu hiyo inaonekana kupitwa na wakati kwani mtu anaweza kukiuka masharti ya Sheria Ndogo husika kwa kuwa na uwezo kulipa faini husika bila maumivu. Muswada huu unapendekeza kifungu hicho kirekebishwe ili adhabu hiyo iwe faini isiyoziidi shilingi 300,000 au kifungu kisichozidi miezi 12 au vyote kwa pamoja.

Mheshimiwa Mwenyekiti, lengo la marekebisho haya ni kuongeza adhabu ya faini na kuweka adhabu ambayo itaifanya sheria hii kuwa na adhabu inayowiana na masharti ambayo yaliyoainishwa katika kifungu cha 156(3) cha Sheria ya Serikali za Mitaa, Mamlaka za Wilaya, Sura ya 287 kinachotamka kuwa adhabu kwa ukiukwaji wa Sheria Ndogo ni faini isiyoziidi shilingi 300,000. Aidha, marekebisho haya

yanalenga kuhimiza watu watekeleze ipasavyo masharti ya Sheria Ndogo zinazotungwa na mamlaka mbalimbali za Serikali za Mitaa.

Mheshimiwa Mwenyekiti, sehemu ya tatu ya muswada inapendekeza marekebisho katika Sheria ya Bodi ya Utalii Tanzania, Sura ya 364, ambapo kifungu cha 3 kinarekebishwa kwa kuongeza masharti ya kumwezesha Mwanasheria Mkuu wa Serikali kuingilia mashauri yaliyofunguliwa na au dhidi ya Bodi.

Mheshimiwa Mwenyekiti, marekebisho haya yanalenga kumshirikisha Mwanasheria Mkuu wa Serikali ambaye ni mshauri wa Serikali katika masuala ya Sheria katika kuingilia shauri lolote linalohusu chombo chochote cha Serikali.

Aidha, sheria hii inarekebishwa kwa kuongeza kifungu cha 3(a) na lengo la kifungu hicho kipyua ni kubainisha lengo madhumuni ya kuanzisha Bodi ya Utalii Tanzania ambapo ni kuitanga nchi katika nyanja za kitalii kimataifa.

Mheshimiwa Mwenyekiti, kifungu cha 4 kinachohusu majukumu ya Bodi, kinarekebishwa kwa kufuta kifungu kidogo cha (1) na kukiandika upya. Msingi wa marekebisho haya ni kuongeza wigo wa majukumu ya Bodi ikiwa ni pamoja na kushughulikia mabadiliko yanayojitokeza katika sekta. Majukumu hayo mapya pia yameainishwa katika muundo mpya wa Bodi.

Mheshimiwa Spika, vilevile sheria hii inafanyiwa marekebisho katika kifungu cha 7 kinachohusu mapato ya Bodi, lengo la marekebisho haya ni kuweka bayana katika sheria kuwa mapato yanayokusanywa kwa kupitia tozo za uendelezaji utalii ni mojawapo ya vyanzo vya mapato ya Bodi. Kifungu cha 13 kinarekebishwa kwa kufuta maneno, Meneja Mkuu na badala yake kuweka maneno Mkurugenzi Mtendaji. Lengo la marekebisho haya ni kutumia maneno ambayo yanaakisi muundo mpya wa Bodi.

Mheshimiwa Mwenyekiti, kifungu cha 15 kinarekebishwa ili kumtaja mwendeshaji utalii *tourism operator* badala ya *agent* wa mtalii yaani *tourist agent*.

Madhumuni ya marekebisho haya ni kutumia msamiati wa mwendesha utalii kama ulivyotumika katika Sheria ya Utalii Sura ya 365. Pia kifungu hiki kinarekebishwa kwa kufuta maneno yasiyozidi shilingi 500,000 yaliyopo katika kifungu kidogo cha (2) na badala yake kuweka maneno isiyopungua shilingi milioni moja na lengo la marekebisho haya ni kuongeza adhabu kali zitakazoendana na thamani ya shilingi.

Mheshimiwa Mwenyekiti, mwisho aya ndogo ya kwanza na pili za aya ya kwanza ya jedwali zinalekebishwa kwa lengo la kuainisha taasisi zitakazotoa Wajumbe wa Bodi na dhumuni la marekebisho haya ni kuimarisha utendaji wa Bodi na kuwezesha ushiriki wa wadau muhimu.

Mheshimiwa Mwenyekiti, baada ya maelezo haya na kwa mara nyingine tena nawashukuru sana, nakushukuru sana kwa kunipa nafasi ya kuwasilisha maelezo ya hoja kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali Na. 4 wa mwaka 2018 yaani *The Written Laws Miscellaneous Amendments No. 4 Act, 2018* na ninaomba Bunge lako tukufu liujadili na kuipitisha katika hatua ya kusoma kwa mara pili na mara ya tatu ili hatimaye uwe sememu ya sheria za nchi.

Mheshimiwa Mwenyekiti, naomba kutoa hoja.  
(Makofi)

**WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA:**  
Mheshimiwa Mwenyekiti, naafiki.

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THE UNITED REPUBLIC OF TANZANIA

No. 4A

16<sup>th</sup> October, 2018

***SPECIAL BILL SUPPLEMENT***

*to the Gazette of the United Republic of Tanzania No.4A, Vol.99 dated 16<sup>th</sup> October, 2018*  
Printed by the Government Printer, Dodoma by Order of Government

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)(NO.4) ACT, 2018

ARRANGEMENT OF SECTIONS

*Section Title*

PART I  
PRELIMINARY PROVISIONS

1. Short title.
2. Amendment of certain Written Laws.

PART II  
AMENDMENT OF THE LOCAL GOVERNMENT  
(URBAN AUTHORITIES) ACT,  
(CAP.288)

3. Construction.
4. Amendment of section 97.

PART III  
AMENDMENT OF THE POLITICAL SERVICE  
RETIREMENT BENEFITS ACT,  
(CAP.225)

5. Construction.
6. Amendment of Schedule.

PART IV  
AMENDMENT OF THE TANZANIA PASSPORTS AND  
TRAVEL DOCUMENTS ACT,  
(CAP. 42)

7. Construction.
8. Amendment of section 2.
9. Amendment of section 3.
10. Amendment of section 4.
11. Amendment of section 6.
12. Amendment of section 8.
13. Amendment of section 9.
14. Amendment of section 10.
15. Amendment of section 12.
16. Repeal of section 13.
17. Amendment of section 17.
18. Amendment of section 19.
19. Amendment of section 20.
20. Amendment of First Schedule.
21. Amendment of Second Schedule.
22. Amendment of Third Schedule.
23. Addition of Fourth Schedule.

PART V  
AMENDMENT OF THE TANZANIA TOURIST BOARD ACT,  
(CAP. 364)

24. Construction.
25. Amendment of section 3.
26. Addition of new section 3A.
27. Amendment of section 4.
28. Amendment of section 7.
29. Amendment of section 13.
30. Amendment of section 15.
31. Amendment of Schedule.

—————  
**NOTICE**  
—————

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

Dodoma,  
16<sup>th</sup> October, 2018

JOHN W. H. KIJAZI  
*Secretary to the Cabinet*

**A BILL**

*for*

**An Act to amend certain Written Laws.**

**ENACTED** by Parliament of the United Republic of Tanzania.

**PART I**  
**PRELIMINARY PROVISIONS**

Short title

**1.** This Act may be cited as the Written Laws (Miscellaneous Amendments)(No.4) Act, 2018.

Amendment  
of certain  
Written  
Laws

**2.** The Written Laws specified in various Parts of this Act are amended in the manner specified in their respective Parts.

**PART II**

AMENDMENT OF THE LOCAL GOVERNMENT (URBAN  
AUTHORITIES) ACT,  
(CAP.288)

Construction  
Cap.288

**3.** This Part shall be read as one with the Local Government (Urban Authorities) Act, hereinafter referred to as the “principal Act”.

Amendment  
of section 97

**4.** The principal Act is amended in section 97 by deleting subsection (1) and substituting for it the following:

“(1) An urban authority may, in the by-laws it makes, annex to the breach of any by-law or any order made under it a fine, not exceeding three hundred thousand shillings or a term of imprisonment not exceeding twelve months or both and may subject to the limitations, annex different fines and different terms of imprisonment for successive or continuous breaches of any by-laws.”

PART III  
AMENDMENT OF THE POLITICAL SERVICE RETIREMENT BENEFITS  
ACT,  
(CAP.225)

Construction  
Cap.225

**5.** This Part shall be read as one with the Political Service Retirement Benefits Act, hereinafter referred to as the “principal Act”.

Amendment  
of  
Schedule

**6.** The principal Act is amended in the Schedule-

- (a) in Part IA by deleting item 2;
- (b) in Part IB by deleting item 2;
- (c) in Part IC by deleting item 2;
- (d) in Part IID by deleting item 2;
- (e) in Part IIE by deleting item 4; and
- (f) in Part IIF by deleting item 2;

PART IV  
AMENDMENT OF THE TANZANIA PASSPORTS AND  
TRAVEL DOCUMENTS ACT,  
(CAP. 42)



Construction  
Cap. 42

**7.** This part shall be read as one with the Tanzania Passports and Travel Documents Act hereinafter referred to as the “principal Act”.

Amendment  
of section 2

**8.-(1)** The principal Act is generally amended by deleting the word “United Republic of Tanzania” wherever it appears in the Act and substituting for it the word “United Republic.”

(2) The principal Act is amended in section 2, by:

(a) deleting the definition of the terms “department” and “Minister” and substituting for them the following:

“department” means Tanzania Immigration Services Department;  
“Minister” means the Minister responsible for matters relating to immigration and citizenship;

(b) in the definition of the term “passport” by deleting article “a” between the words “in” and “booklet” and substituting for it the word “electronic”; and

(c) inserting in the appropriate alphabetical order the following new definitions:

“main holder” means a person other than a dependant issued with diplomatic passport;

“senior public servant” means a public servant who holds superlative substantive post.

Amendment  
of section 3

**9.** The principal Act is amended in section 3(2) by deleting paragraph (d) and substituting for it the following:

“(d) Special Diplomatic Passport;”

Amendment  
of section 4

**10.** The principal Act is amended in section 4(2) by deleting the word “validily” appearing in the first line and substituting for it the word “validly.”.

Amendment  
of section 6

**11.** The principal Act is amended in section 6(b) by deleting the word “renewal” appearing in the first line and substituting for it the word “replacement”.

Amendment  
of section 8

**12.** The principal Act is amended in section 8-

(a) in subsection (1), by deleting paragraph (b) and substituting for it the following:

“(b) for a period of ten years from the date of issue, and in the case of a child and a person with special case for a period not

exceeding five years;”

(b) by deleting subsections (2) and (3) and substituting for them the following:

“(2) A service or diplomatic passport shall-

(a) be surrendered to the Commissioner General upon the holder ceasing to hold office with respect to which the passport was issued;

(b) be used only for official duties related thereto; and

(c) entitle the holder to be issued with an ordinary passport in order to differentiate usage of passport for ordinary or official duties relating thereto.

(3) A holder of a service or diplomatic passport shall be required to provide justifications of purpose of travelling.”

Amendment  
of section 9

**13.** The principal Act is amended in section 9(1), by deleting the words “cannot be renewed further” and substituting for them the words “is full, damaged or mutilated.”.

Amendment  
of section 10

**14.** The principal Act is amended in section 10, by-

(a) deleting subsection (2) and substituting for it the following:

“(2) A service passport may be issued to any citizen of the United Republic who is a senior public servant and holds superlative substantive post as specified in the Second Schedule.”; and

(b) deleting subsection (4) and substituting for it the following:

“(4) Special Diplomatic Passport may be issued to a citizen of the United Republic specified in the Fourth Schedule.”

Amendment  
of section 12

**15.** The principal Act is amended in section 12,-

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

“(1) A citizen of the United Republic shall be entitled to be issued with a Tanzania Passport upon making an application to the Commissioner General in a prescribed manner under this Act.”.

(b) in subsection (2), by deleting the word “sixteen” appearing in paragraph (d) and substituting for it the word “eighteen”.

Repeal of  
section 13

**16.** The principal Act is amended by repealing section 13.

Amendment  
of section 17

**17.** The principal Act is amended in section 17(1) by adding immediately after the words “terrorist act” appearing in paragraph (d) the words “,trafficking in person, piracy, smuggling of migrants.”.

Amendment  
of section 19

**18.** The principal Act is amended in section 19(2), by-

(a) adding immediately after paragraph (k) the following:  
“(l) Aids or abets any person in the commission of any act referred to in paragraphs (a) to (k);”;

(b) deleting the closing words to subsection (2) and substituting for them the following new closing words:  
“commits an offence and is liable, upon conviction, to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than three years but not exceeding five years or to both.”.

Amendment  
of section 20

**19.** The principal Act is amended in section 20, by deleting the word “renewal” appearing in paragraph (e) and substituting for it the word “replacement”.

Amendment  
of First  
Schedule

**20.** The principal Act is amended in the First Schedule by-

(a) deleting items (i), (k), (l), (m) and (n);

(b) adding immediately after item (p) the following items-  
“(q) East African Community;  
(r) East African Community Emblem;” and

(c) renaming items (j), (o), (p), (q) and (r) as items (i), (j), (k), (l) and (m) respectively.

Amendment  
of Second  
Schedule

**21.** The principal Act is amended by deleting the Second Schedule and substituting for it the following:-

“ \_\_\_\_\_  
SECOND SCHEDULE  
\_\_\_\_\_

*(Made under section 10(2))*

PERSONS ENTITLED TO SERVICE PASSPORTS

- (a) Chief Secretary;
- (b) Regional Administrative Secretaries;
- (c) Accountant General;
- (d) Registrar General;
- (e) Birth and Death Registrar;
- (f) Director or Commissioner in Government Ministers or Institutions;
- (g) Commissioner in any Government Commission;
- (h) Heads of Government Authorities and Agencies;
- (i) Officer Incharge of Ministries;
- (j) Deputy Director General of Prevention and Combating of Corruption Bureau;
- (k) Deputy Director of Prevention of Corruption and Economic Crimes;
- (l) Officers of the rank of Colonel or Brigadier General;
- (m) Deputy Director of Public Prosecutions;
- (n) Deputy Commissioners in Government or institutions;
- (o) Deputy Director of Public Leader Ethics Secretariat;
- (p) Deputy Registrar of High Court;
- (q) Vice Chancellor or Deputy Vice Chancellor of a public University;
- (r) Executive Secretaries of Law Review Commission, Kiswahili Council and Art and Cultural Council of Zanzibar;
- (s) Senior Assistant Commissioners in Government or institutions;
- (t) Assistant Commissioners in Government or institutions;
- (u) Officers of Special Department of a rank of Colonel or Commodore;
- (v) Assistant Regional Administrative Secretaries;
- (w) District Commissioners;
- (x) District Administrative Secretaries;
- (y) Regional and District Magistrates;
- (z) Personal Assistant to the President of Zanzibar, First Vice President and Second Vice President;
- (aa) Senior Public Servant as defined under the Public Service Standing Orders;
- (bb) Senior Public Officers as determined by the Chief Secretary of Zanzibar;
- (cc) Law Officer as defined under the Interpretation of Laws Act;
- (dd) Heads of Local Government Authorities.”.

Amendment  
of Third  
Schedule

**22.** The principal Act is amended by deleting the Third Schedule and substituting for it the following:-

“ \_\_\_\_\_

THIRD SCHEDULE

(Made under section 10(3))

PERSONS ENTITLED TO DIPLOMATIC PASSPORTS

- (a) Chief Secretary;
- (b) Private Secretary to the President of the United Republic;
- (c) Private Secretary to the Vice President of the United Republic;
- (d) Private Secretary to the President of Zanzibar;
- (e) Private Secretary to the Prime Minister;
- (f) Private Secretary to the First Vice President of Zanzibar;
- (g) Private Secretary to the Second Vice President of Zanzibar;
- (h) Advisor to the President;
- (i) Aide-de-Camp to the President of the United Republic;
- (j) Aide-de-Camp to the Vice-President of the United Republic;
- (k) Aide-de-Camp to the President of Zanzibar;
- (l) Aide-de-Camp to the Prime Minister;
- (m) Aide-de-Camp to the First Vice President of Zanzibar;
- (n) Aide-de-Camp to the Second Vice President of Zanzibar;
- (o) Aide-de-Camp to the Spouses President, Vice President and Prime Minister of the United Republic;
- (p) Aide-de-Camp of Spouses of President of Zanzibar, First Vice President and Second Vice President of Zanzibar;
- (q) Speaker of the National Assembly or the House of Representatives of Zanzibar;
- (r) Speaker or Deputy Speaker of East African Community of Legislative Assembly who is a Tanzanian;
- (s) Chief Justice of United Republic and Chief Justice of Zanzibar;
- (t) Deputy Speaker of the National Assembly or the House of Representatives of Zanzibar;
- (u) Former President of the United Republic;
- (v) Former Vice President of the United Republic;
- (w) Former President of Zanzibar;
- (x) Former Prime Minister;
- (y) Former Chief Minister;
- (z) Former First Vice President;
- (aa) Former Second Vice President;
- (bb) Former Chief Justice;
- (cc) Former Chief Secretary;
- (dd) Former Speaker and Deputy Speaker of the National Assembly or House of Representatives of Zanzibar;

- (ee) Justice of Appeal;
- (ff) Minister and Deputy Minister;
- (gg) Judge of the High Court;
- (hh) High ranking official in International Organisations;
- (ii) Permanent Secretary, Principal Secretary, Deputy Permanent Secretary and Deputy Principal Secretary;
- (jj) Clerk of the National Assembly;
- (kk) Clerk of the House of Representatives;
- (ll) Governor;
- (mm) Controller and Auditor General;
- (nn) Ambassador and High Commissioner;
- (oo) Executive Secretary of the Planning Commission of Zanzibar;
- (pp) Secretary to Public Service Commission;
- (qq) Chairman to any Government Commission;
- (rr) Attorney General;
- (ss) Solicitor General;
- (tt) Director of Public Prosecutions;
- (uu) Registrar of Political Parties;
- (vv) Deputy Attorney General;
- (ww) Deputy Solicitor General;
- (xx) Deputy Director of Public Prosecutions;
- (yy) Deputy Governor;
- (zz) Chief of Defense Forces;
- (aaa) Director General of Tanzania Intelligence Security Service;
- (bbb) Inspector General of Police;
- (ccc) Commissioner General of Prisons;
- (ddd) Commissioner General of Fire and Rescue Force;
- (eee) Commissioner General of Immigration;
- (fff) Officers of the rank of or above Major General;
- (ggg) Commissioner of Police;
- (hhh) Commissioner of Prisons;
- (iii) Commissioner of Fire and Rescue Force;
- (jjj) Commissioner of Immigration;
- (kkk) Chief of Special Departments;
- (lll) Director General of Prevention and Combating of Corruption Bureau;
- (mmm) Director General of Prevention of Corruption and Economic Crimes;
- (nnn) Registrar of the Court of Appeal and High Court;
- (ooo) Regional Commissioner;
- (ppp) Foreign Services Officer;
- (qqq) Member of Parliament and member of the House of Representatives;
- (rrr) Members of Parliament of East African Community in Legislative Assembly who are Tanzanian;
- (sss) Former Ambassador and High Commissioner;
- (ttt) Former Attorney General;
- (uuu) Former Solicitor General;

- (vvv) Former Director of Public Prosecutions;
- (www) Former Justice of Appeal;
- (xxx) Former Judge of the High Court;
- (yyy) Former Chief of Defense Forces;
- (zzz) Former Director General of Tanzania Intelligence Security Services;
- (aaaa) Former Inspector General of Police;
- (bbbb) Former Commissioner General of Prisons;
- (cccc) Former Commissioner General of Fire and Rescue Force;
- (dddd) Former Commissioner General of Immigration;
- (eeee) Former Chief of Special Department;
- (ffff) Former Director General of Prevention and Combating of Corruption Bureau;
- (gggg) Members of the Revolutionary Council or Minister;
- (hhhh) Chief and Deputy Chief Kadhi Zanzibar;
- (iiii) Mufti of Zanzibar;
- (jjjj) Heads of religious organisations as the Commissioner General of Immigration Services may determine;
- (kkkk) Former Chief Kadhi;
- (llll) Former Mufti of Zanzibar;
- (mmmm) Former Minister and Deputy Minister;
- (nnnn) Spouses and children under the age of 18 years of main holder of Diplomatic Passport; and
- (oooo) Spouses of former President; Vice President; Prime Minister; Minister; Deputy Minister; Attorney General; Deputy Attorney General; Speaker; Deputy Speaker;”.

Addition of  
Fourth  
Schedule

**23.** The principal Act is amended by adding immediately after the Third Schedule, a new Schedule as follows:-

“ \_\_\_\_\_

FOURTH SCHEDULE

\_\_\_\_\_

*(Made under section 10(4))*

PART I

PERSONS ENTITLED TO SPECIAL DIPLOMATIC PASSPORT

- (a) President of the United Republic;
- (b) Vice President;
- (c) President of Zanzibar;
- (d) Prime Minister;
- (e) First Vice President of Zanzibar;
- (f) Second Vice President of Zanzibar;
- (g) Spouses of the President, Vice President and Prime Minister of the United Republic; and

- (h) Spouses of the President, Vice President, First Vice President and Second Vice President of Zanzibar.”.

PART V  
AMENDMENT OF THE TANZANIA TOURIST BOARD ACT,  
(CAP. 364)

Construction  
Cap. 364

**24.** This Part shall be read as one with the Tanzania Tourist Board Act, hereinafter referred to as the “principal Act”.

Amendment  
of section 3

**25.** The principal Act is amended in section 3, by-  
(a) inserting immediately after subsection (1) the following:

“(2) Notwithstanding the provisions of this section the Attorney General shall have the right through the Solicitor General to intervene in any suit or matter instituted by or against the Board.

(3) Where the Attorney General intervenes in any matter pursuant to subsection (2), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it has been instituted against the Government:

Cap. 5  
Provided that, the requirement of ninety days notice of the intention to the Government as stipulated under the Government Proceedings Act shall not apply where the Attorney General intervenes under this section.

(4) The Board shall have the duty through the Ministry, to notify the Attorney General of any impending suit or intention to institute a suit or matter for or against the Board.

(5) The execution of any court order against the Board shall be done in accordance with the provisions of the Government Proceedings Act relating to the satisfaction of orders against the Government.”; and

(b) renumbering subsection (2) as subsection (6).

Addition of  
section 3A

**26.** The principal Act is amended by inserting immediately after section 3 the following new section 3A:

“Object  
and  
purpose of  
Board

**3A.** The object and purpose of the Board shall be to market Tanzania as a leading tourism destination for international



and domestic tourists.”

Amendment  
of section 4

**27.** The principal Act is amended in section 4, by deleting subsection (1) and substituting for it the following-

“(1) The functions of the Board shall be to develop and implement all aspects of marketing of Tanzania tourism destination and, in particular, but without prejudice to the generality of the foregoing:

- (a) to develop, implement and coordinate the Tourism Marketing Strategy for the destination;
- (b) to develop and be the custodian of Tanzania Destination Brand;
- (c) to establish, promote and enforce standards and guidelines on promotion of quality tourism for Tanzania destination;
- (d) to market domestic tourism;
- (e) to foster public and private sector stakeholders’ engagement and collaboration in marketing and promotion of tourism;
- (f) to promote Meetings, Incentive travel, Conferences and Events (MICE) tourism by undertaking but not limited to the following functions:
  - i) providing guidance, support and marketing services; and
  - i) promoting investments in MICE facilities and services;
- (g) to encourage investments in tourism sector aimed at enhancing competitiveness of Tanzania destination;
- (h) to organize, conduct or co-ordinate exhibitions and related promotion platforms that aim at promoting tourism in Tanzania;
- (i) to encourage and provide technical support and promotion of cultural tourism enterprises and their products;
- (j) to conduct research, studies and surveys aimed at identifying tourism market and industry needs which are necessary for the purpose of carrying out its functions and advising stakeholders accordingly; and
- (k) to sensitize and support the local communities to benefit from available tourism opportunities.”

Amendment  
of section 7

**28.** The principal Act is amended in section 7, by deleting paragraphs (a) and (b) and substituting for them the following-

- “(a) such moneys as may be appropriated by Parliament for the object and purpose of the Board;
- (b) any sums which may be provided from the Tourism Development Levy established under section 59 of the Tourism Act;”

Amendment  
of section  
13

**29.** The principal Act is amended in section 13(1), by deleting the words “General Manager” appearing in paragraph (b) and substituting for it the words “Managing Director”.

Amendment  
of section  
15

**30.** The principal Act is amended in section 15:  
(a) in subsection (1), by deleting the words "tourist agent" and substituting for them the words "tourism operator";  
(b) in subsection (2), by deleting the words "tourist agent" and substituting for them the words "tourism operator" and by deleting the words “not exceeding five hundred thousand shillings” and substituting for them the words “not less than one million shillings”.

Amendment  
of Schedule

**31.** The Schedule to the principal Act is amended in paragraph 1, by-  
(a) deleting subparagraphs (1) and (2) of the Schedule and substituting for them the following:  
“(1) The Board shall consist of the Chairman who shall be appointed by the President and other members to be appointed by the Minister as follows-  
(a) the Director of Tourism;  
(b) a representative of the Ministry of Foreign Affairs;  
(c) a representative of the Ministry of Finance and Planning;  
(d) two representatives of the Confederation of Tourism Operators appointed from amongst nine names nominated or proposed by associations of confederation; and  
(e) a Certified Accountant.”  
(b) renumbering subparagraphs (3) and (4) as subparagraphs (2) and (3).

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OBJECTS AND REASONS

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This Bill proposes to amend Five laws namely, the Local Government (Urban Authorities) Act, Cap.288, the Political Service Retirement Benefits Act, Cap.225, the Tanzania Passports and Travel Documents Act, Cap.42, and the Tanzania Tourist Board Act, Cap.364.

The proposed amendments intend to correct the anomalies observed during their implementation.

This Bill is divided into Five Parts.

Part I deals with Preliminary Provisions which includes the title of the Bill and the manner in which the laws proposed to be amended, are indicated in their respective Parts.

Part II proposes amendment to the Local Government (Urban Authorities) Act, Cap. 288. Section 97 is amended with a view to enhancing the penalty for breach of by-law from a fine “not exceeding fifty thousand shillings” to a fine “not exceeding three hundred thousand shillings”. The amendments aim at making the Act consistent with the provisions of section 156(3) of the Local Government (District Authorities) Act, Cap. 287.

Part III proposes amendment to the Political Service Retirement Benefits Act, Cap. 225 on a specific Part that deals with benefits of retired political leaders on matters related to passport entitlements.

The proposed amendments are intended to remove all those Parts that are related to passport entitlements to retired leaders in order to include them in the specific law that deals with Passports and Travel Documents.

Part IV provides for the amendments of the Tanzania Passports and Travel Documents Act, Cap. 42 with the aim of amending section 2 by replacing the definition of certain terms such as “department”, “minister” and “passport” with the new meanings. The Part introduces new terms such as “main holder” and “Senior Public Servant” and their definitions. The purpose of the amendments is to facilitate the contextual meaning to various provision of the Act.

Further, the Part proposes for several amendments of sections 3, 4, 6, 7, 8, 9, 10, 12, 13, 17, 19, and 20 with a view to deleting the following words “East African Passport” “renewal”, “signature of the person issuing the passport”,

“profession or occupation”, “height”, “colour of eyes”, “special peculiarities”, “for a period not exceeding five years”, “ whose passport cannot be renewed” and substituting for them with the following words “Special Diplomatic Passport”, “replacement”, “the East African Community”, “ East African Community Emblem”, “ for a period of ten years”, “whose passport is full, damaged or mutilated”. The objective of the amendments is to introduce the appropriate definitions and terms which are necessary in terms of this Act.

In addition, the Part, proposes for amendment of First Schedule, Second Schedule and Third Schedule that deals with “Passport Information”, “Persons Entitled to Service Passports” and “Persons Entitled to Diplomatic Passport”. It has also introduced New Fourth Schedule for “Persons Entitled to Special Diplomatic Passport”. The aim of the amendments is to categorize types of passports and to provide new provisions relating to application of passports.

Part V proposes amendment to the Tanzania Tourist Board Act, Cap.364 whereby section 3 is amended by introducing provisions which allows the Attorney General to intervene in suits or matters instituted by or against the Board. The amendments are aimed at engaging the Attorney General, who is the principal adviser of Government, to partake in any dispute against any entity of Government. The Act is further amended by adding a new section 3A. The purposes of these amendments are to ensure the object and purpose of establishing the Tanzania Tourism Board is clearly stipulated in the law for the purpose of identifying its institutional mandate.

Section 4 which relates to functions of the Board is amended by deleting subsection (1) and substituting for it with the new provision. This amendment aims at empowering the Board to increase the scope of its functions so as to capture and better respond to the emerging demands in the sector. These additional responsibilities are also reflected in the new structure of the Board. Also the Act is amended in section 7 which relates to Funds of the Board. The aim of this amendment is to clearly show that revenue collected through Tourism Development Levy is among main sources of funds to the Board. Section 13 is amended by rectifying clerical error in paragraph (b) of subsection (1).

Furthermore, section 15 is amended by replacing the title “tourist agent” with the title “tourism operator”. The section is also amended by deleting the words “not exceeding five hundred thousand shillings” appearing in subsection (2) and substituting for them the words “not less than one million shillings”. The aim of these amendments is to use the proper term of the “tourism operator” as

defined in the Tourism Act (Cap.365) and to make the penalty in question appear more deterrent in the light of prevailing currency value.

Lastly, subparagraphs (1) and (2) of paragraph 1 of the Schedule are amended so as to specify institutions by which members of the Board shall be drawn. The purpose of these amendments is to enhance performance of the Board and ensure participation of the key players.

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MADHUMUNI NA SABABU

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Muswada huu unapendekeza kufanya Marekebisho katika Sheria Nne ambazo ni: Sheria ya Serikali za Mitaa (Mamlaka ya Miji), Sura ya 288, Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa, Sura ya 225, Sheria ya Pasipoti na Hati za Kusafiria, Sura ya 42, na Sheria ya Bodi ya Utalii Tanzania, Sura ya 364.

Madhumuni ya Marekebisho ya Sheria hizi ni kuondoa upungufu ambao umebainika katika utekelezaji wa baadhi ya masharti yaliyomo katika Sheria hizo.

Muswada huu umegawanywa katika Sehemu Kuu Tano.

Sehemu ya Kwanza inahusu masharti ya Utangulizi ambayo yanajumuisha, jina la Muswada na namna ambavyo Sheria zinazopendekezwa kurekebisha zitakavyorekebisha ndani ya Muswada huu.

Sehemu ya Pili ya Muswada inapendekeza marekebisho katika Sheria ya Serikali za Mitaa (Mamlaka ya Miji), Sura ya 288. Kifungu cha 97 kinarekebisha ili kuongeza adhabu kwa kosa la kukiuka sheria ndogo kutoka faini isiyozidi shilingi elfu hamsini hadi faini isiyozidi shilingi laki tatu. Marekebisho haya yote yanalenga kuifanya Sheria hii kuwa sambamba na masharti yaliyoainishwa katika kifungu cha 156(3) cha Sheria ya Serikali za Mitaa (Mamlaka za Wilaya), Sura ya 287.

Sehemu ya Tatu ya Muswada inapendekeza marekebisho katika Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa, Sura ya 225 ambayo ina Jedwali ambalo pamoja na mambo mengine limeweka stahili ya viongozi kupewa pasipoti ya kidiplomasia. Hivyo, marekebisho katika Jedwali yanalenga kuondoa masuala yote yaliyoko katika Sheria hiyo yanahusu haki za viongozi wastaafu

kupewa pasipoti. Kwa mujibu wa marekebisho haya masuala yote yanayohusu pasipoti yatafafanuliwa chini ya Sheria ya Pasipoti na Hati za Kusafiria na Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa, Sura ya 225 itabaki na masharti ya mafao ya viongozi.

Sehemu ya Nne ya Muswada inapendekeza marekebisho katika Sheria ya Pasipoti na Hati za Kusafiria, Sura ya 42 kwa kufanya marekebisho katika kifungu cha 2 kwa kufuta tafsiri za misamiati “idara” “waziri” na “pasipoti” na kuweka tafsiri mpya kwa lengo la kuwianisha tafsiri hizo ziweze kwenda na wakati. Marekebisho haya pia yanalenga kuweka misamiati mipya “mhusika mkuu” na “Afisa Mwandamizi” ili kuongeza tafsiri ya misamiati hiyo ambayo imetumika katika baadhi ya masharti ya Sheria hii.

Halikadhalika Sehemu hii inapendekeza kufanya marekebisho katika vifungu vya 3, 4, 6, 7, 8, 9, 10, 12, 13, 17, 19, na 20 kwa lengo la kufuta maneno “Pasipoti ya Afrika Mashariki”, “kuongeza muda katika pasipoti”, “saini ya afisa aliyetoa pasipoti”, “taaluma au kazi”, “urefu”, “rangi ya macho”, “alama isiyo ya kawaida”, “kwa muda usiozidi miaka mitano”, “pasipoti ambayo haiwezi kuongezwa muda” na kupendekeza maneno mapya ambayo ni “Pasipoti Maalum ya Kidiplomasia”, badala ya Pasipoti ya “Jumuiya ya Afrika Mashariki”, “nembo ya Jumuiya ya Afrika Mashariki”, “kwa muda wa miaka kumi”, pasipoti ambayo imejaa, imeharibika, imekosewa”. Marekebisho haya yanalenga kuweka tafsiri na misamiati muhimu kwa mujibu wa Sheria hii.

Vilevile, Sehemu hii imependekeza marekebisho ya Jedwali la Kwanza, Jedwali la Pili na Jedwali la Tatu ambayo yanahusu “maelezo katika Pasipoti”, “mtu anayestahili Pasipoti ya Kiutumishi” na “mtu anayestahili Pasipoti ya Kidiplomasia”. Pia inapendekeza kuunda Jedwali jipya la Nne ambalo litaainisha watu wanaostahili kupatiwa Pasipoti Maalum ya Kidiplomasia. Lengo la marekebisho haya ni kupanga upya kila aina ya pasipoti na kuweka masharti mapya ya matumizi ya pasipoti.

Sehemu ya Tano ya Muswada inapendekeza marekebisho katika Sheria ya Bodi ya Utalii Tanzania, Sura ya 364, ambapo kifungu cha 3 kinarekebishwa kwa kuongeza masharti ya kumwezesha Mwanasheria Mkuu wa Serikali kuingilia mashauri yaliyofunguliwa na au dhidi ya Bodi. Marekebisho haya yanalenga kumshirikisha Mwanasheria Mkuu wa Serikali, ambaye ni mshauri wa Serikali katika masuala ya Sheria, katika kuingilia shauri lolote linalohusu chombo chochote cha Serikali. Aidha, Sheria hii inarekebishwa kwa kuongeza kifungu cha 3A. Lengo la marekebisho hayo ni kuhakikisha kuwa lengo na madhumuni ya kuanzisha Bodi ya Utalii Tanzania linawekwa bayana kwenye Sheria kwa kuainisha mamlaka ya kitaasisi.

Kifungu cha 4 kinachohusu majukumu ya Bodi kinarekebishwa kwa kufuta kifungu kidogo cha (1) na kukiandika upya. Msingi wa marekebisho haya ni kuongeza wigo wa majukumu ya Bodi ikiwa ni pamoja na kushughulikia mabadiliko yanayojitokeza katika sekta. Majukumu hayo mapya pia yameainishwa katika muundo mpya wa Bodi.

Vilevile, Sheria hii inafanyiwa marekebisho katika kifungu cha 7 kinachohusu mapato ya Bodi. Lengo la marekebisho haya ni kuweka bayana katika Sheria kuwa mapato yanayokusanywa kwa kupitia Tozo za Uendelezaji Utalii ni mojawapo ya vyanzo vya mapato ya Bodi. Kifungu cha 13 kinarekebishwa kwa lengo la kusahihisha makosa ya kiuandishi katika aya ya (b) ya kifungu kidogo cha (1).

Vilevile, kifungu cha 15 kinarekebishwa ili kumtaja “mwendeshaji utalii” badala ya “ajenti wa mtalii”. Pia, Kifungu hiki kinarekebishwa kwa kufuta maneno “isiyozidi shilingi laki tano” yaliyopo katika kifungu kidogo cha (2) na badala yake kuweka maneno “isiyopungua shilingi milioni moja”. Madhumuni ya marekebisho hayo ni kutumia msamiati wa mwendeshaji utalii kama ulivyotumika katika Sheria ya Utalii, Sura ya 365 pamoja na kuongeza adhabu kali zitakazoendana na thamani ya shilingi.

Mwisho, aya ndogo za (1) na (2) za aya Kwanza ya Jedwali inarekebishwa kwa lengo la kuainisha taasisi zitakazotoa wajumbe wa Bodi. Dhumuni la marekebisho hayo ni kuimarisha utendaji wa Bodi na kuwezesha ushiriki wa wadau muhimu.

Dodoma,  
14 Oktoba, 2018

ADELARDUS L. KILANGI  
*Mwanasheria Mkuu wa Serikali*

**SCHEDULE OF AMENDMENTS TO BE MOVED BY THE HON. ADELARDUS L. KILANGI, THE ATTORNEY GENERAL AT THE SECOND READING OF THE BILL ENTITLED “THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)(NO.4) ACT, 2018”**

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

The Bill entitled “The Written Laws (Miscellaneous Amendments)(No.4) Act, 2018” is amended as follows:

- A:** By deleting PART III and PART IV
- B:** By renumbering PART V as PART III
- C:** By renumbering Clauses 24, 25, 26, 27, 28, 29, 30 and 31 as Clauses 5, 6, 7,8, 9, 10, 11 and 12 respectively.

Dodoma,  
....., 2019

**A.L.K**  
**AG**



**MWENYEKITI:** Ahsante hoja imetolewa na imeungwa mkono, tunakushukuru kwa wasilisho lako Mheshimiwa Mwanasheria Mkuu wa Serikali. Tunaendelea namuita Mwenyekiti wa Kamati ya Katiba na Sheria au mwakilishi wake, namuona Makamu wa Mwenyekiti, Mheshimiwa Giga.

**MHE. NAJMA MURTAZA GIGA - MAKAMU MWENYEKITI WA KAMATI YA KUDUMU YA BUNGE YA KATIBA NA SHERIA:** Mheshimiwa Mwenyekiti, ahsante sana naomba kuwasilisha mbele yako Bunge lako tukufu, maoni na ushauri wa Kamati ya Kudumu ya Bunge ya Katiba na Sheria kuhusu Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali ya mwaka 2018 yaani *The Written Laws (Miscellaneous Amendments) (No.4) Act, 2018*.

Mheshimiwa Mwenyekiti, Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali ya 2018 yaani *The Written Laws (Miscellaneous Amendments) (No.4) Act, 2018* ulichapishwa katika Gazeti la Serikali tarehe 16 Oktoba, 2018 na ulisomwa kwa mara ya kwanza Bungeni tarehe, 6 Novemba, 2018. Baada ya hapo, kwa kuzingatia Masharti ya Kanuni ya 84(1) pamoja na kifungu cha 7(1)(b) na Nyongeza ya Nane ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016, Mheshimiwa Spika aliupeleka muswada huu kwenye Kamati ya Kudumu ya Bunge ya Katiba na Sheria ili uchambuliwe. Hivyo, kwa masharti hayo, Kamati iliujadili Muswada huo kwa kuzingatia matakwa ya Kanuni za Kudumu za Bunge.

Mheshimiwa Mwenyekiti, kwa mujibu wa Kanuni ya 86(5) ya Kanuni za Kudumu za Bunge, Toleo la 2016 naomba kuwasilisha maoni na ushauri wa Kamati ya Bunge ya Katiba na Sheria kuhusu Muswada ya Sheria ya Marekebisho ya Sheria Mbalimbali ya mwaka 2018 yaani *The Written Laws (Miscellaneous Amendments) (No.4) Act, 2018*.

Mheshimiwa Mwenyekiti, maelezo kuhusu maudhui ya muswada; muswada huu wa sheria unafanya marekebisho ya Sheria nne ambazo ni:-

Mheshimiwa Mwenyekiti, ya kwanza, Sheria ya Serikali za Mitaa yaani Mamlaka ya Miji, Sura ya 288;

Pili, Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa, Sura ya 225;

Tatu, Sheria ya *Passport* na Hati za Kusafiria, Sura ya 42; na

Nne, ni Sheria ya Bodi ya Utalii Tanzania, Sura ya 364.

Hivyo, madhumuni ya marekebisho ya sheria hizi ni kuondoa Mapungufu mbalimbali ambayo yamebainika katika utekelezaji wa baadhi ya masharti yaliyomo katika Sheria hizo.

Mheshimiwa Mwenyekiti, katika kutekeleza masharti ya Kanuni ya 84(1) ya Kanuni za Kudumu za Bunge, Kamati ilikutana kwa muda wa wiki mbili katika Ofisi za Bunge, Dodoma ambapo ilijielekeza katika shughuli zifuatazo:-

Mheshimiwa Mwenyekiti, ya kwanza, ni kufanya majadiliano na kuainisha mambo mbalimbali yanayofanikisha uchambuzi wa muswada huu ili kupata maoni yatakayoaidia Bunge kutunga sheria yenye tija.

Pili, ni kupokea na kujadili uchambuzi wa awali wa Sekretarieti kwa lengo la kupata uelewa wa muswada husika kwa mujibu wa Kanuni ya 21(1)(b) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016.

Tatu, kupokea maelezo ya Serikali kuhusu madhumuni na sababu za Muswada ambayo yaliwasilishwa na mtoa hoja, Mwanasheria Mkuu wa Serikali, Mheshimiwa Profesa Adelardus Kilangi.

Nne, ilikuwa ni kusikiliza na kupokea maoni ya wadau yaani *public hearing* kwa mujibu Kanuni ya 84(2) pamoja na kuzingatia masharti ya Kanuni ya 117(9) ya Kanuni za Kudumu za Bunge.

Tano, ilikuwa ni kuchambua maoni ya wadau wote kwa kulinganisha sababu, mantiki na madhumuni ya muswada ili kupata msimamo na mwelekeo wa Kamati katika hoja mbalimbali zinazojitokeza katika Muswada huu.

Sita na ya mwisho, ni kujadlliana na Serikali kuhusu hoja mbalimbali za Kamati kabla ya kuhitimisha uchambuzi wa muswada katika Kamati.

Mheshimiwa Mwenyekiti, utaratibu wa vikao vya kupokea na kusikiliza maoni ya wadau, kama nilivyoeleza hapo awali, Katibu wa Bunge iliwaalika wadau ilikuwa kama ifuatavyo:-

Mheshimiwa Mwenyekiti, kama nilivyoeleza hapo awali Katibu wa Bunge aliwaalika wadau kwa njia ya barua na kupitia vyombo vya habari ili kuiwezesha Kamati kupata maoni yatakayoisaidia kuboresha Muswada huu. Hata hivyo, Kamati ilibaini kuwa kati ya taasisi 21 na watu binafsi 410 waliofika mbele ya Kamati kuwasilisha maoni yao na wengine waliowasilisha kwa njia ya maandishi, ni taasisi moja tu ya *Stallion Attorneys* kutoka Dar es Salaam, ndiyo iliwasilisha maoni kuhusu muswada huu hususan katika Sheria ya Bodi ya Utalii Tanzania, Sura ya 364. Kamati inaishukuru sana taasisi hiyo kwa ushirikiano wao.

Mheshimiwa Mwenyekiti, uchambuzi wa muswada; muswada huu umegawanyika katika sehemu kuu tano ambazo maelezo yake ni kama ifuatavyo:-

Mheshimiwa Mwenyekiti, sehemu ya kwanza ya kwanza ya muswada inahusu masharti ya utangulizi ambayo ni pamoja na jina la muswada na namna ambavyo sheria zinazopendekezwa kurekebishwa zitakavyorekebishwa ndani ya muswada.

Mheshimiwa Spika, sehemu ya pili, ni inahusu mapendekezo ya kuifanyia marekebisho Sheria ya Serikali za Mitaa yaani Mamlaka ya Miji, Sura ya 288, kama ifuatavyo:-

Mheshimiwa Spika, Ibara ya 4 ya muswada inapendekeza marekebisho katika kifungu cha 97 cha Sheria ya Serikali za Mitaa yaani Mamlaka ya Miji, Sura ya 288, kwa kufuta kifungu kidogo cha (1) na kuweka kifungu kidogo kipya cha (1) kwa madhumuni ya kuongeza adhabu kwa kosa la kukiuka sheria ndogo. Sheria iliweka faini isiyozidi shilingi 50,000 lakini kwa marekebisho ya haya adhabu itakuwa faini isiyozidi shilingi 300,000.

Mheshimiwa Spika, Kamati inakubaliana na mapendekezo ya Serikali kwa kuwa yana lengo la kuweka kiwango cha faini ili iendane na viwango vilivyowekwa katika sheria nyingine za halmashauri ambazo tayari faini ya shilingi 50,000 ilishafutwa.

Mheshimiwa Mwenyekiti, sehemu ya nne, naomba kulitaarifu Bunge lako tukufu kuwa, baada ya mashauriano na Serikali, Kamati ilipendekeza kufutwa kwa sehemu hii ya tatu ya muswada inayohusu marekebisho katika Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa, Sura ya 225 pamoja na sehemu ya nne ya muswada inayopendekeza marekebisho katika Sheria ya *Passport* na Hati za Kusafiria, Sura ya 42 yenye kuongeza masuala yaliyohamishwa kutoka kwenye Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa, Sura ya 225.

Mheshimiwa Mwenyekiti, sehemu ya tano inapendekeza kuifanyia marekebisho Sheria ya Bodi ya Utalii Tanzania, Sura ya 364 kama ifuatavyo:-

Mheshimiwa Mwenyekiti, katika Ibara ya 25 ya muswada inapendekeza kuongeza masharti ya kumwezesha Mwanasheria Mkuu wa Serikali kuingilia mashauri yaliyofunguliwa na au dhidi ya Bodi kupitia Wakili Mkuu wa Serikali.

Mheshimiwa Mwenyekiti, Kamati inakubaliana na mapendekezo ya Serikali kwa kuwa yanazingatia utekelezaji wa mabadiliko ya Muundo wa Majukumu ya Ofisi ya Mwanasheria Mkuu wa Serikali yaliyotokana na Hati Idhini

iliyochapishwa katika Matangazo ya Serikali Na. 48, 49 na 50 ya tarehe 13 Februari, 2018 yenye kuweka au kuanzisha mfumo mpya wa uwakilishi na utetezi wa Serikali na taasisi zake zote katika masuala ya kisheria ndani na nje ya nchi.

Mheshimiwa Mwenyekiti, Ibara ya 26 inaongeza kifungu cha 3A mara baada ya kifungu cha 3 ambacho kinaipa Bodi ya Utalii jukumu la kuitangaza Tanzania kama sehemu inayoongoza kwa vivutio vya utalii kwa watilii wa nje na ndani. Ibara ya 27 inafuta kifungu kidogo cha (4)(1) cha sheria na kuandika upya kwa lengo la kuongeza wigo wa majukumu ya Bodi husika.

Mheshimiwa Spika, Kamati inakubaliana na mapendekezo ya Serikali kwa kuwa yanalenga kuiongezea majukumu Bodi ya Utalii ili iweze kusimamia sekta ya utalii kwa ufanisi na kwa manufaa mapana ya Taifa letu. Ibara ya 28 inafuta kifungu cha 7(a)(b) na kuandika upya kama ifuatavyo:-

(a) Fedha zitazotengwa na Bunge kwa ajili ya Bodi ya Utalii.

(b) Kiasi cha fedha kitakachotoka kwenye Tozo za Uendelezaji Utalii kama ilivyoanishwa kwenye kifungu cha (59) cha Sheria ya Utalii.

Mheshimiwa Mwenyekiti, maoni ya Kamati ni kuwa mapendekezo haya ni mazuri na kwa kuwa yanaainisha vyanzo vya fedha vya Bodi ya Utalii.

Mheshimiwa Mwenyekiti, Ibara ya 29 inafuta neno *General Manager* linaloonekana katika kifungu 13(1) na kuandika *Managing Director*. Lengo la mabadiliko ni kusahihisha makosa ya kiuandishi, Ibara ya 30 inafuta neno *tourist agent* kwenye kifungu cha 15(1) na (2) na badala yake kuandika neno *tourist operator*. Vilevile kinafuta maneno *not exceeding five hundred thousand shillings* inayonekana kwenye kifungu kidogo cha (2) na kuandika maneno *not less than one million shillings*.

Mheshimiwa Mwenyekiti, Ibara ya 31 inafuta kipengele cha (1) na (2) ya jedwali na kuandika upya ili kuainisha Wajumbe wa Bodi ya Utalii ambao ni Mwenyekiti wa Bodi atakayeteuliwa na Mheshimiwa Rais na Wajumbe wengine watakaoteliwa na Waziri kama ifuatavyo:-

Mheshimiwa Mwenyekiti, wa kwanza ni Mkurugenzi wa Utalii; wa pili ni mwakilishi kutoka Wizara ya Mambo ya Nje; wa tatu, ni mwakilishi toka Wizara ya Fedha na Mipango; na nne ni wawakilishi wawili wa shirikisho la waendesha utalii ambao watachaguliwa au kupendekezwa na shirika la waendesha utalii na mhasibu.

Mheshimiwa Mwenyekiti, inakubaliana na mapendekezo ya Serikali kwa kuwa ibara hii inaainisha Wajumbe watakaounda Bodi ya Utalii na jinsi watakavyopatikana.

Mheshimiwa Mwenyekiti, maoni na ushauri wa Kamati, baada ya kufanya uchambuzi wa sehemu na ibara zote za muswada, na kufanya majadiliano na Serikali, Kamati ilikubaliana na mapendekezo ya Serikali katika sehemu ya kwanza, ya pili na ya tano ya muswada, na kwamba sehemu ya tatu na ya nne za muswada ziondolewe ili Serikali ipate muda wa kutosha kuziboresha kwa kuzingatia ushauri wa Kamati. Aidha, Kamati inashauri neno *validly* katika Ibara ya 4(2) ya muswada lirekebishwe kwa kuandika neno *validity* ili kuleta maana iliyokusudiwa.

Mheshimiwa Mwenyekiti, kwa kuhitimisha, na kwa mara nyingine naomba nikushukuru wewe mwenyewe lakini pia nimshukuru sana Mheshimiwa Spika, kwa kuuleta muswada huu kwenye Kamati ya Katiba na Sheria ili iweze kuufanyia kazi.

Mheshimiwa Mwenyekiti, kwa namna ya pekee kabisa naomba niwashukuru Wajumbe wa Kamati ya Katiba na Sheria kwa weledi, uvumilivu, umahiri na kujituma kwao wakati wa kuchambua muswada huu na hatimaye kutoa mapendekezo ya msingi ya kuuboresha. Naomba majina yao

yaingizwe kwenye Kumbukumbu Rasmi za Bunge yaani *Hansard* pamoja na taarifa yote hii kama inavyowasilisha maoni ya Kamati.

Mheshimiwa Mwenyekiti, namshukuru sana Katibu wa Bunge Ndugu Stephen Kagaigai kwa uongozi thabiti uliofanikisha uratibu wa shughuli za Kamati hii na pia nawashukuru pia nawashukuru watumishi wote wa Ofisi ya Bunge wakiwemo Mkurugenzi wa Idara ya Kamati za Bunge Ndugu Athuman Hussein, Mkurugenzi Msaidizi Ndugu Angelina Sanga, Washauri wa Bunge wa Mambo ya Sheria, Ndugu Leocardo Kapongwa, Ndugu Hawa Manzurya na Ndugu Rehema Kipera.

Mheshimiwa Mwenyekiti, kipekee kabisa nawashukuru sana Makatibu wa Kamati Ndugu Stanslaus Kagisa na Ndugu Victor Leonard pamoja na Msaidizi wa Kamati Ndugu Grace Samwel waliofanikisha kazi ya uchambuzi, ushauri na uratibu wa shughuli za Kamati kwa juhudi kubwa na kujituma kwa hali ya juu sana ili kuiwezesha Kamati yetu kutekeleza majukumu yake kwa wakati na ipasavyo.

Mheshimiwa Mwenyekiti, naomba kuwasilisha.

**MAONI NA SHAURI WA KAMATI YA KUDUMU YA BUNGE YA  
KATIBA NA SHERIA KUHUSU MUSWADA WA SHERIA YA  
MAREKEBISHO YA SHERIA MBALIMBALI WA MWAKA 2018 [THE  
WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO.4) ACT,  
2018]- KAMA ILIVYOWASILISHWA MEZANI**

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**1.0 UTANGULIZI**

**Mheshimiwa Spika**, Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa Mwaka 2018 [*The Written Laws (Miscellaneous Amendments) (No.4) Act, 2018*] ulichapishwa katika gazeti la Serikali la tarehe 16 Octoba, 2018 na ulisomwa kwa mara ya kwanza Bungeni tarehe, 6 Novemba, 2018. Baada ya hapo, kwa kuzingatia Masharti ya Kanuni ya 84(1) pamoja na Kifungu cha 7(1)(b) cha Nyongeza ya Nane ya

Kanuni za Kudumu za Bunge, Toleo la Januari, 2016, uliupeleka Muswada huo kwenye Kamati ya Kudumu ya Bunge ya Katiba na Sheria ili uchambuliwe. Hivyo, kwa masharti hayo, Kamati ilijadili Muswada huo kwa kuzingatia matakwa ya Kanuni za Kudumu za Bunge.

**Mheshimiwa Spika**, kwa mujibu wa Kanuni ya 86 (5) ya Kanuni za Kudumu za Bunge, Toleo la 2016, naomba kuwasilisha Maoni na Ushauri wa Kamati ya Bunge ya Katiba na Sheria Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali wa Mwaka 2018 [*The Written Laws (Miscellaneous Amendments) (No.4) Act, 2018*].

#### 1.1 Maelezo kuhusu Maudhui ya Muswada

**Mheshimiwa Spika**, Muswada huu wa Sheria unafanya marekebisho ya Sheria nne ambazo ni:-

- a) Sheria ya Serikali za Mitaa (Mamlaka ya Miji), Sura ya 288,
- b) Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa, Sura ya 225,
- c) Sheria ya Pasipoti na Hati za Kusafiria, Sura ya 42, na
- d) Sheria ya Bodi ya Utalii Tanzania, Sura ya 364.

Hivyo, madhumuni ya Marekebisho ya Sheria hizi ni kuondoa Mapungufu mbalimbali ambayo yamebainika katika utekelezaji wa baadhi ya masharti yaliyomo katika Sheria hizo.

#### 1.2 Namna Kamati ilivyofanya kazi

**Mheshimiwa Spika**, katika kutekeleza masharti ya Kanuni ya 84(1) ya Kanuni za Kudumu za Bunge, Kamati ilikutana kwa muda wa wiki mbili katika Ofisi za Bunge Dodoma ambapo ilijielekeza katika shughuli zifuatazo:-

- a) Kufanya kujadiliana na kuainisha mambo mbalimbali yanayofanikisha uchambuzi wa Muswada huu ili kupata maoni yatakalolisaidia Bunge kutunga sheria yenye tija;



b) Kupokea na kujadili uchambuzi wa awali wa sekretarieti kwa lengo la kupata uelewa wa Muswada husika kwa mujibu wa Kanuni ya 21 (1) (b) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016;

c) Kupokea maelezo ya Serikali kuhusu madhumuni na sababu za Muswada ambayo yaliwasilishwa na mtoa hoja, Mwanasheria Mkuu wa Serika, Mhe.Prof. Adelardus Kilangi.

d) Kusikiliza na kupokea maoni ya wadau (*Public Hearing*) kwa mujibu Kanuni ya 84 (2) pamoja na kuzingatia masharti ya Kanuni ya 117 (9) ya Kanuni za Kudumu za Bunge.

e) Kuchambua maoni ya wadau wote kwa kulinganisha na sababu, mantiki na madhumuni ya Muswada ili kupata msimamo na mwelekeo wa Kamati katika hoja mbalimbali zinazojitokeza katika Muswada huu.

f) Kujadiliana na Serikali kuhusu hoja mbalimbali za Kamati kabla ya kuhitimisha uchambuzi wa Muswada katika Kamati.

### 1.3 Uratibu wa Vikao vya kupokea na kusikiliza Maoni ya wadau

**Mheshimiwa Spika**, kama nilivyoeleza hapo awali, Katibu wa Bunge iliwaalika Wadau kwa njia ya barua na kupitia vyombo vya habari ili kuiwezesha Kamati kupata maoni yatakayoisaidia kuboresha Muswada huu. Hata hivyo, Kamati ilibaini kuwa kati ya **Taasisi ishirini na moja (21)** na **Watu binafsi Mia Nne na Kumi (410)** waliofika mbele ya Kamati kuwasilisha maoni yao na wengine waliowasilisha kwa njia ya maandishi, ni Taasisi moja tu ya ***Stallion Attorneys*** kutoka Dar Es Salaam, ndiyo iliwasilisha maoni kuhusu Muswada huu hususan katika Sheria ya Bodi ya Utalii Tanzania, Sura ya 364, Kamati inaishukuru Taasisi hiyo kwa ushirikiano wao.

## 2.0 UCHAMBUZI WA MUSWADA

**Mheshimiwa Spika**, Muswada huu umegawanyika katika sehemu kuu tano (5) ambazo maelezo yake ni kama ifuatavyo:-

## 2.1 Sehemu ya Kwanza

Sehemu hii ya kwanza ya Muswada inahusu masharti ya utangulizi ambayo ni pamoja na jina la Muswada na namna ambavyo Sheria zinazopendekezwa kurekebishwa zitakavyorekebishwa ndani ya Muswada.

## 2.2 Sehemu ya Pili

**Mheshimiwa Spika**, Sehemu hii ya pili inahusu mapendekezo ya kuifanyia marekebisho Sheria ya Serikali za Mitaa (Mamlaka ya Miji), Sura ya 288, kama ifuatavyo:-

**Mheshimiwa Spika**, Ibara ya 4 ya Muswada inapendekeza kufanya marekebisho katika kifungu cha 97 cha sheria ya Serikali za Mitaa (Mamlaka ya Miji) Sura ya 288, kwa kufuta kifungu kidogo cha (1) na kuweka kifungu kidogo kipya cha (1) kwa madhumuni ya kuongeza adhabu kwa kosa la kukiuka sheria ndogo. Sheria iliweka faini isiyozidi Shilingi elfu hamsini lakini kwa marekebisho haya adhabu itakuwa faini isiyozidi Shilingi laki tatu.

**Mheshimiwa Spika**, Kamati inakubaliana na mapendekezo ya Serikali kwa kuwa yana lengo la kuweka kiwango cha faini chenye ili iendane na Viwango vilivyowekwa katika sheria nyingine za Halmashauri ambazo tayari faini ya Shilingi elfu hamsini ilishafutwa.

## 2.3 Sehemu ya Tatu na Nne;

**Mheshimiwa Spika**, naomba kulitaarifu Bunge lako Tukufu kuwa, baada ya mashauriano na Serikali, Kamati ilipendekeza kufutwa kwa Sehemu hii ya tatu ya Muswada inayohusu marekebisho katika Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa, Sura ya 225 pamoja na sehemu ya nne ya Muswada inayopendekeza marekebisho katika Sheria ya Pasipoti na Hati za Kusafiria, Sura ya 42 yenye kuongeza masuala yaliyohamishwa kutoka kwenye Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa, Sura ya 225.

## 2.4 Sehemu ya Tano

**Mheshimiwa Spika**, Sehemu hii ya tano inapendekeza kuifanyia marekebisho Sheria ya Bodi ya Utalii Tanzania, Sura ya 364 kama ifuatavyo:-

Katika Ibara ya 25 ya Muswada inapendekeza kuongeza masharti ya kumwezesha Mwanasheria Mkuu wa Serikali kuingilia mashauri yaliyofunguliwa na au dhidi ya Bodi kupitia Wakili Mkuu wa Serikali.

**Mheshimiwa Spika**, Kamati inakubaliana na mapendekezo ya Serikali kwa kuwa yanazingatia utekelezaji wa mabadiliko ya Muundo na Majukumu ya Ofisi ya Mwanasheria Mkuu wa Serikali, yaliyotokana na *Hati Idhini iliyochapishwa katika Matangazo ya Serikali Na. 48, 49 na 50 ya tarehe 13 Februari, 2018*, yenye kuweka au kuanzisha mfumo mpya wa uwakilishi na utetezi wa Serikali na taasisi zake zote katika masuala ya Kisheria ndani na nje ya nchi.

Ibara ya 26 inaongeza Kifungu cha 3A Mara baada ya Kifungu cha 3 ambacho kinaipa Bodi ya Utalii jukumu la kuitangaza Tanzania kama sehemu inayoongoza kwa vivutio vya utalii kwa watilii wa nje na ndani.

Ibara ya 27 inafuta Kifungu kidogo cha 4(1) cha Sheria na kuandika upya kwa lengo la kuongeza wigo wa majukumu ya Bodi husika.

**Mheshimiwa Spika**, Kamati inakubaliana na mapendekezo ya Serikali kwa kuwa yanalenga kuiongezea majukumu Bodi ya Utalii ili iweze kusimamia sekta ya Utalii kwa ufanisi na kwa manufaa mapana ya Taifa letu.

Ibara ya 28 inafuta Kifungu cha 7(a)(b) na kuandika upya kama ifuatavyo:

a) Fedha zitazotengwa na Bunge kwa ajili ya Bodi ya Utalii,

b) kiasi cha fedha kitakachotoka kwenye Tozo za Uendelezaji Utalii kama ilivyoanishwa kwenye kifungu cha 59 cha Sheria ya Utalii.

**Mheshimiwa Spika**, maoni ya Kamati ni kuwa mapendekezo haya ni mazuri kwa kuwa yanaainisha vyanzo vya Fedha vya Bodi ya Utalii.

Ibara ya 29 inafuta neno **General Manager** linaloonekana katika Kifungu 13(1) na kuandika **Managing Director**. Lengo la mabadiliko ni kusahihisha makosa ya kiuandishi.

Ibara ya 30 inafuta neno *tourist agent* kwenye kifungu cha 15(1) (2) na badala yake kuandika neno *tourist operator*. Vilevile kinafuta maneno *“not exceeding five hundred thousand shillings”* inayonekana kwenye kifungu kidogo cha (2) na kuandika maneno *“not less than one million shillings”*

Ibara ya 31 inafuta kipengele cha (1) na (2) ya Jedwali na kuandika upya ili kuainisha Wajumbe wa Bodi ya Utalii ambao Mwenyekiti wa Bodi atakayeteuliwa na Rais na wajumbe wengine watakaoteliwa na Waziri kama ifuatavyo;

a) Mkurugenzi wa Utalii;

b) Muwakilishi kutoka Wizara ya Mambo ya Nje;

c) Muwakilishi toka Wizara ya Fedha na Mipango;

d) Wawakilishi wawili wa shirikisho la waendesha utalii ambao watachaguliwa au kupendekezwa na shirika la waendesha utalii; na Mhasibu.

**Mheshimiwa Spika**, Kamati inakubaliana na mapendekezo ya Serikali kwa kuwa ibara hii inaainisha Wajumbe wanaounda Bodi ya Utalii na jinsi watakavyopatikana.

### 3.0 MAONI NA USHAURI

**Mheshimiwa Spika**, baada ya kufanya uchambuzi wa Sehemu na ibara zote za Muswada, na kufanya majadiliano

na Serikali, Kamati ilikubaliana na mapendekezo ya Serikali katika Sehemu ya kwanza, ya pili na ya Tano ya Muswada, na kwamba, Sehemu ya Tatu na Nne za Muswada ziondolewe ili Serikali ipate muda wa kutosha kuziboresha kwa kuzingatia ushauri wa Kamati.

Aidha, Kamati inashauri neno **“validly”** katika Ibara ya 4(2) ya Muswada lirekebishwe kwa kuandika neno **“Validity”** ili kuleta maana iliyokusudiwa.

#### 4.0 HITIMISHO

**Mheshimiwa Spika**, kwa mara nyingine tena naomba nikushukuru sana wewe kwa kuuleta Muswada huu kwenye Kamati ya Katiba na Sheria ili iweze kuufanyia kazi.

**Mheshimiwa Spika**, Kwa namna ya pekee kabisa naomba niwashukuru wajumbe wa Kamati ya Katiba na Sheria kwa weledi, uvumilivu, umahiri na kujituma kwao wakati wa kuchambua Muswada huu na hatimaye kutoa mapendekezo ya msingi ya kuuboresha. **Naomba Majina yao yaingizwe kwenye Kumbukumbu rasmi za Bunge (HANSARD) pamoja na taarifa yote hii inayowasilisha maoni ya Kamati.** Majina ya Wajumbe hao ni:-

- 1) Mhe. Mohamed Omary Mchengerwa, Mb - **Mwenyekiti**
- 2) Mhe. Najma Murtaza Giga, Mb – **Makamu /Mwenyekiti**
- 3) Mhe. Joseph Kizito Mhagama, Mb - Mjumbe;
- 4) Mhe. Makame Mashaka Foum, Mb - Mjumbe;
- 5) Mhe. Asha Abdallah Juma, Mb - Mjumbe;
- 6) Mhe. Amina Saleh Mollel, Mb - Mjumbe;
- 7) Mhe. Wanu Hafidh Amer, Mb - Mjumbe;
- 8) Mhe. Prof. Jumanne Abdallah Maghembe, Mb - Mjumbe;
- 9) Mhe. Dkt. Mathayo David Mathayo, Mb - Mjumbe;
- 10) Mhe. Nimrod Elirehemah Mkono, Mb - Mjumbe;
- 11) Mhe. Susan Peter Maselle, Mb - Mjumbe;
- 12) Mhe. Alfredina Apolinary Kahigi, Mb - Mjumbe;

- 13) Mhe. Latifah Hassan Chande, Mb - Mjumbe;
- 14) Mhe. Saed Ahmed Kubenea, Mb - Mjumbe;
- 15) Mhe. Ally Abdulla Saleh, Mb - Mjumbe;
- 16) Mhe. Jacqueline Kandidus Ngonyani Msongozi, Mb- Mjumbe;
- 17) Mhe. Bupe Nelson Mwakang'ata, Mb - Mjumbe;
- 18) Mhe. Sixtus Raphael Mapunda, Mb - Mjumbe;
- 19) Mhe. Hassan Seleman Kaunje, Mb - Mjumbe;
- 20) Mhe. Yahaya Omary Massare, Mb - Mjumbe;
- 21) Mhe. Upendo Furaha Peneza, Mb - Mjumbe;
- 22) Mhe. Tundu Antiphas Mughwai Lissu, Mb - Mjumbe
- 23) Mhe. Emmanuel A.Mwakasaka, Mb - Mjumbe
- 24) Mhe. Dkt. Suzan Kolimba, Mb – Mjumbe

**Mheshimiwa Spika**, namshukuru sana Katibu wa Bunge Ndg. Stephen Kagaigai kwa Uongozi thabiti uliofanikisha uratibu wa shughuli za Kamati hii. Nawashukuru pia Watumishi wote wa Ofisi ya Bunge wakiwemo Mkurugenzi wa Idara ya Kamati za Bunge Ndg. Athuman Hussein, Mkurugenzi Msaidizi Ndg. Angelina L. Sanga, Washauri wa Bunge wa Mambo ya Sheria, Ndg. Leocardo Kapongwa, Ndg. Hawa S.Manzurya, Ndg. Rehema Kipera.

Kipekee kabisa nawashukuru sana Makatibu wa Kamati Ndg. Stanslaus Kagisa na Ndg. Victor Leonard pamoja na Msaidizi wa Kamati Ndg. Grace Samweli waliofanikisha kazi ya Uchambuzi, Ushauri na uratibu wa shughuli za Kamati kwa juhudi kubwa na kujituma kwa hali ya juu ili kuiwezesha Kamati yangu kutekeleza majukumu yake kwa wakati na ipasavyo.

Mohamed Omary Mchengerwa, Mb

**MWENYEKITI**

**KAMATI YA BUNGE YA KATIBA NA SHERIA**

31 JANUARI, 2019

**MWENYEKITI:** Ahsante sana Makamu wa Mwenyekiti wa Kamati ya Kudumu ya Bunge ya Katiba na Sheria kwa wasilisho la Kamati. Tunaendelea, tupokee maoni ya Msemaji Mkuu wa Kambi Rasmi ya Upinzani juu ya Wizara hii Mheshimiwa Lathifah.

**MHE. LATHIFAH H. CHANDE K.n.y. MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI KUHUSU MUSWADA WA MAREKEBISHO YA SHERIA MBALIMBALI NAMBA 4 WA MWAKA 2018:** Mheshimiwa Mwenyekiti, kwa niaba ya Msemaji Mkuu wa Kambi Rasmi ya Upinzani, naomba kuwasilisha maoni ya Muswada wa Sheria ya Marekebisho ya Sheria mbalimbali (Na. 4) wa mwaka 2018 [*The written Laws (Miscellaneous Amendments) (No. 4) Bill, 2018*] kwa kutumia Kanuni ya 86(6) ka Kanuni za Bunge, Toleo la Januari, 2016.

Mheshimiwa Mwenyekiti, kwa heshima kubwa naomba kumshukuru Mwenyezi Mungu kwa kuendelea kunipa uhai na nguvu na kuweza kusimama mbele ya Bunge lako ili kutoa maoni ya Kambi Rasmi ya Upinzani kuhusu Muswada huu wa Marekebisho ya Sheria Mbalimbali Namba 4 wa mwaka 2018.

Mheshimiwa Mwenyekiti, nitoe pia shukrani kwa Mwenyezi Mungu kwa uwezo wake mkubwa wa kuendelea kumponya vyema Msemaji Mkuu wa Kambi Rasmi ya Upinzani kwa Wizara hii ya Sheria na Katiba na pia Mnadhimu Mkuu wa Kambi Rasmi ya Upinzani, Mheshimiwa Tundu Antiphas Lissu. Tunashukuru kwa rehema zake ambazo hazina kipimo wala kiwango.

Mheshimiwa Mwenyekiti, kwa kipekee niendeleo kutoa salaam za pole na kuwatakia ujasiri Kiongozi wa Kambi Rasmi ya Upinzani Mheshimiwa Freeman Mbowe pamoja na Mheshimiwa Esther Matiko ambao wako mahabusu Segerea kwa ajili ya kesi za kisiasa. Tunawaambia Watanzania wote waendeleo kuwa pamoja nao katika harakati za kuimarisha vyama vyetu shindani ili kuleta demokrasia ya haki na ya kweli kwa maslahi ya maendeleo shirikishi kwa manufaa ya Watanzania wenyewe na nchi yetu kwa ujumla.

Mheshimiwa Mwenyekiti, baada ya kusema hayo naomba nitambue mchango na ushirikiano mkubwa nilioupata kutoka kwa Waheshimiwa Wabunge na wadau mbalimbali katika maandalizi na hadi kuwasilishwa kwa maoni haya.

Mheshimiwa Mwenyekiti, muswada huu ulio mbele yetu unapendekeza kufanya marekebisho katika sheria mbili ambazo ni Sheria ya Serikali za Mitaa yaani Mamlaka ya Miji, Sura ya 288 na Sheria ya Bodi ya Utalii Tanzania, Sura ya 364.

Mheshimiwa Mwenyekiti, Marekebisho ya Sheria ya Serikali za Mitaa (Mamlaka ya Miji) Sura ya 288. Kifungu cha 4 cha muswada kinakifanyia marekebisho kifungu cha 97 cha sheria kwa kukifuta kifungu kidogo cha kwanza na kuweka kifungu kipya ambacho kinasema kuwa mamlaka ya miji katika utungaji wa sheria ndogo kwa adhabu za faini au vifungo, inatakiwa faini zinazowekwa zisizidi shilingi 300,000 na kifungo ambacho muda wake hautazidi miezi 12 au adhabu zote. Sheria hizo ndogo ni lazima ziwe na nyongeza ya viambatisho yaani *annex* kwa kila faini na kila muda wa kifungo.

Mheshimiwa Mwenyekiti, Kambi Rasmi ya Upinzani inasema kuwa ni vyema sheria ikaweka wazi kuwa makosa yote ambayo yanapitishwa si kama yanakidhi adhabu tajwa. Kwa kuweka adhabu hizo kama muswada unavyoshauri maana yake unatoa mwanya kwa watendaji kufanya unyanyasaji kwa wananchi. Makosa mengi yatachukuliwa kwenye *maximum penalty* jambo ambalo ni hatari.

Mheshimiwa Mwenyekiti, ni vyema tukatunga sheria kwa kuangalia hali halisi ya uchumi wa wananchi wetu. Adhabu zinapokuwa kubwa kulingana na uwezo wa mtu kinakuwa ndio chanzo cha rushwa ndogo ndogo (*petty corruptions*) na hivyo kuikoshesha Serikali.

Mheshimiwa Mwenyekiti, Kambi Rasmi ya Upinzani inashauri kuwa ingekuwa vyema kabla ya Bunge kuweka viwango vya adhabu kwa sheria ndogo ndogo (*by laws*) zitakazotungwa na Mamlaka za Miji ni vyema Waheshimiwa Wabunge wakaletewa pia orodha ya makosa yanayoendana na adhabu hizo ili kufanya ulinganisho na mwisho kutunga sheria wakiwa na ufahamu wa nini hasa Bunge limetunga kwa wananchi wao.



Mheshimiwa Mwenyekiti, Sheria ya Bodi ya Utalii Tanzania, Sura ya 364; Kambi Rasmi ya Upinzani kwa kuangalia historia ya *Tanzania Tourist Board* ni kwamba hili lilikuwa ni shirika au taasisi ya Serikali iliyoanzishwa kisheria mwaka 1962 kwa Sura ya 364 na Sheria yake kufanyiwa marekebisho mwaka 1992 kwa Sheria Namba 18 na baadae kufanyiwa tena marejeo mwaka 2010.

Mheshimiwa Mwenyekiti, kwa wakati huo shughuli zote za kuendeleza sekta ya utalii hapa Tanzania ilikuwa ni jukumu la msingi la Bodi ya Utalii, kuziunganisha na kuwa msimamizi wa taasisi zingine zinazoshughulika na utalii kwa mtazamo mpana yaani *Ngorongoro Conservation Authority, TANAPA, KINAPA* na kadhalika. Hata hivyo, kwa kadri muda unavyokwenda, Taasisi hizi na nyingine zimezidi kujitanua na kuchukua majukumu mengi ya msingi ambayo yalikuwa yanafanywa na Bodi ya Utalii. Kwa sasa Bodi ya Utalii inafanya kazi za uratibu tu kwani haina chochote kinachohusiana na utalii hivyo ni sawa na dalali tu katika tasnia nzima ya utalii.

Mheshimiwa Mwenyekiti, kifungu cha 30 cha muswada kinachofanyia marekebisho kifungu cha 15 cha sheria mama, kinafuta maneno "*tourist agent*" na kuweka maneno "*tourism operator.*" Maana ya *agent* ni mtu anayefanya kazi kwa niaba ya mtu na analipwa *commission* kutokana na kazi anayoifanya.

Mheshimiwa Mwenyekiti, kwa mujibu wa *Government Notice Number 269* ya 17/07/2015, inatoa tafsiri kwamba; "*Tour Operator means traveller agent or photographic and hunting safaris operator or any person who for reward conduct any activity, or undertakes to provide services for tourists and other members of the public in relation to the tours and travel within or outside the country.*"

Aidha, kwa upande wa Mwendeshaji wa utalii au *tour operator* imetafsiriwa kwamba *person or company engaged of the provision of professional ground transport services for game viewing and selling of tour package.*

Mheshimiwa Mwenyekiti, kwa mustakabali mpana wa Mkakati wa Bodi (*Corporate Strategic Plan 2017/2018, 2021/2022*) kama ilivyozinduliwa Agosti 2017 ili kuitekeleza inahitaji zaidi *tourism agents* kwani huyo ni mtu anayefanyakazi zake kwa niaba badala ya *tourism operator*. Hivyo Kambi Rasmi ya Upinzani inaona kwamba marekebisho hayo yanayoombwa kufanywa na Bunge yanapunguza wigo na uwajibikaji wa ufanyaji kazi ya kuifanya Tanzania kuwa kitovu cha utalii kwa ndani na nje ya nchi.

Mheshimiwa Mwenyekiti, baada ya kusema hayo kwa niaba ya Kambi Rasmi ya Upinzani, naomba kuwasilisha. Ahsanteni. (*Makofi*)

**MAONI YA MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI  
KUHUSU MUSWADA WA MAREKEBISHO YA SHERIA  
MBALIMBALI NAMBA 4 WA MWAKA 2018 (*THE WRITTEN LAWS  
(MISCELLANEOUS AMENDMENTS) NO. 4 ACT, 2018 – KAMA  
YALIVYOWASILISHWA MEZANI***

*(Yanatolewa chini ya Kanuni ya 86(6) ya Kanuni za Bunge,  
Toleo la Januari 2016)*

**A. UTANGULIZI:**

**Mheshimiwa Spika**, kwa heshima kubwa naomba kumshukuru Mwenyezi Mungu kwa kuendelea kunipa uhai na nguvu na kuweza kusimama mbele ya Bunge lako, ili kutoa maoni ya Kambi Rasmi ya Upinzani kuhusu Muswada huu wa Marekebisho ya Sheria Mbalimbali Namba 4 wa Mwaka 2018.

**Mheshimiwa Spika**, nitoe pia shukrani kwa Mwenyezi Mungu kwa uwezo wake mkubwa wa kuendelea kumponya vyema Msemaji Mkuu wa Kambi Rasmi ya Upinzani kwa Wizara hii ya Sheria na Katiba na pia Mnadhimu Mkuu wa Kambi Rasmi ya Upinzani Mheshimiwa Tundu Antiphas Lissu. Tunashukuru kwa rehema zake ambazo hazina kipimo wala kiwango.

**Mheshimiwa Spika**, kwa kipekee niendeleo kutoa salaam za pole na kuwatakia ujasiri Kiongozi wa Kambi Rasmi ya Upinzani

Mheshimiwa Freeman Mbowe, pamoja na Mheshimiwa Esther Matiko ambao wako Mahabusu Segerea kwa ajili ya kesi za kisiasa. Tunawaambia Watanzania wote waendeleo kuwa pamoja nao katika harakati za kuimarisha vyama vyetu shindani ili kuleta demokrasia ya haki na ya kweli kwa maslahi ya maendeleo shirikishi kwa manufaa ya Watanzania wenyewe na nchi yetu kwa ujumla.

**Mheshimiwa Spika**, baada ya kusema hayo naomba nitambue mchango na ushirikiano mkubwa nilioupata kutoka kwa Waheshimiwa Wabunge na wadau mbalimbali katika maandalizi na hadi kuwasilishwa kwa maoni haya.

## **B. MAPITIO YA MUSWADA**

**Mheshimiwa Spika**, muswada huu ulio mbele yetu unapendekeza kufanya Marekebisho katika sheria mbili, ambazo ni: Sheria ya Serikali za Mitaa (Mamlaka ya Miji), Sura ya 288 na Sheria ya Bodi ya Utalii Tanzania, Sura ya 364.

### **i. Marekebisho ya Sheria ya Serikali za Mitaa (Mamlaka ya Miji), Sura ya 288**

**Mheshimiwa Spika**, kifungu cha 4 cha muswada kinakifanyia marekebisho kifungu cha 97 cha sheria kwa kukifuta kifungu kidogo cha (1) na kuweka kifungu kipya, ambacho kinasema kuwa mamlaka ya miji katika utungaji wa sheria ndogo kwa adhabu za faini au vifungu , inatakiwa faini zinazowekwa zisizidi shilingi laki tatu na kifungu ambacho muda wake hautazidi miezi kumi na miwili au adhabu zote. Sheria hizo ndogo ni lazima ziwe na nyongeza ya viambatanisho (annex) kwa kila faini na kila muda wa kifungu.

**Mheshimiwa Spika**, Kambi Rasmi ya Upinzani inasema kuwa ni vyema sheria ikaweka wazi kuwa makosa yote ambayo yanapitishwa sio kama yanakidhi adhabu tajwa, kwa kuweka adhabu hizo kama muswada unavyoshauri, maana yake unatoa mwanya kwa watendaji kufanya unyanyasaji kwa wananchi. Makosa mengi yatachuliwa kwenye “maximum penalty” jambo ambalo ni hatari.

**Mheshimiwa Spika**, ni vyema tukatunga sheria kwa kuangalia hali halisi ya uchumi wa wananchi wetu, kwa adhabu zinapokuwa kubwa kulingana na uwezo wa mtu kinakuwa ndio chanzo cha rushwa ndogondogo (petty corruptions) na hivyo kupelekea Serikali kukosa mapato.

**Mheshimiwa Spika**, Kambi Rasmi ya Upinzani inashauri kuwa makosa ingekuwa vyema kabla ya Bunge kuweka viwango vya adhabu kwa sheria ndogo ndogo (by laws) zitakazotungwa na Mamlaka za Miji ni vyema Waheshimiwa Wabunge wakaletewa pia orodha ya makosa yanayoendana na adhabu hizo ili kufanya ulinganisho na mwisho kutunga sheria wakiwa na ufahamu wa nini hasa Bunge limetunga kwa wananchi wao.

ii. **Sheria ya Bodi ya Utalii Tanzania, Sura ya 364**

**Mheshimiwa Spika**, Kambi Rasmi ya Upinzani kwa kuangalia Historia ya TTB ni kwamba hili lilikuwa ni shirika au taasisi ya Serikali iliyoanzishwa kisheria mwaka 1962 kuwa Sura 364 na sheria yake kufanyiwa marekebisho mwaka 1992 kwa sheria namba 18 na baadae ufanyiwa tena marejeo mwaka 2010.

**Mheshimiwa Spika**, kwa wakati huo shughuli zote za kuendeleza sekta ya utalii hapa Tanzania ilikuwa ni jukumu la msingi la Bodi ya Utalii, kuziunganisha na kuwa msimamizi wa taasisi zingine zinazoshughulika na utalii kwa mtazamo mpana (Ngorongoro Conservation Authority, Tanapa, Kinapa n.k) lakini kwa kadri muda ulivyopita taasisi hizi na zingine zimezidi kujitanua na kuchukua majukumu mengi ya msingi ambayo yalikuwa yanafanywa na Bodi ya Utalii. Kwa sasa Bodi ya Utalii inafanya kazi za uratibu tu, kwani haina chochote kinachohusiana na utalii, hivyo ni sawa na dalali tu katika tasnia nzima ya utalii.

**Mheshimiwa Spika**, kifungu cha 30 cha muswada kinachofanyia marekebisho kifungu cha 15 cha sheria mama, kinafuta maneno **“tourist agent”** na kuweka maneno **“tourism operator”**. Maana ya agent ni mtu anayefanya kazi kwa niaba ya mtu na analipwa commission kutokana na kazi

anayoifanya, kwa mujibu wa Government Notice namba 269 ya 17/07/2015 inatoa tafsiri kwamba; *“Means tour operator, travel agent or photographic and hunting safaris operator or any person who for reward conduct any activity, or undertakes to provide services for tourists and other members of the public in relation to the tours and travel within or outside the country”*. Aidha kwa upande wa mwendeshaji wa utalii au **“tour operator”** imetafsiriwa kwamba; *“ person or company engaged of the provision of professional ground transport services for game viewing and selling of tour package”*.

**Mheshimiwa Spika**, kwa mustakabali mpana wa Mkakati wa bodi “CORPORATE STRATEGIC PLAN - 2017/18-2021/22 “ kama ilivyozinduliwa Agosti 2017. Ili kuitekeleza inahitaji zaidi Tourism Agents kwani huyo ni mtu anayefanyakazi zake kwa niaba, badala ya Tourism Operator. Hivyo Kambi Rasmi ya Upinzani inaona kwamba marekebisho hayo yanayoombwa kufanywa na Bunge yanapunguza wigo na uwajibikaji wa ufanyaji kazi ya kuifanya Tanzania kuwa kitovu cha utalii kwa ndani na nje.

**Mheshimiwa Spika**, Baada ya kusema hayo kwa niaba ya Kambi Rasmi ya Upinzani, naomba kuwasilisha.

.....  
Ally Salehe (Mb)

k.n.y. **MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI-  
WIZARA YA KATIBA NA SHERIA**

31/01/2019

**MWENYEKITI:** Ahsante sana kwa wasilisho lako.  
(Makofi)

Sasa Waheshimiwa Wabunge nazitoa hoja hizi mbili kwenu ili mzijadili. Kwa hiyo, nafahamu maudhui ya kila muswada hayashabihiani, lakini Mheshimiwa Mbunge una uhuru wa kuchagua jinsi utakavyochangia kwa yote na wachangiaji ninao hapa.

Kwa upande wa wachangiaji wa upande wa CCM kila mmoja atachangia kwa dakika kumi au chini ya hapo, kwa upande wa CHADEMA ninao wawili watachangia kila mmoja dakika 15 na wengine wawili wa CUF dakika saba na nusu hivi na Mheshimiwa Zitto Kabwe dakika 15. Tunaanza na Mheshimiwa Amandus Ngonyani atafuatiwa na Mheshimiwa Justin Monko na Mheshimiwa Khadija Aboud ajiandae.

**MHE. ENG. EDWIN A. NGONYANI:** Mheshimiwa Mwenyekiti, Mheshimiwa Mwenyekiti, kwanza nimshukuru Mwenyekiti Mungu wka kunipa fursa hii ya kusimama mbele yako na kutoa mchango wangu.

Pili, niishukuru Kamati yangu ya Kilimo, Mifugo na Maji kwa kunipa fursa ya kueleza taharuki zangu na hatimae kufanyiwa kazi, nashukuru sana.

Mheshimiwa Mwenyekiti, pamoja na hayo, naomba Waheshimiwa Wabunge wenzangu tuiangalie kwa makini Ibara ya 62 ya Muswada wa Maji (*The Water Supply and Sanitation Act of 2018*). Ibara hii inakusudia kuharamisha matumizi ya maji kutoka katika kila aina ya chanzo. Kidogo wakati tunajadili wengine ilitupa taharuki kidogo kwa sababu kule tunakotoka tuna vyanzo vingi vya maji ambavyo wananchi wetu wanavitumia. Kwa hiyo, kuharamisha matumizi mpaka mtu apate kibali kwa kweli ilikuwa ni jambo la hatari sana.

Mheshimiwa Mwenyekiti, naishukuru sana Serikali kwa kuwa imeliangalia hilo pamoja na kwamba haijaliweka kwa namna ambavyo tulitaka, lakini angalau kuna unafuu na sasa tunaacha matumizi ya maji yaendeleo kusimamiwa na Sheria ya Matumizi ya Rasilimali Maji Namba 9 ya mwaka 2009 badala ya kuyaingiza katika muswada huu. Muswada huu ubakie kushughulikia huduma na watoa huduma wa maji.

Mheshimiwa Mwenyekiti, hata hivyo, tulipoliona hilo tukaangalia Sheria ya Matumizi ya Rasilimali Maji kifungu cha 11, 12, 52 na 54 ni kweli kinaondoa yale maji ambayo

yanatumiwa na watu mbalimbali kimila watu waendeleo kuyatumia maji hayo kwa namna walivyo zoea na kufuata desturi za maeneo hayo. Hata hivyo bado kuna mapungufu yapo, na tunaiomba Serikali, na bahari nzuri Mwenyekiti wangu ameleleze kwa upana kwamba Sheria hiyo tuiptie upya ili tuweze kuboresha pale ambapo tunadhani ni muhimu tukapaweka sawa ili umuhimu wa maji ni uhai tusiuvuruge.

Mheshimiwa Mwenyekiti, naomba niende kwenye Ibara ya 63 ya muswada huo huo wa maji. Kuna dhana ya kuharamisha matumizi mabaya ya maji. Kwa namna ilivyowekwa katika Ibara hiyo ya 63 imetupa wasi wasi mkubwa kwamba tunaweza tukawa tunaandaa eneo ambalo watendaji wasio waaminifu wenye nia ya kuigombanisha Serikali na wananchi wake wakaitumia vibaya. Kwa hiyo, tunaomba kama ambavyo imesisitizwa na Taarifa ya Kamati neno hili la *misuse of water* au matumizi mabaya ya maji lifafanuliwe ndani ya sheria ili wote tuwe na uhakika kwamba tunaposema matumizi mabaya ya maji tunamaanisha nini. Isitokee wajanja wakatumia nafasi hiyo kutuvuruga ndani ya nchi, maji ni uhai.

Mheshimiwa Mwenyekiti, naomba tuangalie jedwali la tatu, fasili ya 1(a), lakini vilevile tulinganisha na jedwali la nne, fasili ya tatu.

Mheshimiwa Mwenyekiti, kwa tafsiri yangu, maeneo haya yanaondoa watumishi wa umma katika usimamizi au katika uendeshaji wa bodi mbalimbali za maji. Ni kweli tuna wataalam wengi kwenye sekta binafsi wanaoweza kuongoza hizo bodi na wakawa Wajumbe na Mwenyekiti, ni kweli, lakini inaweza ikatokea kwamba tuna wataalam waliobobea zaidi ndani ya *public service*, ndani ya utumishi wa umma ambao wanaweza wakatupa huduma kubwa zaidi katika uendeshaji au usimamizi wa bodi hizi. Niombe sana, sina uhakika dhamira ilikuwa nini ya eneo hilo la kutaka Mheshimiwa Rais azuiwe kuteua Mwenyekiti wa Bodi kutoka kwenye sekta ya umma na kwamba ni lazima aende kwenye sekta binafsi, sina uhakika dhamira yake hasa ni nini.

Mheshimiwa Mwenyekiti, kwa sababu tunajua dhamira ya sekta binafsi ni kutengeneza faida, dhamira ya sekta binafsi muda wote na faida nyingi itatokana na kuongeza kodi, kuongeza ushuru na kukwepa ulipaji wa kodi na ushuru; huko ndiko kunakopatikana faida nyingi. Sasa tukifanya bodi zetu za maji zote ziongozwe na dhamira hiyo ya utengenezaji faida wakati maji ni huduma nadhani si sahihi sana kwa maoni yangu.

Mheshimiwa Mwenyekiti, niwaombe sana, hebu angalieni upya hilo eneo. Turuhusu watu ambao ni *competent* iwe kutoka kwenye *public* au *private sector* nao waweze kufikiwa katika uongozi wa bodi hizo, hicho kizuizi cha *public sector* kiondolewe. Kwa bahati mbaya sina *schedule of amendments* na wala Kamati haikuliongelea hilo kwa undani, kwa hiyo, natoa tu kama ushauri kwa Serikali waliangalie hilo kwa makini ili kama wataridhika wafanye *amendments* ili turuhusu *public sector* nayo ifikiwe na Mheshimiwa Rais katika kuteua Wenyeviti wa taasisi hizi za maji *RUWA* au *RUWASA* vile vile na ile *National Water Fund*.

Mheshimiwa Mwenyekiti, naomba twende kwenye jedwali la kwanza, fasili ya tano inayoongelea kwamba angalau theluthi moja ya Wajumbe wa Bodi wawe wanawake.

Mheshikmiwa Mwenyekiti, maji kwa maeneo mengi sana ni shughuli ya akina mama. Wanaojua uchungu wa ukosefu wa maji ni akina mama. Niiombe sana Serikali, tumevutana sana hili na tunajua msimamo wa Serikali, lakini tunawaomba sana hapa kabla hatujamalizia hebu lifikiieni hilo. Mimi binafsi ningependa asilimia 100 ya Wajumbe wa kuteuliwa wawe akina mama; lakini nadhani kwa kufuata... (*Makofi*)

(*Hapa kengele ililia kuashiria kuisha kwa muda wa Mzungumzaji*)

**MWENYEKITI:** Ahsante sana Mheshimiwa *Engineer* Ngonyani kwa mchango wako.



**MHE. ENG. EDWIN A. NGONYANI:** Mheshimiwa Mwenyekiti, naunga mkono hoja kwa asilimia 100, ahsante sana.

**MWENYEKITI:** Ahsante, Mheshimiwa Injinia Justine Monko, Khadija Aboud na Mheshimiwa Mwalongo ajiande.

**MHE. JUSTIN J. MONKO:** Mheshimiwa Mwenyekiti, ahsante kwa kunipa nafasi ili nami niweze kuchangia katika muswada huu ulioko mbele yetu, Muswada wa Huduma za Maji na Usafi wa Mazingira.

Mheshimiwa Mwenyekiti, awali ya yote kwanza nipende kuishukuru Serikali kwa kutuletea Muswada huu wakati huu, ni muswada muhimu ambao unatarajiwa kutunza, kuendeleza, kuboresha na kusimamia huduma za maji na usafi wa mazingira.

Mheshimiwa Mwenyekiti, suala la maji ni la muhimu sana. Rasilimali maji ni haki ya msingi ya kila mtu katika ulimwengu huu. Kwa hiyo, upo umuhimu wa kuweka utaratibu wa namna ya kuweza kutunza na kushughulikia huduma hizi katika jamii na matumizi yake katika sekta za kiuchumi.

Mheshimiwa Mwenyekiti, vilevile muswada huu unatuonesha pia umuhimu wa kuweza kuangalia, kuzuia na kudhibiti uchafuzi na uharibifu wa rasilimali maji. Kwa hiyo, ni muswada muhimu sana na Waheshimiwa Wabunge wenzangu ningependa tuupitie kwa makini ili tuweze kuona kwamba unaweza ukatusaidia katika vizazi vijavyo maana rasilimali maji inazidi kupungua kadri wananchi tunavyoweza kuongezeka.

Mheshimiwa Mwenyekiti, kwa kutambua Sheria ya Usimamizi wa Rasilimali Maji, Sheria Na. 11 ya mwaka 2009 ambayo inatoa haki kwa wananchi kuvuma maji ya mvua na kuyatumia, kuchimba visima, lakini vilevile sheria hiyo inatambua pia haki ya matumizi ya maji hasa katika vyanzo vile vya kimila ambavyo vinaongozwa na sheria za kimila.

Mheshimiwa Mwenyekiti, Kamati yetu tulipitia muswada huu na kutoa mapendekezo ambayo, naishukuru sana Serikali kwamba kwa kiasi kikubwa sana mapendekezo tuliyotoa kwenye Kamati iliyachukua na imeyafanyia kazi. *(Makofi)*

Mheshimiwa Mwenyekiti, tunazo sheria kwa sasa ambazo zinaongoza matumizi ya maji, rasilimali maji na usafi wa mazingira ikiwemo ya *DAWASA*. Hata hivyo, sheria hizi zote bado zimeendelea kuwa na changamoto. Zilituletea changamoto kwamba tumekuwa na sheria ambazo zinaweza zikafanya kazi katika eneo moja. Kwa hiyo, umekuwepo umuhimu wa kuwa na sheria moja ambayo inasimamia rasimali maji katika nchi yetu yote kwa ujumla.

Mheshimiwa Mwenyekiti, sheria hii pia inakuja kuondoa mgongano ambao tumekuwa nao. Tumekuwa na mgongano katika Wizara ya Maji kama msimamizi wa sera, lakini vilevile Wizara ya TAMISEMI ambayo yenyewe sasa ilikuwa inatekeleza na kuratibu mipango yote ya maji. *(Makofi)*

Mheshimiwa Mwenyekiti, kwa hiyo, ni sheria ambayo inakuja kautuondolea tatizo hili ambalo tumekuwa nalo. Kwa hiyo, tunategemea baada ya kuwa tumetunga sheria hii, tutaongeza ufanisi, tutaimarisha miradi ya maji na kuifanya miradi ya maji kuwa endelevu. Hivyo basi, siwezi kusita kusema kwamba naunga mkono hoja. *(Makofi)*

Mheshimiwa Mwenyekiti, kama Mwenyekiti wa Kamati alivyosema, awali tulipendekeza kubadilisha jina la *RUWA* kuwa *RUWASA* kwa maana ya *Rural Water Supply and Sanitation Agency* ili kusudi kuangalia masuala ya usafi wa mazingira ambayo katika maeneo mengi yamekuwa hayapewi umuhimu. Tunaishukuru sana Serikali kwa kukubali jambo hili na tuna imani kubwa sana kwamba masuala ya usafi wa mazingira yanaweza sasa yakafanyiwa kazi kuhakikisha kwamba yale maji, hata majitaka ambayo tumekuwa nayo yanaweza sasa yakatibiwa na yakawa *disposed* katika njia iliyo salama.

Mheshimiwa Mwenyekiti, katika Ibara ya 22 pale, inaonesha eneo la hifadhi ya miradi ya maji. Hifadhi ya miradi ya maji kwa mfano kwa bomba ambalo linaanzia kipenyo cha milimita 1,200 kwamba hifadhi hiyo sasa inatakiwa kuwa hifadhi ya mita 30. Maana yake mita 15 upande mmoja na mita 15 upande mwingine. Kwa kipenyo cha mita 10, *I mean* kipenyo cha mita 400 mpaka 1,200 ni mita 10 kwa maana ya mita tano kwa kila upande na kipenyo cha milimita 150 mpaka 400 kuwa mita nne kwa maana ya mita mbili kila upande.

Mheshimia Mwenyekiti, suala hili ni jema lakini Kamati yetu tuliona kwamba suala hili ni lazima liambatane na fidia kwa wananchi hasa wale ambao tayari wameshamiliki hayo maeneo. Isije ikatumika vibaya kwamba sasa tunatunga sheria ambayo inatoa mamlaka kwa chombo hiki ambacho tunakianzisha kutoa maeneo ya wananchi ambao tayari wanayamiliki kwa maana ya hifadhi ya mabomba ya maji. *(Makoff)*

Mheshimiwa Mwenyekiti, kwa hiyo, tumependekeza sana kwamba lazima pawepo na fidia stahiki, fidia ya haki, tena kwa wakati kabla ya kutoa eneo hili ambalo ni la hifadhi ya maji.

Mheshimiwa Mwenyekiti, vilevile ukienda kwenye ibara ya 50 ambayo yenyewe inashugulikia masuala ya vyanzo; 50(1) inaongelea habari ya vyanzo vya mapato kwa Wakala wa Maji ambao umeanzishwa, *RUWASA*. Kamati ilipendekeza kwamba ile shilingi 50/= ambayo ni tozo kutoka kwenye mafuta yote ingetoka kwenye Mfuko wa Maji ya kupelekwa kwenye Wakala huu ili kusudi uweze kutekeleza majukumu yake ya kutoa maji katika maeneo ya vijiji.

Mheshimiwa Mwenyekiti, baada ya mazungumzo na Serikali, vilevile tulikubaliana kwamba jambo hili liangaliwe vizuri katika kanuni kwa sababu kwa sasa kinachoonekana chanzo hiki kimekuwa ndiyo kikubwa na chenye uhakika katika sekta ya maji na hata maeneo ambayo yamesemwa ya Mijini, yale ya pembezoni mwa miji bado yana shida

kubwa sana ya maji na hivyo kuwa na uhitaji mkubwa sana wa kupata fedha hizi ambazo ndiyo chanzo muhimu.

Mheshimiwa Mwenyekiti, kwa hiyo, tumekubaliana kwamba zitatungwa kanuni ambazo zitaletwa kenye Kamati kabla hazijaanza kutumika ili kusudi tuweze kukubaliana na kuridhia kuona namna ya mgawanyo wa fedha hizo kwa ajili ya huduma za maji. Kwa sababu tunalo tatizo kubwa sana kwenye maeneo ye vijiji na pengine katika maeneo ya pembeni mwa miji ambayo ni *peri-urban areas*.

Mheshimiwa Mwenyekiti, kuanzia lbara ya 61 ambayo inaongelea adhabu na makosa mbalimbali, kama walivyoanza kusema wenzangu, tulikuwa na mapendekezo ya adhabu, nasi tuliona kwamba adhabu hizi zilizowekwa kwa kweli ni vyema zikabadilishwa na zikawekwa kwa mtu mmoja na makampuni, tukaangalia kwa watu ambao wanatumia kwa matumizi ya nyumbani lakini na kwa matumizi ya kibiashara.

Mheshimiwa Mwenyekiti, sambamba na hilo kama tulivyoeleza kwenye *report* ya Kamati, kwamba vilevile tuangalie hata uharibifu unaojitokeza ni uharibifu katika aina ya mabomba ya *size* gani? Isije ikawa mtu amevunja tu bomba la nchi sita, akapigwa shilingi milioni 50 halafu yule aliyekwenda kuvunja bomba kule nchi hata 45 au 50 yeye akaenda akapigwa faini ya shilingi milioni tano.

Mheshimiwa Mwenyekiti, kwa hiyo, tulipendekeza kwamba adhabu hizo zitengwe; na kwa mtu binafsi zisizidi shilingi milioini tano. Kwa hiyo, zianzie shilingi 500,000/= mpaka shilingi milioni tano na kuanzia shilingi milioni tano kwenda kwenye shilingi milioni 50 iwe ni kwa ajili ya taasisi na makampuni na hasa kwa kuzingatia pia ukubwa wa mabomba tuliyonayo.

Mheshimiwa Mwenyekiti, sambamba na hilo, tumeomba pia tafsiri...

*(Hapa kengele ililia kuashiria kuisha kwa muda wa Mzungumzaji)*

**MWENYEKITI:** Ahsante sana Mheshimiwa kwa mchango wako.

**MHE. JUSTIN J. MONKO:** Mheshimiwa Mwenyekiti, naunga mkono hoja. (*Makofi*)

**MWENYEKITI:** Ahsante. Mheshimiwa Khadija Aboud, Mheshimiwa Edward Mwalongo na Mheshimiwa Zitto Kabwe ajiandae.

**MHE. KHADIJA HASSAN ABOUD:** Mheshimiwa Mwenyekiti, ahsante sana. Kwanza naomba kuunga mkono hoja kwa asilimia mia moja.

Pili, naipongeza Serikali kwa kuleta Muswada huu muhimu kwa wakati huu muafaka. Muswada huu unalenga kuwa na usimamizi bora wa rasilimali ya maji na utakuwa unaleta maendeleo endelevu na ufanisi katika kuwaletea wananchi maji.

Mheshimiwa Mwenyekiti, lengo la Taifa kuhusu upatikanaji wa majisafi na salama kwa wastani kwa vijijini kufikia 85% ifikapo mwaka 2020 na wastani wa mijini kufikia 95% ifikapo mwaka 2020. Kwa hiyo basi, naipongeza Serikali pia kwa kuanzisha Wakala wa Maji Vijijini (*RUWASA*) ambao sasa utasaidia kuwakomboa wananchi wetu wa vijijini kupata majisafi na salama na kufikia hiyo asilimia iliyowekwa na Taifa ifikapo mwaka 2020. (*Makofi*)

Mheshimiwa Mwenyekiti, Muswada huu pia utatua changamoto zilizopo ambapo kuna changamoto nyingi katika utekelezaji wa majukumu ya maji. Mfano, majukumu ya msingi ya usimamizi wa maji ambao unasimamiwa na Wizara ya Maji lakini pia majukumu hayo hayo yanasimamiwa na Wizara ya TAMISEMI. Kwa hiyo, Muswada huu utakwenda kuainisha majukumu pamoja na wahudumu wa maji ambao wanasimamia kwenye Wizara hizi mbili Muswada huu utakwenda kutatua changamoto hizo. Pia utakwenda kutatua mwingiliano wa kisheria katika kutoa huduma za maji na usafi wa mazingira.

Mheshimiwa Mwenyekiti, sheria hii mpya itawezesha miradi ya maji vijijini kusimamiwa na wataalam kupitia Wakala wa Maji Vijijini na Wakala wa Maji Mijini wenye taaluma ya kutosha. Pia sheria hii ikipita, itakwenda kuainisha majukumu ya Mamlaka za Maji Mijini.

Mheshimiwa Mwenyekiti, kwenye huu Mfuko wa Maji naiomba Serikali iongeze vyanzo vipya vya mapato ili kuhakikisha mfuko huu wa maji unafanya kazi iliyokusudiwa katika kutatua tatizo la maji mijini na vijijini na hasa huko vijijini ambapo kuna asilimia kubwa ya wananchi wanaopata taabu na changamoto za maji. *(Makofi)*

Mheshimiwa Mwenyekiti, pamoja na hayo, kwenye jedwali la kwanza Ibara ya 5, nami naungana na mapendekezo ya Kamati ya kuweka 50% kwenye uteuzi wa Wajumbe wa Bodi kwa sababu zilizoelezwa kwamba mwanamke ndiye hasa anayejua changamoto na upatikanaji wa maji, ndiye anayekesha kutafuta maji. Kwa hiyo, wakiwemo pale angalau 50% au kuzidi, basi watakuwa na uelewa na utatuzi mzuri wa kusaidia changamoto hizi za maji.

Mheshimiwa Mwenyekiti, sehemu ya 14 inayohusu makosa na adhabu, naungana na mawazo ya Kamati kwamba adhabu hizi zitenganishwe kulingana na makosa; makosa ya mtu binafsi kwa matumizi ya maji majumbani, lakini makosa ya matumizi ya maji ya viwandani kwa maana ya maji ya kibiashara. Kwa hiyo, adhabu hizi zitenganishwe kutokana na makosa ya mtu aliyofanya.

Mheshimiwa Mwenyekiti, naomba Serikali ifanye marekebisho pale kwamba kwa mtu binafsi iwe ni shilingi 500,000/= mpaka shilingi milioni tano kulingana na kosa alilofanya na shilingi milioni tano hadi shilingi milioni 50 kwa taasisi kubwa au kwa uharibifu mkubwa uliofanya kutokana na uharibifu wa miundombinu ya maji. Tunatambua kwamba kuna changamoto hizo za watu wabaya kuchafua miundombinu ya maji kwa makusudi au kwa tama zao za binafsi na za kibiashara.

Mheshimiwa Mwenyekiti, kwenye maeneo ya hifadhi ya vyanzo vya maji naiomba Wizara inayohusika na Mamlaka zinazohusika ziharakishe basi kutenganisha maeneo ya hifadhi ya maji na vyanzo vya maji ili kuepusha usumbufu kwa wananchi kupata hasara baadae. Kazi hii ifanyike kwa haraka kuweka mipaka ya vyanzo vyote vya maji na vyanzo vyote vya maeneo tengefu kwa ajili ya maendeleo ya maji. *(Makofi)*

Mheshimiwa Mwenyekiti, pia naomba Serikali sasa ilete haraka hapa Bungeni sheria zote ambazo zinakinzana na sheria hii itakayotungwa leo kwa sababu kuna sheria nyingi ambazo zinakinzana na sheria ambayo tutaitunga leo ili kuhakikisha tunapata maji safi na salama.

Mheshimiwa Mwenyekiti, ahsante. Naipongeza Serikali kwa juhudi zote za kuwaletea wananchi maji na dhamira yake ya dhati kwa kuwasaidia wananchi wa Tanzania na hasa mwanamke kumtua ndoo kichwani. *(Makofi)*

Mheshimiwa Mwenyekiti, nakushukuru sana. Naunga mkono hoja. *(Makofi)*

**MWENYEKITI:** Ahsante sana. Mheshimiwa Edward Mwalongo, Mheshimiwa Zitto Kabwe na Mheshimiwa Dkt. Ishengoma ajiandae.

**MHE. EDWARD F. MWALONGO:** Mheshimiwa Mwenyekiti, ahsante kwa kunipa nafasi nami nichangie katika hoja iliyoko mbele yetu inayohusiana na Muswada huu wa huduma ya utoaji maji.

Mheshimiwa Mwenyekiti, kama inavyojulikana, maji ni uhai na maji hayana mbadala. Mahali popote yanapohitajika maji, lazima yatafutwe maji na yapatikane. Huwezi kusema kwamba nitafanya jambo hili badala ya maji au kuna kitu utakitafuta ambacho kitafanya kazi badala ya maji. Kwa hiyo, ndiyo maana tunasema maji ni uhai.

Mheshimiwa Mwenyekiti, nianze na Wakala wa Maji Vijijini. Naomba Serikali ijipange vizuri. Tunaweza tukawa tunaanzisha vyombo lakini ufanisi ukabaki ule ule. Kadri nijuavyo mimi, tatizo la maji siyo Wakala na siyo wala siyo Halmashauri, tatizo la maji ni Serikali. Miradi mingi ya maji ambayo iko katika maeneo yetu nikichukulia mfano katika Jimbo la Njombe Mjini, tatizo kubwa la miradi ile ya maji ni Serikali yenyewe. Sasa sielewi hapa, tunaunda Wakala; itajibadilishaje Serikali yenyewe kwenda kufanya kazi kwa ufanisi katika miradi ambayo imekuwa ikiisimamia toka mwanzo? Serikali ndiyo imefanya *designing*, Serikali ndiyo imetafuta wasimamizi wa miradi, Halmashauri sawa imehusika katika mchakato wa kumtafuta Mkandarasi, lakini Serikali inatakiwa kutoa fedha kwa ajili ya kuwalipa Wakandarasi. Wakandarasi wa maji hawalipwi. *Certificates* zinakaa, zinachelewa kulipwa miezi mitatu, miezi sita, miezi nane.

Sasa je, huyu Wakala anayekwenda kuwa sasa ndio Msimamizi wa Maji Vijijini yeye atatoa wapi fedha? Sawa tunajua kuna Mfuko wa Maji utaanziwa, lakini katika hili Serikali imejipangaje kuhakikisha kwamba tunaunda Wakala na hii Wakala wa Maji Vijijini itakuwa na fedha za kutosha kutekeleza miradi?

Mheshimiwa Mwenyekiti, kwa hiyo, tatizo kubwa ninaloliona mimi ni suala la fedha kwa ajili ya utekelezaji wa miradi. Miradi mingi ya maji imeharibika katika Majimbo mbalimbali kwa sababu Serikali imekuwa haitoi fedha kwa wakati, matokeo yake unakuja kuona kwamba mradi umeshindwa kufanikiwa, hautoi maji ama mradi unakuwa na *phase* tatu au nne. *Phase* za usambazaji maji zimekamilika, lakini *phase* zinazojenga vyanzo, hazijakamilika.

Mheshimiwa Mwenyekiti, liko tatizo lingine ambalo pamoja na kuunda Wakala Serikali lazima iangalie, iko miradi ambayo ilikuwa na msamaha wa kodi, miradi ile, ule msamaha wa kodi hautoki. Sasa hata tukiunda Wakala, atafanikishaje hiyo miradi kama Serikali haitatoa huo msamaha wa kodi na kuweza kufanikisha miradi ya maji?



Mheshimiwa Mwenyekiti, jambo jingine tunaunda Sheria ya Huduma ya Maji na Mazingira lakini liko jambo ambalo lazima nalo tuliangalie kwamba je, tunataka huduma iwe nzuri, wananchi wapate huduma bora, lakini kuna mahali inafikia wakati, taasisi hizi za maji ambazo zinasimamia maji haziwi makini, matokeo yake wananchi wanapata maji ambayo siyo safi. Unakuta mabomba yanatoa maji siyo masafi, yanatoa maji machafu, yanatoa maji yana udongo. Je, hapa Serikali itajiwajibishaje?

Mheshimiwa Mwenyekiti, nafikiri ifike wakati kama ni *EWURA* au ni nani wanaosimamia walaji, tuwe na sheria ambayo inaweza ikasaidia wananchi kupata haki yao na kupata majisafi. Vinginevyo, tutakuwa tumeunda sheria nyingi, sheria ambazo zinawabana walaji tu wanaochafua vyanzo vya maji, wanaovunja mabomba, lakini yeye kama Wakala ama yeye kama mtoa huduma, anatoa maji yasiyo safi kwa wananchi. Anawajibikaje au sheria inamwajibisha namna gani?

Mheshimiwa Mwenyekiti, jambo lingine ni suala la mkanganyiko wa kisheria katika masuala ya maji. Iko Sheria ya Mazingira ambayo inazuia matumizi ya maeneo ambayo huwa yamo ndani ya mita 60. Naomba sana Wizara ya Maji na watu wa Mazingira wajaribu kuiangalia hii sheria. Hii sheria iko vile, lakini ni sheria isiyotenda haki. Kwa sababu tumekuwa tukihoji mara nyingi sana kwamba hivi maji tunahifadhi wapi? Maji tunayahifadhi pale yanapotoka au maji tunayahifadhi kwenye milima? Sayansi ya kawaida inasema, maji yanahifadhi kwenye mlima.

Mheshimiwa Mwenyekiti, wananchi hawapewi elimu ya kulima kilimo cha makinga maji; hawapewi elimu ya kuhakikisha kwamba katika maeneo yenye miinuko wanahakikisha wanalima matuta ili kuhakikisha kwamba mvua zikinyesha maji yale yasiporomoke kwenda mabondeni; maji yatuame kule kwenye milima, yanyonywe na ardhi ili yahifadhiwe kwenye ardhi, lakini matokeo yake sasa wataalam, mimi nahisi wamechukua taarifa sijui za kwa

Wazungu, mimi nasema hawa Wazungu wametuzunguka tu, kwamba huwezi ukahifadhi maji pale yanapotokea.

Mheshimiwa Mwenyekiti, maji yanahifadhiwa mlimani.unahifadhi maji mlimani kwa kuweka makinga maji, kwa kupanda miti na kuhakikisha kwamba milima inakua na zulia ama *carpet* ili kusudi mvua zikinyesha ardhi iweze kunyonya maji na maji yale yatunzwe ndani ya ardhi ili yatoke kule kwenye chanzo kidogo kidogo. *(Makofi)*

Mheshimiwa Mwenyekiti, unapowaambia wananchi kwamba wasilime bondeni kwa sababu kule ni chanzo cha maji, kule siyo chanzo za maji. Kule ni sehemu ya kutokea maji. *(Makofi)*

Mheshimiwa Mwenyekiti, kwa hiyo, niombe sana wataalam waliangalie hilo, waangalie hiyo Sheria ya Mazingira ili kusudi tuone wananchi wakipata huduma ya maji, lakini Serikali na yenyewe iangalie, inapoanzisha huu Wakala ihakikishe mtaji upo wa kutosha kuhakikisha kwamba, unatoka kwenye kuiacha Halmashauri kutoa huduma ya vyanzo vya maji na kugawa na kusambaza maji kwa wananchi, lakini Wakala huu uwe na ufanisi. Kinyume chake ni kwamba, tutakuwa tumeweka Wakala, lakini hatuna fedha ya kumsaidia kufanya kazi vizuri. *(Makofi)*

Mheshimiwa Mwenyekiti, baada ya kusema hayo, nakushukuru sana na naunga mkono hoja. *(Makofi)*

**MWENYEKITI:** Ahsante sana Mheshimiwa Mwalongo kwa mchango wako mzuri. Tunaendelea na Mheshimiwa Zitto Kabwe, Mheshimiwa Dkt. Ishengoma, Mheshimiwa Dkt. Kiruswa na Mheshimiwa Dkt. Raphael Chegeni wajiandae.

**MHE. KABWE Z. R. ZITTO:** Mheshimiwa Mwenyekiti, nakushukuru. Nina maeneo machache ambayo ningependa kuchangia kwenye Muswada huu na mengine nimeshachangia kwa maandishi kwa ajili ya Serikali kuweza kuyafanya kazi.

Mheshimiwa Mwenyekiti, jambo la kwanza ni Kifungu cha 32(2), ambacho kinaainisha taasisi mbalimbali ambazo Muswada unaruhusu ziweze kuundwa kwa ajili ya kuendesha miradi ya maji katika maeneo ya vijijini na zimetajwa (a) mpaka (f). Ushauri wangu ni kwamba, jambo hili tulitazame vizuri kwa sababu kwenye sera tuna Jumuiya za Watumiaji Maji (COWSOs) na nadhani ingekuwa ni vizuri zaidi Muswada huu ungeimarisha ushirika wa watu wanaotumia maji na baadaye ukaruhusu kama kuna makubaliano kati ya wananchi na sekta binafsi, basi na nitakuja kutoa mapendekezo hapo mbele ule Wakala wa Maji Vijijini ufanye usimamizi wa hilo.

Mheshimiwa Mwenyekiti, kwa hiyo, mapendekezo yangu ni kwamba, ile (a) *Water Consumer Association* (b) *Water Trust* (d) *Non Government Organisation* (e) *A Company*; ziondolewe na badala yake ile (a) iwe ni *Water Users Association* tuweze kuweka zile COWSOs na ibakie na *cooperative* na nitakuja kueleza huko mbele kwenye vifungu ni kwa nini napendekeza hivi.

Mheshimiwa Mwenyekiti, la pili, ni suala zima na hiyo inajengewa hoja kwa nguvu zaidi na Ibara hiyo hiyo ya 32 pale inaposema: "*Not withstanding the provisions of Section 32(3) and Section 33(1), where a water scheme operated or to be operated by a community organization is developed through grant, donation, whatever, such scheme shall be public.*" Kwa hiyo, inaenda kujibu hoja ambayo nimeisema hapo mwanzo *for it to be public* inabidi tuimarisha zaidi ushirika wa watumiaji maji halafu baadaye tutaweza kuona ni namna gani ambavyo sekta binafsi itapaswa kushiriki.

Mheshimiwa Mwenyekiti, na pia hiyo inaimarishwa zaidi na ibara ya 36 ambapo inazungumzia sasa namna gani ambayo RUWA na nimeambiwa kwamba, Kamati imerekebisha iitwe RUWASA itakavyoingia, kwamba, katika ngazi za chini za wananchi kule hizi *cooperatives* ziwe ni kama *primary cooperatives* na pale ambapo itahitajika ziunganishwe pamoja ziwe ni kama *cooperative union*

kwamba, ni *umbrella* kwa ajili ya kupata ile *scale* na kadhalika kama ambavyo imeelezwa kwenye Muswada.

Mheshimiwa Mwenyekiti, jambo lingine ambalo ningependa Serikali ilitazame kwenye *account and audit of community organisations*; sasa kwa mujibu wa Kifungu cha 40(1): "*The accounts of community organisations shall be audited in accordance with a Public Audit Act.*" Ukienda kuitazama *Public Audit Act* unaona kwamba, imeainisha majukumu ya Mdhhibiti na Mkaguzi Mkuu wa Hesabu za Serikali katika kukagua taasisi mbalimbali. Iwapo tutampa Mdhhibiti na Mkaguzi Mkuu kazi ya kwenda kukagua vikundi vya watumiaji maji kule vijijini ni kazi ambayo hataiweza kabisa, ni kazi kubwa sana.

Mheshimiwa Mwenyekiti, kwa hiyo, ushauri wangu ni kwamba, kama tutakuwa tumekubali kuweka ushirika na kuweka zile *COWSOs*, *then* tuna kitu kinaitwa *COASCO* ambayo ni Shirika la Ukaguzi wa Ushirika. Kwa hiyo, *COASCO* ingeweza sasa kuifanya hii kazi ambayo *Section 40* imeainisha kwa hiyo, naomba hilo eneo pia, Serikali ilitazame na kulifanyia maboresho.

Mheshimiwa Mwenyekiti, *Section 43* inazungumzia majukumu mbalimbali ya *RUWASA*. Napendekeza kwamba, tuongeze kwamba, *RUWASA* itakuwa ni mtekelezaji, yaani *implementor* wa Sera ya Maji Vijijini ili tuwe na chombo kimoja ambacho ndio kinaangalia *overall implementation* ya hiyo sera ya maji vijijini kwa sababu, naona hapa wameangalia zaidi miradi tu na sio kuangalia sera kwa upana wake. Jambo la msingi kabisa ni kwamba, tunahitaji huu Wakala ufanye kazi ya kusuluhisha migogoro ya kimikataba kati ya *Community Water Users Associations* na sekta binafsi.

Mheshimiwa Mwenyekiti, kwa mfano, kama kwenye kijiji wananchi wameamua kuwa na mradi wao, lakini wameingia *PPP* na sekta binafsi, sekta binafsi kuendesha ule mradi, Mkatiba ule wa uendeshaji wa ule mradi kati ya wananchi na kampuni binafsi ni vema *arbiter* wa hiyo mikataba awe ni *RUWASA*. Kwa hiyo, napendekeza kazi hiyo

pia, iweze kutazamwa kwa sababu, tusipoweka hivyo tutapata matatizo makubwa sana huko mbele kwenye utekelezaji; kutakuwa na mambo ya kwenda Mahakamani wananchi wetu vijijini huko hawatakuwa na uwezo wa kwenda Mahakamani wanapokuwa wamekishana na kampuni binafsi ambazo zitakuwa zinatoa huduma.

Mheshimiwa Mwenyekiti, Kifungu cha 49 na nimeona kuna *ammendment* ya Mheshimiwa Anthony Komu, naiomba Serikali ilitazame kwa uzito wake. Hii ni muhimu sana kwa Waheshimiwa Wabunge wote kwamba, kifungu hiki kinaeleza *obligation* ya RUWASA kupeleka taarifa kwenye mamlaka za mkoa, kama *RCC it is fine*, lakini katika ngazi za wilaya wameweka ni *District Administrative Forums*. Hili haliwezekani kwa sababu, wenye watu ni Mabaraza ya Madiwani. Mabaraza ya Madiwani ni lazima wawe wanapokea taarifa hizi kila mwaka za utekelezaji wa miradi ya maji kwenye Halmashauri zao.

Mheshimiwa Mwenyekiti, kwa hiyo, napendekeza kwamba, ni muhimu ile *ammendment* ambayo imeletwa na Mheshimiwa Anthony Komu, Serikali iweze kuitazama ili kuondoa neno *District Consultative Councils* na badala yake kuweka *Local Government Authorities* na kama ikiwezekana kabisa waweke Mabaraza ya Madiwani.

Mheshimiwa Mwenyekiti, eneo lingine ambalo ningependa tulitazame kwa makini ni hili eneo la *National Water Funds*. Mheshimiwa Mwenyekiti na Wabunge wote wanajua kwamba, sehemu kubwa ya umaskini ambao Watanzania wanao umeshikwa na mtego wa maji. Watu wa Vijijini wanatumia gharama kubwa sana kupata maji, wastani sasa hivi na Kambi ya Upinzani Bungeni, Mheshimiwa Bobali ameeleza hapa mfano wa kule Newala, wastani wa nchi nzima mwananchi wa kijijini ananunua pipa la maji kwa Sh.7,000 anatumia asilimia 16 ya kipato chake cha mwaka kwa ajili ya maji. Mwananchi wa mjini ananunua pipa moja la maji shilingi 300.

Mheshimiwa Mwenyekiti, hebu tutazame hiyo; mwananchi wa kijijini pipa la maji ananunua kwa shilingi 7,000, mwananchi wa mjini pipa la maji ananunua kwa shilingi 300, asilimia 16 ya kipato cha mtu wa kijijini anakitumia kwa ajili ya maji tu wakati mtu wa mjini anatumia asilimia moja tu. Kwa hiyo, maji ni mtego wa umasikini. Kwa hiyo, napenda nikubaliane na maoni ambayo Kamati na Kambi ya Upinzani wameeleza kwamba, hii *National Water Fund* iwe *restricted* kwa ajili ya maji vijijini tu, *100 percent ya resources za National Water Fund* ziende vijijini.

Mheshimiwa Mwenyekiti, sasa hivi kwa taarifa ambazo nimeelezwa na Wajumbe wa Kamati ya Kilimo na Maji, *70 percent* ya hizi fedha zinakwenda kwenye Mamlaka za Maji Mijini. Watu wa mijini ambao wanatumia maji kwa gharama nafuu zaidi ndio wanapewa *resources* nyingi zaidi kuliko watu wa vijijini ambao gharama za maji kwao ni kubwa sana. Kwa hiyo, naomba eneo hilo litazamwe ili tuweze kuimarisha watu wetu wa vijijini zaidi.

Mheshimiwa Mwenyekiti, baada ya maelezo hayo, naomba nichukue fursa hii kuomba maoni ambayo yametolewa na Kambi ya Upinzani Bungeni yaweze kuzingatiwa katika hali nzima ya kuweza kuona ni namna gani ambavyo *RUWASA* itaweza kufanya kazi zake, lakini pia tuweze kuona ni namna gani ambavyo Mabaraza ya Madiwani yataweza kushiriki katika mfumo mzima huu ili tuweze kuwaondoa wananchi wetu katika mtego huu wa umaskini, mtego wa kutokupatikana kwa maji safi na salama. Hali ya umaskini inazidi kuwa mbaya, lakini sehemu kubwa ya umaskini inasababishwa na watu kutokuwa na maji safi na salama.

Mheshimiwa Mwenyekiti, nakushukuru sana. (*Makofi*)

**MWENYEKITI:** Ahsante sana. Mheshimiwa Dkt. Ishengoma.

**MHE. DKT. CHRISTINE G. ISHENGOMA:** Mheshimiwa Mwenyekiti, ahsante sana kwa kunipa nafasi ili niweze

kuchangia katika Muswada huu ambao una manufaa kwa maisha ya binadamu. Kwanza nianze kutoa pongezi kwa Serikali kwa kuleta huu Muswada na pia naipongeza Serikali kwa sababu majadiliano mengi ambayo yalijadiliwa na Kamati yaliweza kuchukuliwa na Serikali, kwa hiyo, naipongeza kwa hilo.

Mheshimiwa Mwenyekiti, kama tulivyosema kwenye mjadala wetu ambao Mwenyekiti alitoa taarifa yetu kuwa utangulizi wa Ibara hiyo ya Kwanza iliyoanza na maana ya majina na Ibara ya Pili inaongelea matumizi kuwa, sheria hii itatumika tu Tanzania Bara. Ibara ya Tatu inaelezea maana ya maneno mbalimbali na nashukuru Serikali haya maneno, maana ya maneno, tulikubaliana kwa pamoja ila kuna mahali pengine ambapo ni kidogo tu tulitofautiana na mwisho wa yote tukakubaliana kwa *definition* kama hiyo ya *RUWA* kuwa *RUWASA* kwa sababu inachukua pamoja na mazingira na mazingira nayo ni jambo muhimu sana.

Mheshimiwa Mwenyekiti, Ibara ya tano kuanzishwa kwa Wakala wa Maji Vijijini ni muhimu sana kwa sababu, huyu Wakala wa Maji Vijijini itatumika sana na pia kwenye uchimbaji wa visima na pia itatumika kwenye uanzishaji wa miradi mingine ya maji. Jambo hili ni muhimu sana, ila inabidi iangaliwe kuwa, hii miradi itaendeleaje hapo mbeleni.

Mheshimiwa Mwenyekiti, nikija kwenye Ibara ya 11 ikienda pamoja na Jedwali kuhusu asilimia 50 na theluthi moja kwa upande wa Serikali; hapa ni muhimu sana niongee kwa kirefu kidogo kwa sababu, kwa kuangalia bodi, mfumo wa Bodi ya Maji ambavyo utakuwa, inaonekana kuwa mfumo huu unaweza ukaleta asilimia kubwa ya akinamama kwenye Bodi hii ya Maji, kwa sababu, hawa akinamama ndio unakuta kuwa ndio wanashughulikia maji kwa hiyo, kama Kamati yangu ya Kilimo naungana nayo kuwa badala ya theluthi moja iwe asilimia 50.

Mheshimiwa Mwenyekiti, nasema hivyo kutokana na muundo wa bodi; kwenye muundo wa bodi unakuta kuna Mwenyekiti na hii bodi inateuliwa na Mheshimiwa Waziri. Kuna

Mwenyekiti, ambaye huyu Mwenyekiti anatokana na mahali pale ambapo anaishi, anaweza akawa kwenye miji au anaweza akawa wapi. Pia, Mkurugenzi Mtendaji ambaye anaweza akawa mwanamke, pia Mwakilishi wa Wizara ya Maji ambaye anaweza akawa mwanamke au akawa mwanaume, pia Mwakilishi wa Ofisi ya Afisa Tawala wa Mkoa ambaye anaweza akawa mwanamke au akawa mwanaume, pia Mkurugenzi wa Manispaa ambaye anaweza akawa mwanamke au mwanaume.

Mheshimiwa Mwenyekiti, kwa kuongezea hapo, kuna watu tena watano ambao wanachaguliwa na Waziri kwa kushauriana pamoja na Ofisi ya Mkuu wa Mkoa ambayo unakuta kuna *representative* wa RAS, anayemwakilisha RAS, ambaye anaweza akawa mwanamke. Kuna Diwani anaweza akawa mwanamke, kuna mwakilishi wa watumiaji maji kwa wingi au biashara anaweza akawa mwanamke au mwanaume; kuna mwakilishi wa watumiaji maji kwa wingi anaweza akawa mwanamke au mwanaume; kuna mwakilishi wa watumiaji maji majumbani anaweza akawa mwanamke au mwanaume; kuna mwakilishi wa vikundi vya akinamama. Kwa hiyo, kwa kuangalia huo muundo wa bodi naungana na Kamati kuwa inaweza ikawa asilimia 100, lakini hasa asilimia 50. Kwa uwakilishi huu wanaweza wakateuliwa wanawake ndio wakawa wawakilishi kwenye bodi hii.

Mheshimiwa Mwenyekiti, Mfuko wa Maji wa Taifa. Tulikubaliana kwa pamoja kwenye Kamati kuwa huo ni pamoja na Serikali kuwa ni kweli huu Mfuko wa Maji ni muhimu sana, lakini kama tulivyosema tulikubaliana na Serikali kuwa iwekwe kwenye kanuni na hizo kanuni kabla hazijaanza kutumika tuweze kukaa pamoja Kamati, pamoja na Serikali kuzipitia na kukubaliana kama ni kweli tunakubaliana.

Mheshimiwa Mwenyekiti, Ibara ya 61 kuhusu *offensive and panalties*; baada ya kupitia kwa kina, Kamati tuliona kuwa kwa kweli, adhabu nyingine ni kubwa sana. Kwa hiyo, makosa na adhabu zifanyiwe marekebisho makubwa na Serikali kusudi yaweze kuendana na makosa ambayo yametendeka.



Mheshimiwa Mwenyekiti, kuna neno muhimu kwenye *definition* ambalo tulisema kuhusu *misuse of water* au utumiaji vibaya wa maji. Hata ukiwa nyumbani unaweza ukawa unaosha vyombo, unaendesha maji, ikaonekana unatumia vibaya maji au wale wanaochepusha maji ikaonekana unatumia vibaya maji; kwa hiyo, kuna aina mbalimbali za matumizi ya maji, hivyo, tullona itolewe maana yake, tafsiri, kusudi iweze kueleweka vizuri maana ya *misuse of water* ni nini kuliko kuiweka kwenye Muswada ambao utakuja kutumika kisheria na kupitishwa bila ya kujua *misuse of water* maana yake ni nini.

Mheshimiwa Mwenyekiti, nirudie kusema kuwa, mambo mengi naishukuru Serikali tulikubaliana pamoja na yale tuliyokubaliana yaende kama yalivyo na naomba Wabunge wajadili huu Muswada uweze kupita, lakini yale ambayo Kamati tumependekeza kama asilimia 50 wawe wanawake kwenye Bodi ya Maji, naomba ichukuliwe na Serikali kusudi iweze kutumika kuanzia pale itakapoweza kusainiwa na kuwa kama sheria.

Mheshimiwa Mwenyekiti, baada ya kusema hayo naunga mkono hoja kwa sababu mambo mengi yameshaongelewa. Ahsante kwa kunipa fursa. (*Makofi*)

**MWENYEKITI:** Ahsante sana Mheshimiwa Dkt. Ishengoma kwa mchango wako. Sasa namwita Mheshimiwa Dkt. Kiruswa na kama muda utaruhusu tutaendelea na Dkt. Chegeni.

**MHE. DKT. STEPHEN L. KIRUSWA:** Mheshimiwa Mwenyekiti, nashukuru kwa kupata nafasi hii ili nami niweze kuungana na Wabunge wenzangu kuchangia katika hii Miswada na naomba nijikite kwenye Muswada wa Huduma za Maji na Usafi wa Mazingira. Naomba nianze kwa kutoa maoni ya jumla halafu kulingana na muda nilionao nitapenda kutoa mchango wangu katika vipengele vichache nilivyovivote katika Muswada husika.

Mheshimiwa Mwenyekiti, kwa maoni ya jumla nipende kuwapongeza waliofanya kazi nzuri ya kuandaa Muswada huu na nikiri kwamba, ni Muswada mzuri na ni Muswada unaotuletea sheria ambayo inahitajika sana katika nchi yetu.

Mheshimiwa Mwenyekiti, lakini pia, niseme tu masikitiko yangu kwamba, ingawa Muswada huu ni wa muhimu na unahitajika sana katika nchi yetu, lakini kuna baadhi ya Watanzania ambao kwao ni kama umetangulia kuwafikia kabla ya kinachotungiwa hii sheria hakijawa *reality* kwao. Kwa mfano kwa jamii za Watanzania wanaoishi katika nyanda za ukame kama Wilaya yangu ya Longido ambapo zaidi ya asilimia 46 ya wakazi wake hawana chanzo chochote kinachoeleweka cha maji hii kwao ni habari njema tu inayoonesha kwamba, siku ndoto yao ya kupata maji itakapotimia angalau kuna kitu ambacho kitawaelekeza namna ya kuyatumia kwa jinsi inavyostahili.

Mheshimiwa Mwenyekiti, pia kwa maoni yangu ya jumla niungane na wenzangu ambao wameangaliza hili suala la adhabu mbalimbali zinazoweza kutolewa kwa matumizi yasiyostahili ya maji. Ningeomba adhabu hizi ziwe *categorized*, kwa mfano, adhabu za taasisi zinazokiuka misingi iliyowekwa na Muswada huu zipangiwe adhabu yao kulingana na hadhi yao kwamba, ni taasisi. *Category* nyingine ni matumizi ya kibiashara, kama mtu anayatumia vibaya kwa ajili ya kufanyia biashara, pia adhabu yake ipangwe kulingana na jinsi alivyovunja sheria katika matumizi ya maji yaliyopelekwa mahali pale.

Mheshimiwa Mwenyekiti, *category* ya mwisho ni kwa watu binafsi, kama *offence* imetokea kwa mtu binafsi basi adhabu pia ilingane na hadhi ya huyo mtu aliyevunja sheria hiyo na hii ikizingatia kwamba, hata pamoja na kwamba, muswada na sheria inakwenda kuwekwa, imeweka *standard penalties* kwa ajili ya hizi *offences*, lakini kwa maoni yangu, ningeomba kwa sababu kuna haya mamlaka ambayo yanakwenda kuundwa na hasa hii Mamlaka ya Wakala wa

Maji Vijijini, hiyo basi ipewe pia uwezo wa kutunga *by laws* ambazo zitakuwa ni *case by case*.

Mheshimiwa Mwenyekiti, kwa mfano, wale *Community Based Water Supply Organization* ipewe mamlaka na sheria hii ya kutunga *by-laws* ya adhabu zinazostahili kulingana na mazingira ya watu husika. Kwa sababu Watanzania wengi watakaokuwa chini ya hiyo asasi ambayo ni ya *community based* watakuwa ni watu maskini ambao ukiwawekea faini ya shilingi milioni tano ni kama tu imewatangazia kifungo cha maisha au adhabu ya kifo maana kwao shilingi milioni tano ni kitu ambacho hawajawahi kuona na wala kupata au kupokea katika maisha yao. (*Makofi*)

Mheshimiwa Mwenyekiti, pia napenda kusema kwamba pamoja na uzuri wa Muswada na sheria tunayokwenda kutunga lakini pia kwenye sehemu ya *objectives*, natamani kuona kauli mbiu inayotangaza kwamba azma na *priority* yake ya kwanza ni kuhakikisha kwamba kila Mtanzania anapata *access* ya maji safi na salama ya kutosha ndipo tuweze kupangilia hii miundombinu sasa ya kuyatumia inavyostahili.

Mheshimiwa Mwenyekiti, baada ya kutoa maoni hayo ya jumla, naomba ni-*point* baadhi ya vipengele ambavyo napenda kuvitolea maoni. Tukienda Sehemu ya Saba tukaangalia Ibara ya 34(3) inasema hivi: "*A Community Water Committee shall be the governing body responsible for overseeing operations of the community organization*". Kwa hiyo, kuna Kamati ya Maji ambayo inaundwa na ndiyo itakuwa inaendesha shughuli za huduma ya maji chini ya Wakala wa Maji Vijijini.

Mheshimiwa Mwenyekiti, lakini nilipokwenda kuangalia Jedwali la Pili, kwenye kifungu cha 4(5) kinasema kwamba hii Kamati ya Maji ni Bodi ambayo itakuwa inakutana mara mbili kwa mwaka tu. Naomba kupendekeza kwamba kama hawa ndiyo waangalizi wakuu wa huduma ya maji katika jumuiya husika, inakuwaje wakutane mara mbili

kwa mwaka wakati shughuli ya maji ni nyeti na mambo yanaweza kujitokeza hapa katikati na uamuzi wao ukahitajika. Ingawa kwenye hiyo *schedule* wanasema wanaweza kukutana wakati wowote kukiwa na haja kwa nini isiwekwe kabisa kwenye sheria kwamba ni lazima wakutane angalau siyo chini ya mara moja kila baada ya miezi mitatu au kila robo mwaka ili wawe karibu na usimamizi makini wa haya maji tunayotegemea yatakuwepo na watakwenda kusimamamia. Kwa hiyo, naomba badala ya kuwa wanakutana mara mbili kwa mwaka tu kama ilivyobainishwa kwenye Jedwali katika kifungu cha 4(5) iseme kwamba watakutana *at least once every quarter*.

Mheshimiwa Mwenyekiti, tukiangalia katika Ibara ya 35(3) kuhusu viwango vya maji, hapa haijatamkwi bayana kwamba viwango vinapangwa na nani. Napendekeza *Community Based Water Supply Organization* wao ndiyo wapange viwango na iandikwe kwenye sheria ili kusiwe na mkanganyiko kwamba hizi *rate* zinawekwa na nani na zinawekwaje na ikiwezekana basi mamlaka ya juu ama Waziri, ama mamlaka ya maji ya ngazi ya kitaifa itoe bei elekezi ili wananchi wasinyanyaswe kwa sababu ya kutokuwepo kwa sheria inayosema utaratibu wa kupata haya maji na kuweka viwango stahiki unawekwa na nani?

Mheshimiwa Mwenyekiti, ukienda Sehemu ya Nane kwenye suala la *financial provisions*, nikaangalia kipengele cha vyanzo vya fedha ambayo inaweza ikapatikana kwa ajili ya kuendesha hizi asasi za maji, nikaenda Ibara ya 38(d) nikakuta inasema kwamba ni wajibu wa kila taasisi inapopata fedha kutoka katika vyanzo mbalimbali fedha vya nje kama *donations* kupata kibali cha Waziri. Sasa najiuliza kuna haja gani, huu urasimu ni wa nini? Kwa mfano, sisi tuna *Community Based Water Supply Association* akaja mtalii mmoja maana sisi tupo katika eneo la utali akaona mapungufu yaliyoko akaamua kuweka labda dola mia moja elfu ili kuboresha miundombinu tuliyonayo, kuna haja gani ya kupelekea hiyo taarifa kwa Waziri wakati kuna Serikali za Mitaa ngazi ya Halmashauri, kuna hii *RUWA – Rural Water Supply Authority*

na ina Mkurugenzi wake mkuu? Naomba suala hili liangaliwe na atakapokuja baadaye anieleweshe...

*(Hapa kengele ililia kuashiria kuisha kwa muda wa Mzungumzaji)*

**MWENYEKITI:** Ahsante sana Mheshimiwa Dkt. Kiruswa.

**MHE. DKT. STEPHEN L. KIRUSWA:** Mheshimiwa Mwenyekiti, naunga mkono hoja.

**MWENYEKITI:** Mheshimiwa Dkt. Chegeni.

**MHE. DKT. RAPHAEL M. CHEGENI:** Mheshimiwa Mwenyekiti, ahsante sana kwa kunipa fursa hii na mimi niweze kuwa mchangiaji katika Muswada huu muhimu sana wa Huduma za Maji na Usafi wa Mazingira.

Mheshimiwa Mwenyekiti, leo naomba nikiri kwamba Wizara hii ambayo inaongozwa na Maprofesa akiwemo Profesa Waziri na Katibu Mkuu wake wamefanya kazi nzuri sana. Kwa kweli huu Muswada umejikita sana kuona kwamba Watanzania kile kilio cha maji miaka nenda rudi sasa tunakipatia majibu yanayoeleweka. *(Makofi)*

Mheshimiwa Mwenyekiti, ukiangalia wazo la kuwa na sheria moja ambayo itasimamia utoaji wa huduma za maji na usafi wa mazingira ni kitu cha muhimu sana. Leo hii miradi mingi sana ya maji inaanzishwa lakini sehemu nyingi miradi hii inakosa *coordination*. Kwa kuwa na sheria moja itasaidia sana kuleta usimamizi ulio mbashara.

Mheshimiwa Mwenyekiti, lakini kilio cha wananchi pamoja na sheria ni kupata huduma ya maji. Leo hii tuna Ziwa ViKtoria kwa mfano, Tanzania tunamiliki zaidi ya 52%, Uganda 32%, Kenya kama 12% au 14% lakini matumizi yetu ya maji ya ziwa hili yapo chini ya 1% wakati Uganda na Kenya wanatumia zaidi. Naomba kupitia Muswada huu na ikiwa sheria tuhakikishe kwamba wananchi wa Tanzania na hasa kina mama tunawatua ndoo kisawasawa, waweze kupata

maji kwa urahisi zaidi. Hakuna hitaji la muhimu na la msingi kwa mahitaji ya binadamu kama maji. Kutokana na kuainisha majukumu ya Mamlaka ya Udhhibiti ya Maji na Nishati (*EWURA*) katika Muswada huu nimefurahi sana kwa sababu inaonyesha namna gani sheria hii itakavyoweza kusimamiwa kikamilifu kwa maslahi ambayo wananchi wote watanufaika nayo.

Mheshimiwa Mwenyekiti, lingine ni umuhimu wa Wakala wa Maji na Usafi wa Mazingira Vijijini (*RUWASA*). Siku zote tumekuwa tukipiga kelele kwamba lazima wananchi ambapo zaidi ya 80% wanakaa vijiji lakini tatizo kubwa ni maji. Serikali ya Awamu ya Tano imejaribu kusikia kilio hiki na hata kwenye Ilani ya Uchaguzi ya Chama cha Mapinduzi 2015-2020 miradi mingi sana ya maji sasa imeanzishwa lakini tunahitaji iendelee kusimamiwa na kutekelezwa.

Mheshimiwa Mwenyekiti, tatizo ninaloliona hapa ni pamoja na fedha kutokutoka kwa wakati. Inakuwa haina maana wala tija kama miradi inaazishwa lakini haikamiliki kwa wakati na hii inaongeza gharama kubwa sana hata kwenye miradi yenyewe. Nimwombe sana Mheshimiwa Waziri pamoja na Katibu Mkuu wake na watendaji wote ndani ya Wizara wahakikishe kwamba miradi hii ambayo imeanzishwa inatekelezwa na inakamilika. (*Makofi*)

Mheshimiwa Mwenyekiti, matarajio yangu ni kuongezeka kwa ufanisi na ufuatiliaji katika utoaji wa huduma kwani sasa wataalamu wote wa Wizara wa Maji wako kwenye Wizara ya Maji na wamewekwa kule makusudi ili kuongeza ufanisi. Wataalam hawa walikuwa chini ya Halmashauri sasa watakuwa chini ya Wizara. Mimi naunga mkono lakini natoa angalizo kwamba ni namna gani sasa hawa watendaji watavyoweza kuwajibika moja kwa moja kwenye Halmashauri zao. Tunaanza kuingia kwenye mchezo kama ule watumishi wa *TARURA*. (*Makofi*)

Mheshimiwa Mwenyekiti, naomba hii Muswada huu uainishe vizuri kati *link* ya watumishi ndani ya Wizara ya Maji na Halmashauri wanazozifanyia kazi kwa sababu ndiyo

kwenye wananchi kule na ndiyo miradi inatokea kule, ndiyo wenye maji lakini halmashauri hizi hazipewi nafasi ya kusimamia miradi hii. Naomba sana kupitia Muswada huu tuone namna gani hawa watendaji ndani ya Wizara ya Maji wanashiriki kikamilifu katika halmashauri wanazokaa.

Mheshimiwa Mwenyekiti, suala la RUWASA, wakala huyu ni muhimu sana na tumetaka hata kuwa na *National Water Fund* (Mfuko Maji wa Taifa) ili usaidie kutafuta fedha. Nashauri fedha kubwa iende ika-*solve* matatizo ya wananchi vijijini kwani maeneo mengi watu wanahitaji maji. (*Makofi*)

Mheshimiwa Mwenyekiti, kwa mfano kuna miradi mingi katika Wilaya ya Busenga, Mradi wa Maji Lamadi zaidi shilingi bilioni 12.6 lakini hakuna Bodi ya Mamlaka ya Maji. Sasa unategemea nini mradi kama huo ambao tumeweka *a lot of investment* lakini hakuna usimamizi sahihi, hakuna Mamlaka ya Maji. Kwa hiyo, naomba sana Waziri u-*take note* hili na kwamba kuna haya ya maeneo kama hayo yanayofanana na Busega basi yaweze kuanzishiwa mamlaka hizi kusimamia miradi hii. Uendelevu wa miradi ya maji vijijini utokane na kuboresha miundombinu pamoja na usimamizi wa vyombo na watumiaji wa maji. Bila kufanya hili vilevile haitatusaidia sana.

Mheshimiwa Mwenyekiti, nimeangalia katika Muswada huu nimeona kwamba pamoja na yote haya, Waziri katika suala la faini ni zuri lakini naomba liangaliwe vizuri. Faini zingine hapa mmezitaja ni kubwa mno lakini kwa matumizi ambayo hayaendani. Naomba faini ambazo mmezitaja ziendane na matakwa au ukiukwaji wa sheria ambazo zitakuwa zimevunjwa. (*Makofi*)

Mheshimiwa Mwenyekiti, pamoja na hayo kuna matatizo ambayo yanajitokeza ambalo ni kodi kwenye miradi ya maji. Naomba sana hili suala liwekwe *clear*, hizi kodi zisiwepo watu wasisumbuliwe. Nachoshauri ni kwamba pasiwe na kodi kwenye miradi hii ya maji na itasaidia sana utekelezaji wa miradi hii na hata fedha zile kufanya kazi kwa utimilifu mkubwa zaidi. (*Makofi*)

Mheshimiwa Mwenyekiti, suala ambalo Wizara hii na naomba pengine waweze kuiga kidogo utendaji wa *DAWASA*. *DAWASA* baada ya kuwa imeundwa upya na hata katika kufuatilia utendaji kazi wa *DAWASA* tunaona kabisa kwamba ni moja ya mamlaka ambayo inajipambanua kutatua tatizo la maji kwa wananchi wa Dar es Salaam. Napenda mamlaka zingine ikiwezekana ziige mfano wa *DAWASA*. Upotevu wa maji wa *DAWASA* pamoja na Mamlaka ya Maji ya Mwanza (*MWAUWASA*) na Mamlaka ya Maji ya Arusha (*AUWASA*), hivi ni vielelezo vizuri sana. Mheshimiwa Waziri hakikisha mamlaka zako zote hizi ikiwezekana wawe na *benchmark* zivasaidie kujua namna gani ya kuweza kwanza kupunguza upotevu wa maji ambao ni gharama kubwa sana lakini pili na kupunguza gharama ya watumiaji maji kwa kufanya vile itasaidia. (*Makofi*)

Mheshimiwa Mwenyekiti, ufungaji wa mita kama za Luku upande wa maji itasaidia sana na hasa kwa taasisi sugu za Serikali hazilipi madeni ya maji, hili ni tatizo. Haiwezekani taasisi hizi zinatoa huduma lakini hazilipwi. Naomba sana Mheshimiwa Waziri wa Maji, Mheshimiwa Rais alishawahi kusema kwamba anayepata huduma asiyelipa maneno ni mawili KATA. Naomba tuiendeleze kauli hii vinginevyo mamlaka hizi hazita-*survive*, lazima watu watumie maji na walipie huduma hizo. Hasa taasisi za Serikali, naomba Waziri uwe mkali kidogo na madeni yaweze kulipwa.

Mheshimiwa Mwenyekiti, baada ya kusema hayo, nakushukuru sana na naunga mkono hoja hii. (*Makofi*)

**MWENYEKITI:** Ahsante kwa mchango wako mzuri.

Waheshimiwa Wabunge, sina matangazo, kwa hiyo, nasitisha shughuli zetu hadi saa 10.00 jioni.

**WABUNGE FULANI:** Nani anaanza?

**MWENYEKITI:** Ninyi muwahi Bungeni, hakuna suala la nani anaanza ni shughuli yangu mwenyewe. Kwa hiyo, nasitisha shughuli za Bunge hadi saa 10.00.



*(Saa 7.00 Mchana Bunge lilitishwa hadi 10.00 Jioni)*

*(Saa 10:00 Jioni Bunge lilirudia)*

**MWENYEKITI:** Waheshimiwa Wabunge, tukae. Katibu!

**NDG. BAKARI KISHOMA - KATIBU MEZANI:**

**MISWADA YA SHERIA YA SERIKALI**

**Muswada wa Sheria ya Huduma za Maji na Usafi wa Mazingira wa Mwaka 2018 *(The Water Supply and Sanitation Bill, 2018)***

na

**Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali (Na. 4) wa Mwaka 2018 *(The Written Laws [Miscellaneous Amendments] (No. 4) Bill, 2018)***

*(Majadiliano Yanaendelea)*

**MWENYEKITI:** Ahsante wachangiaji wetu tunao hapa nianze na Mheshimiwa Jitu Soni.

**MHE. JITU V. SONI:** Mheshimiwa Mwenyekiti, ahsante sana, kwanza nichukue fursa hii kwanza kabisa nimshukuru Mwenyenzi Mungu kwa siku ya leo. Pia nichukue fursa hii kuipongeza Serikali kwa kupitia Wizara ya Maji kwa kuleta muswada huu ambao Wabunge tumeuomba kwa muda mrefu sana. Haya mabadiliko yanatarajia na tunaamini kabisa yataleta mabadiliko makubwa katika kutoa huduma ya maji na hasa maji vijijini.

Mheshimiwa Mwenyekiti, ni Mjumbe wa Kamati ambayo tulipitia muswada huu na tunashukuru kwamba asilimia kubwa ya maoni ambapo Kamati iliyotoa tayari yamefanyiwa marekebisho, tayari Serikali imekubali na tunaamini kabisa sasa kwenye utekelezaji tutapata manufaa makubwa.

Mheshimiwa Mwenyekiti, ombi langu ni moja kwenye *National Water Fund* ni mfuko ambao tunatarajia utakusanya fedha kutoka maeneo na vyanzo mbalimbali ili kuboresha huduma ya maji. Lakini pia tutakuwa na chombo hiki kipya *RUWASA* hapa imependekezwa kuwa *Rural Water Authority* sisi tulikuwa tumependekeza iwe *RUWASA* yaani *Rural Water and Sanitation Authority*.

Mheshimiwa Mwenyekiti, tulikuwa tunaomba ile shilingi 50 ambayo tulitenga huko nyuma ambayo inaenda kwenye Mfuko wa Maji sasa moja kwa moja iwe ni chanzo cha kudumu katika maji vijijini. Lengo huko nyuma ilikuwa ni kwa ajili ya kusaidia huduma ya maji vijiji ile shilingi 50 kwa lita nilikuwa napendekeza kwamba hiyo iandikwe moja kwa moja kwenye sheria kwamba mbali na huu Mfuko wa Maji ambao utatafuta vyanzo mbalimbali lakini ile shilingi 50 iende moja kwa moja katika huduma za maji vijiji ili wananchi huko vijiji waweze kupata huduma za uhakika. (*Makofi*)

Mheshimiwa Mwenyekiti, lakini pia tunashukuru kwamba suala la *sanitation* pia limewekwa wazi na bayana ipo sasa kwenye jina kabisa na hiyo italeta dhana tofauti kwamba hata huko vijijini sasa ambapo tutakuwa na huduma ya maji sio tu kupata maji safi tu na salama lakini pia namna ya kuifanyia kazi mazingira yaani maji yale ambayo ni *waste water*.

Mheshimiwa Mwenyekiti, kumekuwa na ulewa tofauti na hata katika uchangiaji hapa tumeona kuwa na wengi wanachangia kuwa ile sheria inaposema mtu atakapokuwa anatomia maji vibaya yaani labda mtu ameoga kwenye chanzo cha maji au kwenye eneo ambalo kuna huduma ya maji. Hiyo kwenye eneo ambapo kuna *tank* au kuna miundombinu iliyojengwa sasa hatutarajii kwa kweli kwamba mtu yeyote ataenda kwenye miundo mbinu ya maji ambayo ina-*supply* maji hapa Dodoma au kwenye mji wowote au hata kwenye kijiji aende akafanye uchafuzi wa mazingira pale yaani kwa kutumia maji yale vibaya kwa sababu yale maji yanaenda kutumika na binadamu.

Mheshimiwa Mwenyekiti, mbali na hiyo ni ombi lingine ambapo Serikali ifanyie kazi na tukielekea kwenye bajeti kwa sasa hivi vifaa vingi tunatafajia huko mbele *RUWASA* itakuwa ina shughulika na uchimbaji wa maji visima, lakini pia na kutengeneza mabwawa, njia ya pekee ya kuhakikisha kwamba tuweze kupata maji safi na maji salama lakini pia maji kwa matumizi yote ni kuhakikisha kuwa tunavuna maji ya mvua katika maeneo mbalimbali na hasa huko vijiji ni kujenga mabwawa na maeneo ambapo inaleta athari kubwa ambao tunapata maafa yale maji yote tungekuwa tunayavuna tunayaweka kwenye mabwawa, imi nina uhakika kabisa ingekuwa hiyo athari ya mafuriko isingekuwa inapatikana, lakini yale maji tungekuwa tunavuna tungekukwa tunapata maji ya mifugo, maji ya matumizi ya nyumbani, maji kwa ajili ya uwamwagiliaji lakini pia ufugaji wa samaki. *(Makofi)*

Mheshimiwa Mwenyekiti, lakini njia ya pekee ya kuhakikisha hilo linaweza kufanyika ni kuwa na vifaa vya kutosha vya kufanya kazi hiyo Serikali peke yake kwa vijiji tulivyokuwa navyo na maeneo tuliyokuwa nayo haitaweza. Tulikuwa tunaomba Serikali ingalie kwenye bajeti ijayo kwamba kodi zote katika *earth moving equipment* yaani mitambo ambayo ni ya kuchimba maji, lakini pia mitambo ambayo inaweza kutengeneza mabwawa *excavator* na *bulldozer* yaondolewe kodi, ikishaondolewa kodi watu wengi wataingiza hasa zingine ambazo ni *used* bei yake ukipigana *damping charges* na nini inakaribia sawa na bei mpya. *(Makofi)*

Mheshimiwa Mwenyekiti, kwa hiyo, hiyo kodi ikiondolewa patakuwa na usindani watu wengi watakuwa na hiyo mitambo ikiwa mingi, tukiangalia nchi mbalimbali hata wenzetu hapa Kongo tu na Kenya bei yao ya uchimbaji maji tofauti na kwetu na hata ukiangalia kule mahali ambapo hiyo mitambo inatengenezwa bei yao ni chini ya shilingi 10,000 kwa mita kwetu ni shilingi 150,000 mpaka 200,000 kwa mita. Kwa hiyo, ukiondoa kodi nina uhakika jambo hilo litaweza kufanikiwa. *(Makofi)*

Mheshimiwa Mwenyekiti, huko nyuma tulishawahi sheria kwamba kwenye makazi yote vibali vikitolewa vya ujenzi basi lazima huyo mtu aonyeshe michoro na miuondo mbinu ya uvunaji wa maji ya mvua. Kwa sababu yale maji yote tukiweza kuvuna katika nyumba zote ambazo zinazojengwa itaweza kusaidia kwa sehemu kubwa kuhakisha kwamba tunapata maji ya kutosha. (*Makofi*)

Mheshimiwa Mwenyekiti, lakini ombi lingine Serikali ikae na pamoja na Wizara nyingi zote kwa pamoja kuangalia kwamba sasa tumelekea kutumua maji ya ardhini *ground water* kwa sehemu kubwa. Ni vyema sasa tuhakikishe kwamba *recharge* ya ile *ground water* sasa elimu iendeleo kutolewa namna bora ya kuhakikisha kwamba yale maji tunavuna toka ardhini tunafanya teknolojia gani itatumika na mbinu gani itatumika ili sasa yale maji yaweze kuwa *recharged*.

Mheshimiwa Mwenyekiti, lakini muhimu ambalo ni kwa uelewa kwa watu wote hii sheria ni kwa ajili ya maji na maji taka au usafi wa mazingira ambayo inahusu miundombinu na upatikaji wa maji. Hii sio ile sheria ya maji ambapo ina vitu viwili tofauti vyanzo vya maji na zile mabonde yote yale yako kwenye ile sheria nyingine tulikuwa tunaomba mahali ambapo inakinzana na mahali ambapo hizi sheria haziende pamoja kuna mabadiliko mengi yanatakiwa yafanywe kwenye ili sheria nyingine ili iweze kuendana na sheria hii. Tunashukuru Wizara imesema itaifanyia kazi na hiyo sheria nyingine wamesema wataileta ili wafanyie mabadiliko hayo yote mawili yakifanyiwa mabadiliko nina uhakika kwamba huko tunakoelekea sasa tunakuwa tunapata mafanikio makubwa.

Mheshimiwa Mwenyekiti, eneo lingine ambalo limekuwa muhimu ni kuhakikisha kwamba matumizi ya maji kwamba maeneo mbalimbali na humu mahali ambapo huko nyuma ilitajwa kwamba kuna gharama za matumizi ya maji. Ni vizuri wadau wote sasa wahakikishe kabisa wale wanakaa pamoja na huduma ya maji iweze kupatikana kwa bei naafuu ili wananchi haswa huko vijiji waweze kupata maji safi na

salama na pia tukiweza kufanya hivyo gharama nyingi ambao tunatumia kwenye matibabu kwa Wizara ya Afya pia hizo gharama zitapungua kwa sababu magonjwa mengi yanatokana kutokuwa na maji safi na maji salama. (Makofi)

Mheshimiwa Mwenyekiti, kwa sehemu kubwa sisi tulivyopitia muswada huu tunaamini kabisa itakuwa na manufaa makubwa ombi letu ni kwamba Waziri sasa ajitahidi kwamba sheria hii itakapopitishwa kanuni zile ziandaliwe mara moja ili sheria na kanuni ziende kwa pamoja na manufaa kwa wananchi iweze kupatikana. (Makofi)

Mheshimiwa Mwenyekiti, mbali na hiyo ni vizuri sasa Wabunge tutakapofika kwenye kipindi cha bajeti tuangalie vyanzo vingine vya mapato ili sasa tuweze kupendekeza hasa *RUWASA* ambayo ni maji vijijini iweze kuwa na fedha kutosha kutekeleza miradi. Mbali na hiyo pia kuangalia namna bora na baadhi na miradi ambapo inawezakana kwa kutumia *force account* Wizara izingatie ili iweze kutumia *force account*.

Mheshimiwa Mwenyekiti, ahsante sana naunga mkono hoja. (Makofi)

**MWENYEKITI:** Ahsante sana kwa mchango wako mzuri. Tunaendelea Mheshimiwa Antony Komu atafuatiwa na Mheshimiwa Hamidu Bobali.

**MHE. ANTONY C. KOMU:** Mheshimiwa Mwenyekiti, nakushuru sana kwa kunipa nafasi kuchangia muswada huu ambao kwa hali halisi ni muswada muhimu kwa sababu unashughulikia jambo ambalo siku zote tumekuwa tukiambiwa maji ni uhai.

Mheshimiwa Mwenyekiti, nianze kwa kazi kubwa ambayo ilifanya na Kamati kupitia muswada huu na niishukuru sana Serikali kwamba ilikubali lile jina waliloleta *RUWA* kubadilika kuwa *RUWASA* kama sisi tulivyokuwa tumependekeza kwenye Kamati na sababu kubwa ya kuweka lile neno *sanitation* liweze kuonekana ni ili kuanzia

kwenye jina watu wajue kwamba suala la kujenga miundombinu au kuweka fursa ya kujenga hiyo miundombinu baadae wakati wanasanifu mradi wowote wa maji ni jambo la muhimu na la msingi sasa. Kwa sababu kama alivyosema ndugu yangu Mheshimiwa Jitu Soni, kumekuwa na zana potofu kuwa kijiji hakuhitajiki sana hiyo miundombinu, lakini baada ya muda fulani hivyo vijiji vinabadilika kuwa miji na matokeo yake tunakuja kukumbana na bomoa bomoa kwa sababu ya kutokuzingatia mambo kama haya wakati tunasanifu miradi.

Mheshimiwa Mwenyekiti, sasa niende kwenye zana hii nzima ya umuhimu wa *RUWASA* na hapo niungane na maoni Kambi Rasmi ya Upinzani Bungeni pale waliposema kwamba kuanzisha tu wakala hakutoshi ni lazima tuangalie ni kwanini hizo changamoto ambazo Waziri amezitungumza hapa kwenye hotuba yake kwamba miradi imekuwa ikijengwa lakini baada ya muda zile mamlaka kule chini au zile bodi za watumia maji kushindwa kuihudumia na kuiendeleza ile miradi imekuwa ikifa. Sasa kuanzishwa kwa huu wakala maana yake ni lazima kuwe na tofauti, ninachojuliza ni kwamba tofauti itatoka wapi kama hatuta ongeza rasilimali kwa maana ya fedha, kwa maana ya vitendea kazi, kwa maana ya watendaji ambao wenye weledi waende kule. (*Makofi*)

Mheshimiwa Mwenyekiti, lakini kama tutafanya kama tulivyofanya *TARURA* uchukue ma-*engineer* wale waliopo pale Halmashauri uhamishe ukawafanye kuwa *independent entity* halafu usiwaongeze kitu chochote maana yake bado kunaweza kuwa na hata tatizo kubwa zaidi kuliko hata tulilokuwa nalo. (*Makofi*)

Mheshimiwa Mwenyekiti, kwa hiyo, nasema kama hayo yatafanyiwa kazi basi sioni shida yoyote tunaweza kwenda vizuri. Na tatu ni ushirikishwaji wa Serikali za Mitaa kwenye Ibara 48 kuna mambo mengi yameanishwa pale kwa kweli niipongeze Serikali kwa hiyo hatua kwa sababu tofauti na wakati ule tunaanzisha *TARURA* angalau hapa kuna

mwelekeo ambao umetolewa kwa namna fulani halmashauri zinaweza zikapata ushirikishwaji.

Mheshimiwa Mwenyekiti, lakini ukienda kwenye Ibara ya 49 unaona nguvu zimetolewa zaidi yaani ulazima wa kutoa taarifa na mipango umetolewa zaidi kwenye *DCC* na *RCC* ambavyo ni vyombo tu vya mashauriano na hata muda wake wa kukutana ni mara chache sana katika mwaka na wakikutana wanakutana kwa muda mfupi na wanakuwa hawana ufahamu wa kutosha kwenye haya mambo. *(Makofi)*

Mheshimiwa Mwenyekiti, naomba sana Serikali ianglie uwezekano wa kufanya ni lazima mipango ya wakala hii na maendeleo ya utekelezaji wa shughuli zake yatolewe kwa lazima kama taarifa kwenye Mabaraza ya Madiwani ambao ndio wenye watu, ndio ambao wana maslahi mapana kwenye masuala mazima ya maji kule chini. *(Makofi)*

Mheshimiwa Mwenyekiti, kwa hiyo, nimeleta hapa *amendment* ambayo na ninafikiri Serikali itaizingatia na nitawaomba Wabunge kama ikibidi tushirikiane kwenye hili ili tuweze kuweka mambo yakaenda vizuri na hapa nirejee, nilikuwa namsikiliza Mheshimiwa Rais akiwa anazungumza kule Chato na Baraza na Madiwani aliwaambia kwamba ni lazima wazimamie kikamilifu rasilimali za Halmashauri. Sasa sioni itawezekanaje hii azma ya Rais kama hatutawapa/hatutafanya hizi wakala zikawa na ulazima wa kupeleka taarifa kule kwa sababu kuna msemo wa kingereza unasema *information is power*, sasa ukishawanyima watu hawa uwezo wa kupata habari itakuwa shida kuweza kufanya hayo ambayo Rais anatamani yafanyike. *(Makofi)*

Mheshimiwa Mwenyekiti, lingine ambalo lipo kwenye hotuba ya Mheshimiwa Mgimwa - Mwenyekiti wa Kamati ni kupitia sheria nyingine hasa ile Sheria ya Usimamzi wa Rasilimali za Maji Sheria Na. 11 nafikiri ya mwaka 2009. Kuna mambo mengi ambayo yameshapitwa na wakati, kwenye sheria za nchi hii kuna sheria inasema ukitaka kuvuna maji ya mvua kama unavuna zaidi ya lita 20,000 unapaswa uwe na

kibali maana yake ukivuna maji zaidi ya lita 20,000 na ukaja, huyo mtu mwenye mamlaka ya kutoa hicho kibali akaja akakukuta umefanya hivyo maana yake utakuwa umetenda kosa na unaweza ukawajibishwa. Sasa sheria za namna hiyo zimeshapitwa na wakati lazima zinagaliwe upya. (*Makofi*)

Mheshimiwa Mwenyekiti, ukisikiliza juzi juzi Mheshimiwa Rais alikuwa anazungumzia kufanya shughuli za kibinadamu kwenye ule upana wa mita 60 kwenye vyanzo vya maji. Ni kweli kwamba ile sheria inapswa ingaliwe upya kwa sababu mito ambayo inapita mjini hivi kweli bado tunahitaji mita 60 kwa ajili ya shughuli za kibinadamu kwa hiyo kuna mambo kama hayo ya kufanya. (*Makofi*)

Mheshimiwa Mwenyekiti, lakini kuna makatazo mengine hata kwenye hii sheria bado yapo ambayo kwa kweli Serikali inapaswa ingalie kwa mfano pale wanaposema kwamba zisifanyike shughuli ambazo ni za kujenga miundombinu kwa ajili ya matumizi labda ya bustani au *domestic use*. Sheria za aina hiyo ni *very conservative*, zinafanya watu washindwe kufanya maendeleo ambayo kweli yanandaena na mahitaji na sayansi au maendeleo ya kisayansi yaliyopo leo.

Kwa mfano kuna mahali nimeona kwenye sheria hii wanasema kwamba mambo anaweza kufanya bila ruksa, maana yake kuchimba kisima ambacho kinachimbwa kwa mkono hicho ndicho ambacho hakiruhusiwi (*shallow hand dig dam wealth*) hicho ndicho kinaruhusiwa

Mheshimiwa Mwenyekiti, lakini kwenye karne hii tunazungumza habari ya kujenga visima kwa kutumia jembe la mkono! Maana yake leo nikienda nikajenga kisima pale nyumbani kwangu ambacho nimetumia labda nimeleta *bulldozer* au greda au *excavator* nikachimba kwa sababu nimetumia kitu ambacho sio kwa kutumia mkono maana yake inaweza ikaonekana kwamba nimefanya kosa na nikahukumiwa.



Mheshimiwa Mwenyekiti, mambo kama haya ni mambo ambayo ninaiomba sana Serikali na Bunge lako yatizamwe na kuondolea vitu vya namna hivyo. (*Makofi*)

Mheshimiwa Mwenyekiti, kuna masuala yanayohusu fidia, masuala ya fidia hayajapewa uzito ambao unastahili. Kwa hiyo, sisi kwenye Kamati na hata kwenye hotuba ya Msemaji wa Kambi Rasmi ya Upinzani jambo hili limesisitizwa na ninaiomba sana Serikali ione kwamba ni jambo la muhimu. Kwa sababu tusipofanya hivyo hawa ma-*engineer* wetu na wataalam wetu wanavyosanifu hiyo miradi na kwenye vichwa vyao vikaonekana vikawa havikumbushwi kwamba kuna suala la fidia ndipo hapo ambapo unakuta kwamba watu wanaleta mradi na wakishaleta mradi wanasema Serikali Kuu itakuja kufidia au mfadhili atakuja kufidia au hakuna fidia. Jambo hili kwa kweli linakuwa si sahihi hata kidogo na si haki kwa wale ambao wanafanyiwa vitu vya namna hivyo. Kwa hiyo niombe sana, suala la fidia liwe ni suala ambalo ni la lazima na lizingatiwe tangu wakati wa usanifu wa mradi.

Mheshimiwa Mwenyekiti, jambo lingine ambalo limezungumzwa vilevile na wachangiaji walionitangulia ni kuhusu suala la tafsiri ya matumizi mabaya ya maji. Tuliomba sana kwenye Kamati kwamba tafsiri ya matumizi mabaya kwenye maji itolewe na iwekwe kwenye sheria ili wale maofisa ambao wanahusika na kusimamia hizi rasilimali za maji waweze kuongozwa vizuri katika kulishughulikia jambo hili.

Mheshimiwa Mwenyekiti, nimeona maeneo mengine maofisa wanaohusika wakikuta tu vijana wanateka maji na wanatumia kuoshea magari wanaambiwa wanafanya matumizi mabaya ya maji na wanapewa adhabu ambazo ni za ajabu kabisa, adhabu ambazo zinaweza zikalinganishwa na mtu ambaye anateka maji ya kwenda kufanya *irrigation*. Kwa hiyo kukwepa mambo kama hayo ni vizuri kungekuwepo na tafsiri na hiyo tafsiri iwekwe kwenye sheria ili kila mmoja aweze kuongozwa na hilo.

Mheshimiwa Mwenyekiti, lingine ni kuhusu hii dhana ya kutoruhusu kujenga miundombinu kwenye vyanzo vya maji. Wanasema kwamba hata kama unatumia maji kwa ajili ya matumizi labla ya nyumbani, yale ya kibinadamu, lakini ukiteka hayo maji kwa kutumia miundombinu ambayo imejengwa maana yake ni kosa.

Mheshimiwa Mwenyekiti, na hii dhana nayo inadumaza maendeleo kwa watu wetu. Kwa sababu inawezekana kwamba mimi nina bustani, lakini nina *pump*, badala ya kuchota maji kwa ndoo na kwenye kichwa kutoka kwenye mto ninaweka *pump* pale nachota maji namwagia ile bustani ambayo inaeleweka kwamba ni bustani inahitaji labda ndoo kumi au lita 200; nikafanya hiyo kazi na nikaifanya kwa muda mfupi na kwa ufanisi mkubwa nikaondoka.

Mheshimiwa Mwenyekiti, lakini mtu mwingine akienda kuchota kwa *wheel barrow*, akachota lita 1000, kwa sababu tu hajajenga miundombinu hata kuwa ametenda kosa, lakini mimi ambaye nitatumia *pump* nikachota lita 200 nitakuwa nimefanya kosa. Sasa dhana kama hizi ninafikiri zinadumaza watu wetu na matokeo yake ni kwamba tutaendelea kurudi nyumba badala ya kwenda mbele. Kwa hiyo, niombe sana Serikali kwamba na hili ilizingatie ili liweze kupata usahihi katika maendeleo ya maji.

Mheshimiwa Mwenyekiti, baada ya kusema hayo niseme ninaunga mkono sana hotuba na maoni ya Kambi Rasmi ya Upinzani Bungeni na ningeiomba sana Serikali iyazingatie kwa sababu ukweli ni kwamba sisi ni kioo chenu na kama unataka kupendeza ni vizuri ukajianganalia kwenye kioo kabla ya kutoka. Kwa hiyo, Mheshimia Waziri kabla ya kutoka na hii sheria ni vizuri ungetizama mara mbili mara tatu maoni haya ili ukatoka ukiwa uko vizuri zaidi wale ambao wanataka kukutakia mambo mabaya wakute kwa kweli tayari umeshawa *pre-empt*. (*Makofi*)

Mheshimiwa Mwenyekiti, kwa hiyo baada ya kusema hayo nakushukuru sana. (*Makofi*)

**MWENYEKITI:** Ahsante sana kwa mchango wako. Mheshimiwa Hamidu Bobali dakika saba na nusu atafuatiwa na Mheshimiwa Margret Sitta na Mheshimiwa Najma Giga.

**MHE. HAMIDU H. BOBALI:** Mheshimiwa Mwenyekiti, nakushukuru. Asubuhi nimewasilisha maoni ya Kambi ya Upinzani, mengi ambayo nimeyapendekeza nadhani Serikali itakuwa wameyaona na sasa nataka ni-*summarize* kwenye hoja chache.

Mheshimiwa Mwenyekiti, kwanza niipongeze Serikali kwa kuleta Muswada huu wa Sheria. Huu Muswada utafanya kupunguza idadi ya sheria zinazoshughulika na maji. Mpaka sasa Mheshimiwa Mwenyekiti kuna sheria kumi ndani ya nchi hii zinazoshughulika na maji; nitazitaja haraka haraka.

Mheshimiwa Mwenyekiti, kuna Sheria ya Usimamizi wa Rasilimali za Maji Na. 11 ya mwaka 2009, kuna Sheria ya Ardhi Na.4 ya mwaka 1999, Sheria ya Usimamizi wa Mazingira Na.20 ya mwaka 2004, Sheria ya Misitu Na.14 ya mwaka 2002, Sheria ya Taifa ya Umwagiliaji Na.4 ya mwaka 2013, Sheria ya Huduma za Maji na Usafi wa Mazingira Na.12 ya mwaka 2009; hii inafutwa na sheria hii, Sheria ya *DAWASA* Na. 20 ya mwaka 2001 na hii inafutwa, Sheria ya *EWURA* Na.11 ya mwaka 2001 na hii inafutwa, Sheria ya Serikali za Mitaa na Sheria ya Afya kwa Jamii Na.1 ya mwaka 2009.

Mheshimiwa Mwenyekiti, kwa hiyo ninachotaka kusema nini, ninachotaka kusema kwamba kumekuwa na sheria nyingi zinazohusika na masuala ya maji. Mheshimiwa Komu amesema kuna Sheria Na.12 ya mwaka 2009, hii ilipaswa iwe *accommodated* ingefutwa na sheria hii kama ambavyo mmeifuta Sheria Na.11 ya mwaka 2009.

Mheshimiwa Mwenyekiti, kwa hiyo, haya malalamiko wanayoyasema Waheshimiwa Wabunge, kwamba ukichimba kisima ukawa unavuna ama ukawa unavuna maji ya mvua lita 20,000 bado wapo kwenye Sheria Na.12 ya mwaka 2009; huko ndiko kuna adhabu kubwa kabisa.

Mheshimiwa Mwenyekiti, na ninadhani kwa sababu tu Serikali haijaamua kufuata ile sheria vinginevyo takriban watu wote wa Tanzania nusu wangukuwa wako magerezani kwa sababu kuna hukumu kubwa, lakini pia ni sheria ambayo kwa kweli haiendani na wakati tulionao. Kwa hiyo, hilo jambo moja

Mheshimiwa Mwenyekiti, jambo la pili, Waheshimiwa Wabunge wengi wamechangia juu ya tafsiri ya neno *misuse of water* hili neno *misuse of water* (matumizi mabaya ya maji) ni vizuri linge kuwa limefafanuliwa, tena ndani ya sheria.

Mheshimiwa Mwenyekiti, mimi nimeleta *amendment* na nime-*define* kabisa. Ninaomba suala la maji ni suala ambalo halihitaji kuleta tena itikadi, ni suala ambalo linawahudumia Watanzania wote, hili halihitaji itikadi, tuliweke hapa, kwa sababu tusipoliweka neno *misuse of water* watu wengi watakwenda kuhukumiwa ama tutachochea rushwa kwenye utekelezaji wa hii sheria.

Mheshimiwa Mwenyekiti, kwa hiyo ninaomba sana na Mwanasheria Mkuu wa Serikali wakati mpo hapo mliangalie, kwa sababu tumeleta *amendments* ili tuweze kuli-*accommodate*. Waheshimiwa Wabunge wengi mmesikia wanalilalamikia, kwamba ni neno ambalo lipo kana kwamba *sky is limit*, yaani mtu anaweza kukaa kwa maono yake akasema umetumia vibaya maji. Kwa hiyo ni vizuri tukaliweka kwa sababu ni jambo ambalo ni dhana sana.

Mheshimiwa Mwenyekiti, jambo lingine, Waheshimiwa Wabunge waliochangia wakati wa asubuhi wameeleza kwamba mpaka sasa upatikanaji wa maji vijijini ni asilimia 58, upatikanaji wa mijini ni asilimia 78, malengo ya Taifa ifikapo mwaka 2020 vijijini kuwe na upatikanaji wa maji wa asilimia 85 na asilimia 95 mijini. Sasa hapa ninaongezea hoja yangu, ile Sheria Na.12. Kama Sheria ya Rasilimali za Maji itaendelea kuwa vilevile hili lengo halitafikiwa. Kwa sababu kwanza Sheria Na.12 ya mwaka 2009 inazuia hata watu kuvuna maji kwa wingi na kuweza *ku-supply* kwa watu wengine. Kwa hiyo, hili lengo mililoliweka, kwa sababu hii sheria ina-*deal* na

ku-*supply* maji hai-*deal* na namna ya upatikanaji wa maji; sheria inayohusika na upatikanaji wa maji ni Sheria Na.12 ya mwaka 2009.

Mheshimiwa Mwenyekiti, kwa hiyo Mwanasheria Mkuu wa Serikali liangalieni hili, nalo lingekuwa ni vyema mkali-*accommodate*, lakini kwa kuwa mmechelewa ni vyema mkaleta hata *amendment*, vinginevyo hili lengo tulilojiwekea la 2020 kuwa na asilimia 85 na asilimia 95 haliwezi kufikiwa ikiwa mpaka sasa tuko asilimia 58.

Mheshimiwa Mwenyekiti, jambo lingine ambalo sisi tumeliona, kwanza nishukuru hata mapendekezo mengi ambayo tumeyatoa na *amendments* ambazo tumezi-*move* nyingi Serikali mmeziangalia. Hata hivyo kuna changamoto nyingine ambayo kama Kamati tumeiona ni kwenye suala zima la Mfuko wa Maji.

Mheshimiwa Mwenyekiti, *TARURA* wanafanya vizuri kwa sababu sheria imeainisha kabisa, hawa watachukua fedha za Mfuko wa Barabara asilimia 30 na hawa watachukua fedha asilimia 70. Kwa hiyo, mgawanyo wa umeoneshwa kwenye sheria. Mimi nilidhani sheria hii ingeweka kabisa mgawanyo wa fedha za Mfuko wa Maji.

Mheshimiwa Mwenyekiti, Mheshimiwa Zitto ameeleza hapa asubuhi, ukisoma ripoti ya utekelezaji wa bajeti ya Wizara ya Maji fedha nyingi ya Mfuko wa Maji inatumika mijini, na hiki ndicho chanzo ambacho kina uhakika, hakuna chanzo chochote kwenye Wizara ya Maji chenye uhakika kama siyo fedha ya Mfuko wa Maji, hakuna. Vyanzo vingine vyote upatikanaji wa fedha mpaka sasa ni asilimia 10, 12 na 14; lakini chanzo madhubuti ni Mfuko wa Maji.

Mheshimiwa Mwenyekiti, kwa hiyo kwa kuwa tunakusudia kupeleka maji vijijini ni vema sheria ingeweka wazi kwamba hizi fedha za Mfuko wa Maji basi asilimia 50 ziende vijijini asilimia 50 ziende mijini, lakini kuachia *loophole*, tunafahamu miradi mingi ya mijini ni miradi mikubwa inayotumia fedha nyingi. kwa hiyo kama tutaendelea

kuachia hivi itakuwa vijijini tunapeleka *petty cash*, mradi wa shilingi milioni 10/milioni 12 unatengenezwa mradi mmoja, mjini unagharimu shilingi bilioni 50. Kwa hiyo Mheshimiwa Mwenyekiti, hili tulitaka tuliweke wazi... (*Makofi*)

*(Hapa kengele ililia kuashiria kuisha kwa muda wa Mzungumzaji)*

**MWENYEKITI:** Ahsante sana Mheshimiwa Bobali, Mheshimiwa Margret Sitta, una dakika kumi.

**MHE. MARGRET S. SITTA:** Mheshimiwa Mwenyekiti, ahsante kwa kunipa nafasi hii na mimi nichangie hoja iliyoko mezani.

Mheshimiwa Mwenyekiti, awali ya yote nachukua nafasi hii kwa niaba ya wapiga kura na wananchi wote wa Urambo kuishukuru sana Serikali ya Awamu ya Tano kwa kukubali Urambo iwe moja ya Miji Midogo itakayopitiwa na mradi wa maji kutoka Ziwa Victoria, tunaishukuru sana sana. (*Makofi*)

Mheshimiwa Mwenyekiti, pili, nichukue nafasi hii pia kuishukuru Serikali kwa kuja na muswada huu mzuri ambao unalenga hasa kusaidia upatikanaji wa maji hususan katika maeneo ya vijijini, naishukuru sana Serikali jambo zuri imefanyika siku ya leo. (*Makofi*)

Mheshimiwa Mwenyekiti, mimi kama mama najua jinsi wanawake wanavyopata shida. Ni kweli akina baba wanajua, lakini kwa sehemu kubwa ndugu akina mama ndio tunaopata tabu ya maji. Kwa hiyo, kwa niaba ya akina mama waliomo humu Bungeni na walioko nje tunaipongeza Serikali kwa kuja na muswada ambao utasaidia upatikanaji wa maji, jambo ambalo ni muhimu sana hasa kwa sisi wanawake ambao huwa tunaamka alfajiri kwenda kutafuta maji, naishukuru sana Serikali. (*Makofi*)

Mheshimiwa Mwenyekiti, lakini jambo ambalo limenifanya hasa niulize ni uwakilishi wa wanawake katika

bodi mbalimbali za *RUWA* (Mamlaka ya Maji Vijijini). Ukiangalia kwenye ukurasa wa 50, Bodi ya Mkoa, katika jedwali la kwanza kifungu cha 1(f)(v) Waziri ataunda Bodi ya watu kumi watakaolingia katika Bodi ya Mkoa.

Mheshimiwa Mwenyekiti, katika kipengele cha tano kinaonesha ni mwanamke mmoja tu katika watu kumi. Mmoja tu ndiye atakayeingia kwenye Bodi hiyo atakayewawakilisha wenzao. Je, ni kwa nini mmoja na labda inawezekana pia ni bahati mbaya, katika watu kumi mwanamke mmoja ndiye atakayewakilisha wanawake, ambapo wanawake ndio wangesaidia sana kuelezea changamoto wanazozipata kule vijijini, lakini kati ya watu kumi, mmoja ndiye mwanamke. Naomba suala hili liangaliwe ili uwakilishi katika ngazi ya mkoa uwe mkubwa zaidi kuliko ilivyo hivyo.

Mheshimiwa Mwenyekiti, hali kadhalika ukiangalia kwenye Bodi ya Wilaya kwenye ukurasa wa 51, kati ya wajumbe saba wanaoteuliwa na Waziri hakuna mwanamke hata mmoja katika ngazi ya Wilaya. Je, imesahaulika kwa bahati mbaya? Naomba suala hili liangaliwe; katika Bodi za Wilaya hali ni mbaya uwakilishi wa wanawake. Hali kadhalika mahali ambapo mamlaka itahudumia zaidi ya Wilaya moja, kati ya wajumbe wanane watakaoteuliwa ni mwanamke mmoja tu, ukurasa ule wa 51.

Mheshimiwa Mwenyekiti, mimi naomba suala la uwakilishi wa wanawake katika bodi uangaliwe vizuri zaidi ili haki itendeke, kwa sababu wao ndio wanajua na watawapa taarifa nzuri zaidi. Kwa hiyo naomba uwakilishi uzingatiwe katika ngazi zote ambazo nimezungumzia.

Mheshimiwa Mwenyekiti, lingine la muhimu ambalo nimetaka kuzungumzia ni suala la upatikanaji wa fedha za kuendeshea huo mfuko wa *RUWA* utakaoanzishwa, chanzo chake ni nini? Tunaomba kiwe wazi kwa sababu kwa muda mrefu Waheshimiwa Wabunge walikuwa wakizungumza labda asilimia 50 au senti 50 zichangie katika mfuko utakaoanzishwa vijijini, lakini sasa hivi hatujapata uhakika juu fedha zitakazoendeshea huu mfuko wa vijijini.

Mheshimiwa Mwenyekiti, kwa sababu hata kama vile Urambo tutapata maji kutoka *Lake Victoria* haisaidii vijijini sana kwa sababu labda itakuja kilometa 12 kutoka kwenye bomba kubwa milimita 12 pande zote mbili. Kwa hiyo bado kuna haja ya kuwa na mfuko imara utakaohudumia vijijini. Kwa hiyo suala langu mimi ni kwamba tuwe na uhakika wa chanzo cha fedha cha kuendeshea *RUWA* utakaowezesha *RUWA* kufanya kazi.

Mheshimiwa Mwenyekiti, baada ya kusema hayo, hoja yangu kubwa ilikuwa ni uwakilishi wa wanawake, kushukuru Serikali kwa kuanzisha *RUWA* na kushukuru pia Urambo kuingizwa katika kupata maji kutoka *Lake Victoria*. Hata hivyo jambo la leo Waheshimiwa Wabunge wote upatikanaji wa maji vijijini ni muhimu, kwa hiyo *RUWA* iangaliwe kwa makini fedha ziwe za kutosha.

Mheshimiwa Mwenyekiti, nashukuru sana, na ninaunga mkono hoja ahsante sana. (*Makofi*)

**MWENYEKITI:** Ahsante sana Mheshimiwa kwa mchango wako, Mheshimiwa Najma Giga dakika tano, atafuatiwa na Mheshimiwa Mussa Mbarouk dakika saba na nusu na Mheshimiwa Agness Marwa ajiandae, dakika tano.

**MHE. NAJMA MURTAZA GIGA:** Mheshimiwa Mwenyekiti, ahsante sana. Mimi nitajikita katika katika Muswada wa Mabadiliko ya Sheria Mbalimbali Na. 4 ya mwaka 2018.

Mheshimiwa Mwenyekiti, niseme tu kwamba Muswada huu una marekebisho madogo sana ambayo naungana moja kwa moja na Serikali kwa vipengele vile ambavyo wameweka katika Sheria hii ya Serikali za Mitaa ambayo ina jambo ambalo ni la muhimu kulifanyia marekebisho kwa wakati huu, kwa maana ya kuongeza faini kutoka ile shilingi 50,000 kwa maana ya faini isiyozidi shilingi 50,000 kwenda faini isiyozidi shilingi 300,000 ili iweze kulingana na Sheria za Serikali za Mitaa na isiweze kukinzana na Sheria hiyo ya Serikali za Mitaa Sura ya 288 kifungu cha 97. Ili ziiweze



kwenda sawa na kifungu cha 156(3) cha Sheria ya Serikali za Mitaa, kwa hiyo haina tatizo.

Mheshimiwa Mwenyekiti, ukizingatia kwamba mabadiliko yanatokea na shilingi inapanda kwahiyo hatuwezi kuwa na adhabu ile ile kwa muda mrefu bila kufanyiwa marekebisho. Kwa hiyo, haina tatizo na naunga mkono kwa asilimia zote hiyo hoja ya Serikali.

Mheshimiwa Mwenyekiti, lakini pia kuna sehemu ya tano inahusu Sheria ya Bodi ya Utalii Sura ya 364 kifungu cha 3. Hii imemuwezesha sasa Mwanasheria Mkuu ambaye ndiye Mshauri Mkuu wa Serikali kuweza kuingilia masuala au mashauri yanayofunguliwa mahakamani dhidi ya Bodi hii ya Utalii.

Mheshimiwa Mwenyekiti, kwa vile yeye ndio Mshauri Mkuu wa Serikali na hii Bodi ni chombo cha Serikali, kwa hiyo, kuna umuhimu wa yeye kuingilia masuala haya na kuona namna gani Bodi yetu ya Utalii inaweza kufanya kazi yake vizuri.

Mheshimiwa Mwenyekiti, pia katika sehemu hiyo hiyo wameongezea majukumu ya Bodi hii ya Utalii ambayo mwanzo yalikuwa pengine hayakukaa sawa, lakini sasa hivi ili kuziba mianya hiyo na ili kuweka sheria iwe nzuri zaidi, majukumu hayo yamewekwa kwa ufanisi zaidi ili tuweze kupata tija katika shughuli yetu ya utalii na kukuza nje na ndani ya nchi yetu.

Mheshimiwa Mwenyekiti, kwa vile, nimesema Muswada huu ni mfupi sana na hayo niliyozungumza ni ya muhimu sana, lakini pia nichukue fursa hii kuwapongeza sana Serikali kwa kuikubalia Kamati kutoa kifungu cha 3 na cha 4 ambacho kilikuwa kinahusu mafao kwa Watumishi Wastaafu wa Kisiasa, Sura ya 255, lakini pia na haki ya watumishi kwa *pass* za kidiplomasia. Naishukuru sana Serikali, wamechukua uamuzi mzuri wa kutufuata Kamati na ninaamini watakwenda kulifanyia kazi kwa uzito unaostahiki. Kwa sababu tunachokiomba sisi tumekiona kidogo, lakini kwa upande

wao wanaweza kuona kwamba kuna ugumu fulani lakini naamini watakapokwenda kukaa watatuingiza na sisi Waheshimiwa Wabunge baada ya kustaafu tuweze kupata *pass* za diplomasia. Hilo ndiyo lilikuwa lengo kubwa la Kamati yetu.

Kwa hiyo, wamelichukua hilo na wameliondoa kwa pamoja kwenye vifungu vyote viwili ili wakakae sawa sasa na kuweza kuirudisha kwa namna nzuri ambayo sisi Wabunge tutapata *privilege* hiyo na yule ambaye kwamba atakuwa amekosea jamani, basi atakuwa na haki ya kufutiwa hiyo *pass*. Kwa ambaye atatumia vizuri, basi tumwachie apate *privilege* kwa sababu Waziri na Mbunge tunafanya kazi zinazofanana. (*Makofi*)

Mheshimiwa Mwenyekiti, kwa hiyo, haya ndiyo niliyokuwa nayo. Nashukuru sana, ahsante. Naunga mkono hoja. (*Makofi*)

**MWENYEKITI:** Ahsante. Mheshimiwa Agness Marwa, Mheshimiwa Mbarouk na Mheshimiwa Lucy Magereli ajiandae. Dakika tano Mheshimiwa.

**MHE. AGNESS M. MARWA:** Mheshimiwa Mwenyekiti, sawa.

Mheshimiwa Mwenyekiti, nakushukuru sana kwa kunipa nafasi hii adhimu ya kuchangia Muswada huu wa Maji. Kwanza niipongeze sana Kamati hii kwa kazi nzuri waliyoifanya ya kurekebisha muswada huu japokuwa baadhi ya vifungu vinatakiwa kurekebishwa.

Mheshimiwa Mwenyekiti, kipekee namshukuru sana Mheshimiwa Rais kwa kuleta muswada huu Bungeni ili kusudi Wanakamati waujadili na sisi Wabunge tuujadili na baadae tuupitische. Mimi nauunga mkono kwa asilimia 9,999 na moja ya Mungu, kwa maana ya kwamba muswada huu ni mzuri. (*Makofi/Kicheko*)

Mheshimiwa Mwenyekiti, pamoja na kuwa muswada huu ni mzuri, kuna baadhi ya vitu ambavyo tunatakiwa kujua au vinatakiwa kurekebishwa. Kwa mfano, tunatakiwa kujua matumizi yaliyo sahihi na matumizi yasiyo sahihi ni yapi? Kwa sababu ukisema tu matumizi yaliyo sahihi au yasiyo sahihi, hata sisi Wabunge mtatukuta siku moja tuko Mahakamani kwa sababu ya matumizi yasiyo sahihi. Naweza kutoka hapa Bungeni nimeshika kitu kibaya, nikaenda pale nje nikanawa mikono tu. Kwa kuwa nimenawa mikono na sijaweka bakuli kwa chini, basi yatakuwa labda matumizi yasiyo sahihi. *(Makofi)*

Mheshimiwa Mwenyekiti, namshukuru sana na ninampongeza sana Mheshimiwa Magufuli kwa kumtua mwanamke ndoo kichwani. Kule kwetu Mkoa wa Mara ukianza na Wilaya Musoma Mjini kupitia mradi wa Bukanga, sasa hivi mabomba ya majisafi yanapasuka ovyo. Kutokana na mradi huo wa Bukanga, kwa sababu maji yamekuwa mengi sana na kupitiliza, Mheshimiwa Magufuli amewaagiza wataalam wake, wameshatawanyika katika Wilaya zote za Mkoa wa Mara na wameanzia na Wilaya yangu au Jimbo langu la Tarime Mjini na Vijijini, lakini pia wameenda kwenye Jimbo langu la Bunda Mjini, wamefanya utafiti, lakini pia wameshaweka utaratibu wa kupeleka maji hayo yanayotokana na huo mradi wa Bukanga kupeleka kote huko katika hayo Majimbo lakini pia kupeleka Mkoa wa Mara mzima kwa jumla. *(Makofi)*

Mheshimiwa Mwenyekiti, kwa hiyo, nampongeza sana Mheshimiwa Rais kwa pesa nyingi alizozitenga kwa ajili ya mwanamke. Mheshimiwa Rais anaonyesha ni jinsi gani anavyomjali mwanamke, anaonyesha ni jinsi gani anavyomjali mzazi, anaonyesha ni jinsi gani mzazi alivyomuuma. Ndiyo maana tulimwonyesha Mheshimiwa Rais kwamba tunamwomba awatue wanawake ndoo kichwani, sasa ameamua kujikita kwenye suala la kumtua ndoo mwanamke kichwani.

Mheshimiwa Mwenyekiti, niwaombe ndugu zangu, hasa kaka yangu Mheshimiwa Heche. Mheshimiwa Heche

asitupotezee muda wa kutoletewa maji Tarime. Kwa sababu muswada huu umekaa vizuri sana na Mheshimiwa Rais kauleta kaweka wazi haya mambo. Yeye anawaambia kule wananchi kwamba hakuna maji, hakuna nini kitu ambacho siyo kizuri sana.

Mheshimiwa Mwenyekiti, kwa hiyo, tunamwomba sana Mheshimiwa Rais kwa maombi niliyomwomba mimi Mbunge wa Tarime Mjini na Vijijini afanye haraka suala hili ili kusudi wanawake wa Tarime sasa wajue kwamba kupitia yeye Mheshimiwa Rais kwa kura walizompa, ameweza kuwapelekea maji na kuwatua ndoo kichwani, na mimi Mbunge wao sasa nimeomba na watapata maji. *(Makofi)*

Mheshimiwa Mwenyekiti, nakushukuru sana, sina zaidi ya hayo. Nasema naunga mkono hoja kwa asilimia mia moja. Ahsante. *(Makofi)*

**MWENYEKITI:** Ahsante sana. Tunaendelea Waheshimiwa Wabunge. Mheshimiwa Mbaruku, atafuatiwa na Mheshimiwa Lucy Magereli na Mheshimiwa James Mbatia ajiandae.

**MHE. MUSSA B. MBAROUK:** Mheshimiwa Mwenyekiti, ahsante. Labda kwanza nianze kwa kumshukuru Mwenyezi Mungu ambaye ametujalia afya njema na kukutana katika Bunge letu hili.

Pili, nachukua fursa hii kuwatakia Wabunge wenzangu wote pamoja na wapiga kura wangu wa Jimbo la Tanga, heri ya mwaka mpya. *(Makofi)*

Mheshimiwa Mwenyekiti, mimi niseme, maji ni kitu muhimu. Hata katika kitabu chetu sisi Waislam katika Quran Mwenyezi Mungu anasema *Wajaalna-l-mai kullu shaiyn haiy* (kwamba nimejalia maji kuwa ni uhai wa kila kitu). Maji hayana mbadala. Umeme ukikatika, unaweza ukatumia mshumaa, lakini maji kama hakuna, inakuwa ni tatizo kubwa. Kwa hiyo, naomba kwa heshima na taadhima kwamba

Muswada huu uzingatie sana kuhakikisha miradi yote ya maji inakamilika.

Mheshimiwa Mwenyekiti, lingine nianze moja kwa moja kwenye Kifungu cha 30. Kifungu hiki kinapendekeza utolewaji wa leseni ya biashara katika shughuli za usambazaji maji safi na unyonyaji wa majitaka, kwamba leseni iwe miaka kumi. Nashauri tu kwamba leseni ile ingekuwa miaka 15; pili, pia pawepo na bei elekezi, kwa sababu katika Mamlaka ya Maji, kunakuwa na tofauti kubwa lakini maji yamekuwa yakipandishwa bei mara kwa mara kiasi kwamba Watanzania wanyonge wanashindwa kutumia maji kutokana na bei ghali. *(Makofi)*

Mheshimiwa Mwenyekiti, jambo lingine ni Wajumbe wa Bodi. Naungana na wale wanaosema kwamba tuzingatie *gender* katika Wajumbe wa Bodi. Kwenye Mabaraza ya Madiwani, Wakurugenzi wanakuwa ni Wajumbe, lakini hata Wajumbe wengine kwa Madiwani mara nyingi anakuwa anapelekwa Mstahiki Meya. Sasa wakati mwingine Meya anakuwa na shughuli nyingi hahudhurii na hatoi kilio cha watu wake katika hiyo Halmashauri kwenye kero ya maji. Kwa hiyo, napendekeza wawe Madiwani wa kawaida, wasiwe Mameya. *(Makofi)*

Mheshimiwa Mwenyekiti, jambo lingine, kwenye kifungu cha 6 na cha 7, pana sehemu inasema, "*the responsibility of Minister responsible for Local Government,*" lakini pia kuna *Responsibility of Regional Secretariat, Cap No. 97*. Sasa majukumu ya huyu Waziri mwenye dhamana ya Serikali za Mitaa na majukumu ya RASyanafanana. Nashauri majukumu yangeachwa kwa Waziri wa Serikali za Mitaa, kwa sababu yeye ana mamlaka ya hizo kuzisimamia Halmashauri za Serikali za Mitaa ambazo nazo zinahusika na miradi ya maji. *(Makofi)*

Mheshimiwa Mwenyekiti, vilevile kwenye kifungu cha 65 kuna neno linazungumza tu "*misuse,*" lakini halikutolewa uchanganuzi au ufafanuzi wa kina kwamba hiyo "*misuse*" ni nini? Kuna maneno kwamba wengine wanasema hata

ukikutwa unaosha gari kwa kutumia maji nje ya nyumba yako ni *misuse*, au labda mwingine ameweka *pump* ananyweshea labda bustani ya mboga mboga ni *misuse*. Sasa tunataka Mheshimiwa Waziri anapokuja afafanue hiyo "*misuse*" ni nini? Kwa sababu kuna faini zinazopigwa ambazo vilevile pia ni kubwa. Kwa mfano, mtu anapigwa faini ya shilingi milioni tano kwenye Kifungu cha sita hiki. Sasa shilingi milioni tano kwa mtu wa kawaida ni adhabu kubwa sana. Nami siamini kwamba kutoa adhabu kali itakuwa eti kuwafanya watu wawe na nidhamu ya kutumia hayo maji. Ninachoshauri, tuweke adhabu ndogo lakini elimu itolewe, ikibidi hii sheria yenyewe itafsiriwe kwa Kiswahili lakini wapelekewe hata watu wa vijijini ambao ndio watumiaji wakubwa wa maji.

Mheshimiwa Mwenyekiti, pia kwenye kifungu cha 66, imezungumzwa tu kwamba watumiaji wakubwa wa maji ni wananchi, lakini vilevile na faini nayo pia ni kubwa. Tuzingatie kwamba unapoweka faini ya kutoka shilingi 50,000 mpaka shilingi milioni moja, hii haitawasaidia sana wananchi wetu hali ya kuwa wao uwezo wao wa kulipa hizo faini ni mdogo lakini maji wanahitaji.

Mheshimiwa Mwenyekiti, labda nitoe mfano. Kwenye Halmashauri ya Manispaa ya Moshi, ukitupa takataka au ukichafua mazingira faini ni shilingi 50,000, haipandi. Kwa sababu watu wamekuwa na dhamira na wameeleweshwa usafi wa mazingira, mpaka leo ni zaidi ya miaka saba Halmashauri ya Manispaa ya Moshi inashinda katika zawadi ya usafi wa mazingira. Siyo kwa sababu ya faini, elimu ambayo imetolewa imekuwa inasaidia sana. Kwa hiyo, nizungumzie hilo kwamba faini tuzingatie na hali ya wananchi wetu ambao ni masikini.

Mheshimiwa Mwenyekiti, vile vile Serikali katika suala zima la maji, nimezungumza suala la bei elekezi, lakini kuna baadhi ya maeneo mpaka leo wanatumia ile *average scale* kwamba bili za maji zinakuwa sawasawa, lakini katika baadhi ya maeneo mengine bili za maji zinakuwa ni kubwa, wananchi wanashindwa kumudu kulipa hizo bili za maji, lakini vile vile kwenye Halmashauri hizo wananchi hawashirikishwi

pale mamlaka zinapokaa na wadau katika kuchangia mawazo au kuchangia namna gani huduma za maji ziweze kutolewa.

Mheshimiwa Mwenyekiti, kwa hiyo, naomba Wajumbe wa Bodi ya Maji watakapokuwa wamepatikana, lakini washirikishwe pia na wananchi ambao ndio wadau wakubwa wa maji.

Mheshimiwa Mwenyekiti, labda jambo lingine ninalotaka kulizungumzia kwenye suala zima la maji ni suala zima la utumiaji wa wenzetu wa maji vijijini. Katika baadhi ya sheria zimetaja kwamba unapokuwa umetumia maji kinyume na utaratibu, upigwe faini. Mimi nasema ikiwa sheria haikutafsiriwa vizuri, ikiwa sheria haitambuliki na sisi Waheshimiwa Wabunge tunaipitisha hapa, ambapo inakwenda kwa wananchi wetu, lazima tujiangalie na sisi kuna kipindi tutakuwa sio Wabunge, sheria hii inaweza ikaja ikatukwaza. Ni vyema tukazingatia sheria ambazo zitakuwa ni nyepesi kwa wananchi wetu, zitakuwa zinaweza kutekelezeka, lakini zitawasaidia pia wananchi hawa kuweza kumudu matumizi ya maji.

Mheshimiwa Mwenyekiti, mwisho katika mchango wangu niombe tu pia kuwatakia salamu za mwaka mpya Wabunge wenzetu ambao wako...

*(Hapa kengele ililia kuashiria kuisha kwa muda wa Mzungumzaji)*

**MWENYEKITI:** Ahsante sana Mheshimiwa. Mheshimiwa Lucy Magereli atafuatiwa na Mheshimiwa Mbatia.

**MHE. LUCY S. MAGERELI:** Mheshimiwa Mwenyekiti, nakushukuru nami kwa kupata fursa ya kuchangia hoja hii ya Muswada wa Maji. Kabla sijaendelea, naomba nipongeze kazi kubwa iliyofanywa na Kamati ya Kilimo, Mifugo na Maji, chini ya Mwenyekiti wetu Mheshimiwa Mahmoud Mngimwa. Vile vile nashukuru sana ushirikiano mzuri tuliopewa na Serikali walipokuja katika majadiliano tulikuwa na vitu moto kweli

kweli, lakini tunashukuru kwamba katika maeneo mengi tulifika mahali tukakubaliana. Hasa kitu ambacho kwangu kilikuwa kipaumbele kikubwa na ambacho nadhani nitakizungumzia leo ni suala la utunzaji wa mazingira kwa maana ya *sanitation*.

Mheshimiwa Mwenyekiti, suala la *sanitation* limeachwa kabisa kwa maeneo mengi sana linapokuja suala la huduma za maji. Limekuwa kama ni kitu kinakuwa *attached* tu, yaani kinawekwa kiwepo, lakini unapokuja kwenye hoja za msingi na vifungu maalum kwenye kutazama *especially* kwenye *funding*, ukikuta wanapozungumzia habari ya kutoa huduma, yaani usambazaji wa maji, wanazungumzia usambazaji wa maji tu, hawazungumzii habari ya huduma za majitaka.

Mheshimiwa Mwenyekiti, Waheshimiwa Wabunge wote ni mashahidi, wengi mnakaa hapa Dodoma mnaona changamoto tunayoipata kwa mfano kuhusu majitaka. Yaani ni kitu kimekuwa taabu kweli kweli na mifumo kwa bahati haipo, mji unakua. Kwa hiyo, nawashukuru sana Wizara kwa kulitazama hili na kukubali kulingiza katika Muswada huu.

Mheshimiwa Mwenyekiti, naomba nishauri jambo la msingi kwamba tunahitaji sera inayojitegemea ya huduma za majitaka (*sanitation*). Tusipofanya suala hili, naamini kwamba litaendelea kubaki kuwa *attached* kwa sababu bahati mbaya suala lenyewe lina bahati mbaya kwamba lina-*appear* kwenye maeneo mengi. Lina-*appear* kwenye Wizara ya Afya, Wizara ya Mazingira, Wizara ya Maji na TAMISEMI. Kwa hiyo, limeonekana kama suala lisilokuwa na mwenyewe.

Mheshimiwa Mwenyekiti, baada ya kusema hayo, niendeleo kwa kutoa maelezo mengine kwamba nilikuwa nafikiri haya ni maoni yangu binafsi na naomba niyatoe. Nafikiri suluhisho la shida ya maji vijijini siyo kuwa na *RUWASA*. Tumekuwa na mlundikano mkubwa wa mamlaka, taasisi, vyombo, bodi nyingi tu ambazo zote zinashughulika na maji. Tuna Wizara yenyewe, tuna hizo mamlaka za watumaji



wadogo wa maji, tuna *EWURA*, tuna mamlaka za maji mijini, wote tunafanya suala lile lile.

Mheshimiwa Mwenyekiti, kwa hiyo, nafikiri suala ni kusaidia namna ambavyo tungeweza kutumia mamlaka tulizonazo tukazi-*equip* lakini tukazipa fedha na *man power* na zikasimamiwa. Kwa sababu mnajua mpaka sasa hivi kuna miradi mingi sana ya maji inaendelea ambayo imekwama haijulikani mwanzo wala mwisho. (*Makofi*)

Mheshimiwa Mwenyekiti, leo nilikuwa naongea na Mheshimiwa Kitila nikamwambia mama yangu hana maji kule, tena anakaa mjini basi, hana maji kwa wiki mbili sasa. Mradi wa Bwawa la Manchira kilichotokea sijakifahamu mpaka kesho, lakini Mji wa Mugumu mpaka leo hauna maji. Nilipozungumza naye ananiambia iko program, ule mradi wa fedha za India. Kwa hiyo, unaona kabisa kuna mipango inakuwa inaendelea upande mwingine na tunatazama mipango mingine. Ukiangalia kwa mfano *RUWASA* haina *its own source of funding*, inategemea Serikali. Hivi vyombo vyote nilivyovitaja *COWUSO*, *RUWA*, *EWURA*, Mamlaka za Maji, *DDCA*, Mfuko wa Maji, vyote vinategemea Serikali. Sasa unaona kabisa inafikia mahali hata hiyo fedha inayotengwa na Serikali kwa ajili ya kutoa huduma za maji inakuwa haitoshi.

Mheshimiwa Mwenyekiti, kwa hiyo nafikiri ambacho tungeweza kufanikiwa zaidi siyo kutengeneza *RUWASA* lakini kuviimarisha vile vyombo tulivyonyavyo vitoe huduma zinazostahili. (*Makofi*)

Mheshimiwa Mwenyekiti, kwa mfano, ukienda kwenye majukumu ya *DDCA* yanafanana *copyright* na majukumu ya hii *RUWASA* tunayoiunda leo. Sasa je, zitakapoanza utekelezaji kwa sababu *DDCA* tayari ipo na mnajua kabisa kwamba ni kati ya vyombo ambavyo vinasuasua kabisa katika utekelezajiwa majukumu yake; je, tunataka kupata matokeo gani tofauti ambayo yameshindwa kufanyika na *DDCA* na sasa tunafikiri kwamba tutakapokuja na *RUWASA* mambo yatabadilika?

Mheshimiwa Mwenyekiti, nimesikitika kwamba kwenye Muswada huu pia haujazungumzia kabisa; nadhani umezungumzia au hujazungumzia, lakini suala la sekta binafsi lilikuwa ni suala ambalo tulihitaji kutazama kwa jicho la tatu. Tunao wadau wetu wengi sana katika maeneo yetu ambao wamefanya miradi ya maji na wapo ambao wapo *interested* kufanya miradi ya maji, lakini Muswada haujawatambua, wala haujatao nafasi ya kuona namna ambavyo sekta binafsi inaweza kuchangia katika kusaidia wananchi wetu kupata maji.

Mheshimiwa Mwenyekiti, ambacho nimesikitishwa nacho zaidi ni suala la *penalties*. Adhabu zilizowekwa kama walivyosema wenzangu ni kubwa, lakini nizingumzie maalum kwenye zile adhabu ambazo zimetolewa kwa mujibu wa *section 66*, kwamba mtu hata akikutwa ananawa miguu katika bomba la maji adhabu yake imepangwa kuwa shilingi 50,000.

Mheshimiwa Mwenyekiti, kwanza maji mpaka leo tunapozungumza maji ni adimu sana. Kwa jinsi hiyo maeneo mengi hayapati maji. Nilifikiri ambacho tungefanya ni kuzisaidia na kupeleka mamlaka kubwa kwenye zile mamlaka za watumiaji maji vijijini, wao ndio wajitengenezee *regulations* za namna ya kujisimamia na namna ya kupeana adhabu wao kwa mujibu wa sheria ambazo watajitungia kuliko kutengeneza sheria moja kwa mjoja na adhabu ambayo imekuwa *specified* kutokea huku, kitu ambacho kitakwenda kutoa adhabu kubwa.

Mheshimiwa Mwenyekiti, kwa sababu kweli kama mama anayefua nguo za mwanaye ametoka *Clinic* na kadhalika ukamwambia ametumia maji visivyo au amefua pembeni ya mto au pembeni ya bwawa ama namna nyingine ukampa adhabu hiyo, nadhani adhabu hizo ni kubwa sana.

Mheshimiwa Mwenyekiti, turudi kwa mamlaka za watumia maji wajitengenezee utaratibu wao wenyewe, wana uwezo wa kujisimamia. Kwa sababu *failure to that*,

kama tukitaka mamlaka haya yaje Serikali Kuu kama tunavyotengeneza kwenye Muswada huu, maana yake itabidi kuajiri Polisi na watu wengine wa kusimamia na kufanya usimamizi huo.

Mheshimiwa Mwenyekiti, nilikuwa nataka kuzungumzia pia suala la *The Water Resource Management Act* ile ya 2009. Tulikuwa na mjadala huu kwenye Kamati yetu na tuliomba sana kwamba Serikali iangalie kwa makini suala hili iulete huu Muswada Bungeni tuujadili. Muswada huo na huu Muswada wa *Water Supply and Sanitation Act, 2018* vinawiana na kuingiliana katika mambo mengi sana na kuna mambo mengine ambayo yana-*contradict* kwa sehemu kubwa kabisa.

Mheshimiwa Mwenyekiti, kwa hiyo, naomba sana niwaombe Serikali, katika hatua inayofuata wakati wowote utakapoona inafaa, tunaomba Muswada wa *Water Resources Management Act* uletwe Bungeni tuujadili kwa sababu una *issues* nyingi sana zinazohusu vibali na tozo.

Mheshimiwa Mwenyekiti, ukiangalia hivyo vibali na utaratibu wenyewe wa kuvipata na namna ya tozo zilivyowekwa na adhabu zilizoambatana kwa kweli hatutafikia haya malengo tunayotaka ya kuwapa Watanzania maji ya kutosha mijini na vijijini.

Mheshimiwa Mwenyekiti, katika Muswada huo, unaozungumzia wa Sheria ya 2009 kwa mfano, nitolee mfano, Wilaya ya Kigamboni, sisi hatuna *supply* ya maji kabisa ya haya mabomba, watu wa Kigamboni wote tumejichimbia visima, tunatumia maji ya visima. Sasa kumetokea hili suala la kuanza kufuatilia habari za Sheria hiyo ya *Water Resource Management* ya 2009 ambapo kila mtu aliyejichimbia kisima anatakiwa kuwa na kibali lakini kuna *fees* ambazo unatakiwa kulipa. Serikali inapokuwa kuliangalia na inafanya utekelezaji wa suala hili, naomba itazame kwamba wako Wadau Binafsi ambao tayari kwa Serikali kushindwa kuwapa huduma ya maji, walishaamua na kutengeneza mifumo yao wenyewe ya kupata maji.

Mheshimiwa Mwenyekiti, kwa hiyo kuwe na *leeway* namna ya kuwapa *relief* fulani kwa sababu tayari wameshafanya *initiative* za kutafuta maji yao wenyewe ambao tulitarajia kwamba Serikali ingewa-*subside* badala ya kuwa-*penalise* lakini bahati mbaya naona kwamba mnawa-*penalise*.

Mheshimiwa Mwenyekiti, suala langu la mwisho ni kwamba, naishauri Serikali ipokee na isikilize na ifanyie kazi maoni yote yaliyotolewa na Kamati yetu ya Kilimo, Mifugo na Maji kwa sababu tulikuwa na mjadala uliotoshelevu kabisa na tunategemea ya kwamba maoni ya Kamati yatakwenda kutoa mchango mzuri sana kwenye kuboresha Muswada huu.

Mheshimiwa Mwenyekiti, zaidi ya yote, nirudi kwenye jambo la akinamama; shida ya maji kama walivyozungumza wenzangu ni suala ambalo kwa sehemu kubwa sana, hasa vijijini, yanawalenga akinamama, sasa mimi leo, labda nitoe *proposal* yangu kwamba, hivi Mheshimiwa Rais anaonaje siku moja hapo mbele, Mheshimiwa Mbarawa, simaanishi kukitaka Kiti chake, lakini anaonaje siku moja amteue Waziri akiwa mwanamke na Naibu Waziri wake awe mwanamke na Katibu Mkuu awe mwanamke muone ambavyo Tanzania itapata maji ya kutosha kwa sababu wao wanaujua uchungu na maumivu ya kutafuta maji.

Mheshimiwa Mwenyekiti, nashukuru kwa kupata nafasi ya kuchangia. (*Makofi*)

**MWENYEKITI:** Ahsante sana. Tunaendelea, Mheshimiwa James Mbatia.

**MHE. JAMES F. MBATIA:** Mheshimiwa Mwenyekiti, nashukuru kwa kunipatia nafasi nami nitoe mchango wangu kidogo katika Muswada ulioko mbele yetu. Nilikuwa najaribu kutafakari tu kwa ujumla, au nitoe mawazo yangu ya ujumla kuhusu Muswada huu wa Maji, inaonekana kwamba bado tatizo hili la ukosefu wa maji litakuwepo kwa sababu tumeanza mwisho badala ya kuanza mwanzo. Ni namna gani tungetakiwa kuanza na vyanzo vya maji, uvunaji wa

maji, usimamizi wa maji, baadaye matumizi ya maji. Ukisoma lengo la sita la malengo endelevu ya dunia linasema *to ensure availability and sustainable management of water and sanitation for all* na ifikapo mwaka 2030, yaani miaka kumi na moja kuanzia sasa.

Mheshimiwa Mwenyekiti, Tanzania tuna vyanzo vingi vya maji, Tanzania tuna baraka ya kupata mvua nyingi, namna gani tumeanzia hapo uvunaji, vyanzo ili ile miundombinu sasa ya usambazaji wa maji, iweze kuendelea na namna gani ya kuyaweza kuyasimamia haya maji.

Mheshimiwa Mwenyekiti, ukiangalia suala la gharama, suala la ubora na suala la muda, je, Serikali na Kamati yetu ya Maji, *best practice* ya namna ya usambazaji wa maji na Miundombinu yake, sisi hatuko kwenye kisiwa, ni namna gani wameweka utafiti wa kutosha wakiiangalia dunia na maji na namna gani Sheria hii inaweza ikaakisi au ika-address tatizo hili.

Mheshimiwa Mwenyekiti, kwa sababu tutakuwa tunafanya labda, *trial and error* hatujaweza kuangalia matatizo yaliyo makubwa ya maji katika Taifa letu; na ni kwa nini wakati vyanzo tunavyo na maji tunayo ya kutosha, ni namna gani tunaangalia bajeti yetu, kwenye Mfuko Mkuu kwa ajili ya uhai wa binadamu na kukuza utu wa binadamu kwenye maji? Pia, ni namna gani kwenye karne hii tunazungumzia usimamizi wa maji katika Taifa letu na matumizi ya maji au tunaweka tu sheria na mifumo, lakini mifumo ambayo ni endelevu kwa kiasi gani, katika nchi hizi za maziwa makuu na Tanzania tukiwemo, tusingelikuwa kwenye karne hii, tunaweka utaratibu wa kisheria wa namna gani ya kutoa hizi adhabu ndogondogo, badala ya kuwekeza kwenye elimu ya kujitambua na thamani ya maisha kwenye maji.

Mheshimiwa Mwenyekiti, kwa sababu maji, tunasema ni uhai, maji ndio utu wa mwanadamu, maji ndio kila kitu, sasa ni kwa kiasi gani tumewekeza kwenye utafiti na bajeti ya Serikali ikaenda kwa kiasi kikubwa kwenye utafiti, utafiti,

utafiti tukaondokana na tatizo hili la maji na kwa kiasi kikubwa lingekuza Uchumi wa Taifa letu, kuanzia kwenye *domestic water use* na kwenda kwenye mambo mengine ya matumizi ya maji.

Mheshimiwa Mwenyekiti, Muswada huu, ukiangalia kwa mfano rasimali watu na kwenye sasa, miundombinu ya maji, kama Muswada unavyojaribu kuielezea hapa, je, tunaanza kuweka miundombinu au kuweka mifumo ya kisheria kabla hatujaandaa watu wenye *knowledge* ya kutosha ya kuweza kuyasimamia hayo maji. Au tunataka tukifika 2030 yaani miaka kumi na moja ijayo Tanzania tutazungumza vipi, katika yale malengo endelevu ya dunia.

Mheshimiwa Mwenyekiti, nimesema hivyo kwa sababu ukiangalia kifungu cha 48 ambacho Mheshimiwa Antony Bahati Calist Philomena Komu, amekileta hapa, kwamba kwenye *amendments* zake na anaishauri Serikali Madiwani ambao ni Serikali zetu za Mitaa, ambapo wao, ndio wanawakilisha wale watumiaji wa maji kuanzia kwenye Kamati zao za Maendeleo za Kata, ndio wenye taarifa sahihi na bila kuwa na taarifa sahihi, huwezi kwenda kwenye *ku-plan*, *ku-organize*, *ku-coordinate*, *ku-direct* na *ku-control*.

Mheshimiwa Mwenyekiti, kwa hivyo, naomba wakati wa *amendments* naomba kabisa kwenye sheria hii, japo imeanza kwa huku, ile *amendment* ya Mheshimiwa Komu ikubalike ili Madiwani waweze kuwa na taarifa sahihi hata kama ni Wataalam waweze waka-*plan* vizuri na ule utaratibu mwingine wote wa kuweza kuishauri Mamlaka ya kutumia maji iweze ikafanikiwa na kufanya *checks and balance* yaani wawe na *planning*, waweze *ku-organize*, *ku-coordinate*, *ku-direct* na *ku-control* ili utawala huo au matumizi haya ya maji yaweze kwenda kwa utaratibu unaofaa.

Mheshimiwa Mwenyekiti, kwenye Kifungu cha 63 na 64 Serikali ina *amendments* za Serikali, pale penye eneo la adhabu ya milioni tano wamesema zianzie laki tano, lakini zisizidi milioni 10, wamebadilisha tu wakaenda *from* milioni tano kwenda kwenye laki saba lakini zinaenda kwenye milioni

10. Hebu tujiulize; mtu anatumia maji na utaratibu wa matumizi ya maji, labda ni kwenye *domestic use* je, *definition* inasema nini kwenye *misuse of water*? Kwa sababu ukisema *misuse* ya maji, wewe labda unayatumia kama *domestic use* kwenye bustani, kwenye matumizi labda ya mifugo au unayatumia namna gani kwa ajili au kwenye yale mahitaji ambayo ni muhimu na unayahitaji wewe, halafu unaenda kwenye adhabu au wale watu wenye Mamlaka, sasa hapa panahitajika ufafanuzi, yaani *definition* ileleweke vizuri ya *misuse* maana yake nini kwenye Kifungu hiki ambacho nimekisema.

Mheshimiwa Mwenyekiti, ukiangalia vijijini kwa ujumla, tumeona karibu asilimia 16 ya bajeti ya watu wa vijijini wanatumia kwenye maji, lakini nilikuwa najaribu kuangalia takwimu inaeleza kwamba kwenye *Sub-Sahara African* milioni ya watu ambao wako Kusini mwa Jangwa la Sahara, wanatumia maji kwa ajili ya binadamu na vyanzo hivyo hivyo vinatumika na mifugo au vinatumika na wanyama au vinakuwa *polluted*. Sasa ni kwa namna gani sheria zetu hizi zinaweka kwenye utafiti wa kutosha kwa sababu wakitumia maji na mifugo ndio vyanzo vya magonjwa mengine ambayo yanaleta athari kubwa katika kukuza uchumi, yanaleta athari kubwa kwenye afya ya binadamu na matatizo mengine kama hayo ambayo nimeyaelezea hapo.

Mheshimiwa Mwenyekiti, lingine kwenye ile Ibara ya 66, namna gani tuna-*harmonize* Vyama vyetu vya Watumiaji wa Maji, ziko Mamlaka ndogondogo za Watumiaji wa Maji, naweza nikajaribu kuangalia kwa mfano pale Moshi, *MWUA* na vile vyama vingine labda *Killwater*, Kirua Kahe na wengine, namna gani wana-*harmonize* kwa pamoja ili hawa *RUWASA* waweze kufanya nao kazi isije ikatokea migongano, ni nani anawajibika kwa nani katika kuleta matumizi yaliyo bora na matumizi ambayo siku ya mwisho yule mtumiaji au mlaji au huyu mwanadamu yaweze kumletea tija yenye uwezo ulio mkubwa zaidi.

Mheshimiwa Mwenyekiti, Tanzania yetu tuna tatizo la maji haya ambayo tunayazungumzia hapa. Ni

mapendekezo yangu kwenye Muswada huu pamoja na kwa Serikali kwa ujumla na zile Sheria nyingine za Maji zilizopo, tujitahidi kwa uwezo mkubwa kuweka utafiti na kuweka malengo, tuone ndani ya miaka mingine kumi ijayo, sio lengo tu kufikiwa mia kwa mia au tisini kwa ngapi, ni namna gani tunaangalia kwa miaka hamsini ijayo kwa ajili ya maendeleo endelevu ya maji na maendeleo endelevu ya kukuza utu wa Watanzania kwa ujumla hasa katika sekta ya maji. (*Makofi*)

Mheshimiwa Mwenyekiti, la mwisho, niombe Serikali yetu, suala la maji sio la suala la *trial and error*, sio suala la kusubiri mpaka wakati bajeti, Wabunge tuweze tukaona labda chukua fedha hapa weka hapa, fanya hivi, fanya hivi, kama wameweza ku-*concentrate* kwenye miundombinu kwa mfano ya barabara, miundombinu ya reli, tuone maji ni zaidi ya miundombinu mingine yoyote kwa ajili ya kumwezesha huyu mama hasa ambao ndio wazalishaji wakuu katika Taifa la Tanzania, hasa kuwapunguzia ule muda ambao wanapoteza kwenye kutafuta maji, wakiweza kupata maji ya kutosha na uchumi wa Taifa utaongezeka, tija ya Taifa itaongezeka na Tanzania tunaweza tukaongelea Tanzania ya haki ya viwanda vya vya kati.

Mheshimiwa Mwenyekiti, baada ya kusema hayo, nashukuru sana kwa kunipatia muda.

**MWENYEKITI:** Ahsante sana Mheshimiwa Mbatia kwa mchango wako. Tunaanza kuhitimisha hoja zetu hizi na nianze na hoja ya Mheshimiwa Mwanasheria Mkuu wa Serikali. Karibu Mheshimiwa Profesa Kilangi, uhitimishe hoja yako, dakika ngapi? Dakika kumi nadhani, zinatoshia.

**MWANASHERIA MKUU WA SERIKALI:** Mheshimiwa Mwenyekiti, naomba nichukue fursa hii kukushukuru tena kwa kunipa nafasi ya kufanya majumuisho ya mjadala kuhusu Muswada wa Marekebisho ya Sheria Mbalimbali (Na. 4) wa mwaka 2018.

Mheshimiwa Mwenyekiti, katika uchangiaji, Mheshimiwa Mbunge mmoja amechangia kwa maandishi



na Mbunge mmoja amechangia kwa maneno. Liko jambo moja ambalo nitapenda kulizungumzia na ambalo liko kwenye hotuba ya Kambi Rasmi ya Upinzani na jambo hilo ni wasiwasi uliooneshwa katika hotuba hiyo katika kufuta maneno, *tourist agent* na badala yake kuweka maneno *tourism operator* ambayo yanapatikana katika Ibara ya 30 ya muswada. Kwa kadri ya maoni ya Kambi Rasmi ya Upinzani maneno *tourism operator* yanapunguza wigo na amefanya rejea kwenye *Government Notice, GN No. 269* ya tarehe 17 Julai, 2015.

Mheshimiwa Mwenyekiti, lakini ni vyema kufahamu kuwa hiyo *GN No. 269* inayo misamiati miwili ambayo ni *tour operator* na *tourism agent* na *GN* hiyo imetengenezwa chini ya Sheria ya *Tourism Act*, lakini katika Muswada huu, tunazungumzia juu ya *tourism operator*, kwa hiyo hatuzungumzii *tour operator* wala hatuzungumzii *tourism agent* tunazungumzia *tourism operator*. Pia, huu sio msamiati mpya, ni msamiati ambao uko kwenye Sheria ya sasa ya Utalii yaani *Tourism Act, Cap 65*, kwa hiyo msamiati huu umechukuliwa moja kwa moja kutoka kwenye hiyo *Tourism Act, Cap 65* na ni kwa sababu kuu mbili.

Mheshimiwa Mwenyekiti, sababu ya kwanza, ni kutumia msamiati wa aina moja kwenye hizi sheria mbili zinazogusa mambo ya utalii nayo ni hiyo Sheria ya *Tourism Act* na hii Sheria ya Bodi ya Utalii yaani Tanzania *Tourist Board Act*. Sababu ya pili ambayo iko wazi zaidi, ni kwamba, msamiati wa *Tourism operator* kwa kweli una wigo mpana kuliko *Tourist agent* ukiitazama kama ulivyotafsiriwa kwenye sheria hiyo.

Mheshimiwa Mwenyekiti, vinginevyo nawashukuru sana Waheshimiwa Wabunge kwa michango yao mizuri, tumepokea maoni mazuri ambayo yamelenga kuboresha si Muswada tu bali hata masharti mengine ya Sheria mama kwa ujumla maoni na ushauri uliotolewa na Waheshimiwa Wabunge ni ushahidi kwamba suala la Marekebisho ya Sheria kwa lengo la kuboresha utekelezaji madhubuti wa sheria zilizopo linamuhusu kila mmoja wetu katika Bunge hili na ni

jambo endelevu, ndio maana kila mwaka Serikali inakuja na Muswada wa aina hii ili kuboresha masharti ya sheria zetu na kuzifanya ziendane na wakati.

Mheshimiwa Mwenyekiti, baada ya kufanya majumuisho haya ya mjadala wa Muswada huu wa Marekebisho ya Sheria Mbalimbali (Na. 4) wa mwaka 2018, yaani (*The Written Law, (Miscellaneous Amendments) (No. 4) Bill of 2018*), naomba tena kutoa shukrani zangu nyingi na naomba kutoa hoja. (*Makofi*)

**MWENYEKITI:** Ahsante sana Mheshimiwa Mwanasheria Mkuu hoja imeungwa mkono. Sasa namwita mtoa hoja, tunaanza na Naibu, Mheshimiwa Aweso dakika kumi.

**NAIBU WAZIRI WA MAJI NA UMWAGILIAJI:** Mheshimiwa Mwenyekiti, awali ya yote napenda nimshukuru sana Mwenyezi Mungu, lakini nimshukuru Rais wangu Dkt. John Pombe Magufuli kwa kuendelea kuniamini. Pia kwa namna ya kipekee nimshukuru Waziri wangu, Katibu Mkuu na Wataalam wote wa Wizara ya Maji kwa ushirikiano mkubwa wanaotupa katika kuhakikisha tunatimiza majukumu yetu.

Mheshimiwa Mwenyekiti, vile vile nitumie nafasi kwa namna ya kipekee nikushukuru wewe mwenyewe binafsi pamoja na Waheshimiwa Wabunge wote kwa michango yenye maslahi mapana katika kuhakikisha tunaenda kutatua matatizo ya maji kwa wananchi wetu. Pia kwa namna ya kipekee nimshukuru sana Mheshimiwa Mwenyekiti wa Kamati yetu pamoja na Waheshimiwa Wajumbe wote wa Kamati kwa namna walivyoweza kuushughulikia Muswada huu mpaka leo tupo hapa katika Bunge lako Tukufu, Waheshimiwa Wenyekiti ahsanteni sana, Mwenyezi Mungu awabariki sana.

Mheshimiwa Mwenyekiti, nitumie nafasi hii, nitoe ufafanuzi katika hoja mbalimbali zilitolewa na Waheshimiwa Wabunge, moja, kwamba Wizara ya Maji ina Wakala wa maji, kwa maana ya uchimbaji visima, sasa je kuanzishwa kwa

Wakala huu wa Maji Vijijini hatuoni kwamba tunaongeza taasisi zingine, nataka nilihakikishie Bunge lako Tukufu.

Mheshimiwa Mwenyekiti, Wakala wa Maji, kwa maana ya Wakala wa Uchimbaji Visima Vijijini (*DDCA*) itakuwa Idara tu ndani ya Wakala wa Maji Vijijini, kwa hiyo, suala la gharama ama kuongezeka kwa taasisi halitokuwemo. Kuhusu suala lingine limeongelewa suala zima la nafasi ya *Local Government* ina nafasi gani katika Wakala wa Maji Vijijini, suala la *Local Government* tumezingatia na *Local Government* itachangia fedha katika miradi ya maji katika *own source* lakini pia itatunga sheria ndogo katika suala zima la maji na sisi kama Wizara kwa maana ya utekelezaji kwa maana ya *RUWASA* itakuwa kitoa taarifa mbalimbali za utekelezaji wa miradi ya maji katika halmashauri.

Mheshimiwa Mwenyekiti, kingine kilichozungumziwa hapa ni kuhusu fidia kwa wananchi, hili jambo lipoje? Tumeona kumekuwa na utekelezaji wa miradi ya maji sehemu mbalimbali na inapitia katika maeneo ya wananchi ambayo yanamilikiwa, je, vipi kuhusu fidia? Nataka niwahakikishie Waheshimiwa Wabunge sehemu ambapo itatekelezwa miradi ya maji na itapita maeneo ya wananchi, sisi kama Viongozi wa Wizara, tutaendelea kulipa fidia kama maeneo mbalimbali tulivyokuwa tukilipa fidia. Ukienda Arusha, tuna mradi mkubwa sana wa maji kabla ya utekelezaji wa mradi wa maji wananchi wale wameendelea kulipwa fidia. Kwa hiyo kila mwananchi ambaye anayestahili kulipwa fidia tutamlipa fidia yake na yule asiyestahili hatolipwa fidia.

Mheshimiwa Mwenyekiti, jambo lingine ni kuhusu suala zima la tozo hapa limezungumzwa, sisi kama Wizara na kwa maana ya uanzishaji wa Wakala huu wa Maji tumelizingatia na katika jedwali hili la Mabadiliko ya Sheria lipo na limezingatiwa vizuri.

Mheshimiwa Mwenyekiti, kikubwa tuwaombe sana Waheshimiwa Wabunge, ukiangalia Serikali inatekeleza miradi mingi kwa fedha nyingi sana lakini baadhi ya wananchi

wamekuwa wakihujumu miradi ya maji. Ukienda Longido Serikali imetekeleza mradi wa maji kwa zaidi ya shilingi bilioni 15 lakini juzi tu wananchi wa kawaida wameenda kuharibu miundombinu ya maji ina maana asilimia kubwa ya wananchi waende kuteseka. Suala la maji tunasema maji ni uhai lakini maendeleo ya sekta ya maji yanaanza na mimi, wewe na sisi. Kwa hiyo, niwaombe Waheshimiwa Wabunge twende kutoa elimu kwa wananchi wetu katika kuhakikisha tunalinda miundombinu ya maji ambayo imewekezwa na Serikali kwa fedha nyingi.

Mheshimiwa Mwenyekiti, baada ya kusema hayo imekuja hoja sasa kuhusu suala zima la mabadiliko ya sheria kuhusu suala la rasilimali za maji. Nataka niwahakikishie Waheshimiwa Wabunge baada ya kupitishwa Wakala huu wa Maji Vijijini sisi kama Wizara tutaanza kupitia sasa Sheria ya Rasilimali za Maji ili tuainishe sehemu gani zenye mabadiliko ili tuweze kuleta Bungeni Muswada ule ili na ninyi muweze kupitia katika kuhakikisha tunakuwa na sheria ambayo itakuwa na tija na yenye maslahi mapana kwa wananchi wetu.

Mheshimiwa Mwenyekiti, baada ya kusema hayo, naunga mkono hoja, ahsante sana. (*Makofi*)

**MWENYEKITI:** Ahsante sana Mheshimiwa Naibu Waziri Aweso. Namuita sasa mtoa hoja Mheshimiwa Prof. Mbarawa uhitimishe hoja yako kwa muda usiozidi dakika 20.

**WAZIRI WA MAJI NA UMWAGILIAJI:** Mheshimiwa Mwenyekiti, kwanza kabisa naomba nichukue fura hii kumshukuru Mwenyezi Mungu mwingi wa rehema kwa kuniwezesha kusimama mbele yenu tena na kutoa mchango wangu katika hoja hii niliyowasilisha leo asubuhi.

Mheshimiwa Mwenyekiti, napenda nikushukuru wewe binafsi. Pia napenda niwashukuru sana Waheshimiwa Wabunge wote waliopata nafasi ya kuchangia hoja yangu niliyowasilisha hapa Bungeni leo asubuhi na michango yao

ni mizuri na ya kina yenye lengo la kuboresha utekelezaji wa majukumu ya Wizara yangu.

Mheshimiwa Mwenyekiti, changamoto nyingi zimetolewa na hii ni dalili ya dhati inayoonyesha mwamko mkubwa walionao Waheshimiwa Wabunge kwa upande wa kuendeleza sekta ya maji. Kama tunavyofahamu maji ni uhai, afya, kilimo, viwanda, ustaarabu na kila kitu.

Mheshimiwa Mwenyekiti, hotuba yangu imechangiwa na wachangiaji 21 ambapo wachangiaji sita wamechangia kwa maandishi na wachangiaji 15 wamechangia kwa kuzungumza. Michango ya Waheshimiwa Wabunge wote ilikuwa ni mizuri sana na iliyosheheni mapendekezo, ushauri na busara ya namna bora ya kuendeleza sekta ya maji. Aidha, siyo rahisi kujibu hoja zote za Waheshimiwa Wabunge kwa kina na kutosheleza kwa muda mfupi huu tulio nao lakini naomba niwahakikishie Waheshimiwa Wabunge kwamba hoja zao zote tumezichukua na tutazifanyia kazi. *(Makofi)*

Mheshimiwa Mwenyekiti, huduma ya maji vijijini. Kwanza Sera ya Taifa ya mwaka 2002 inaeleza waziwazi kwamba wananchi wa vijijini lazima wapate majisafi na salama siyo umbali wa mita 400 kutoka kwenye makazi yao. Pia Ilani ya Chama cha Mapinduzi imeeleza waziwazi kwamba ifikapo mwaka 2020 Watanzania wote wanaoishi vijijini ni lazima wapate maji asilimia 85, wale wanaoishi Miji Mikuu ya Wilaya lazima wapate maji asilimia 90 na wale wanaoishi Miji Mikoa lazima wapate maji asilimia 95. Je, hali ikoje sasa hivi kwa vijijini?

Mheshimiwa Mwenyekiti, kwa vijijini sasa miundombinu ya maji iliyojengwa ina jumla ya vituo vya kuchotea maji 123,888 ambavyo vina uwezo wa kuhudumia Watanzania takribani milioni 30.72 sawa na asilimia 85.2 ya wananchi wanaoishi vijijini ambao ni asilimia 35.344. Hata hivyo, katika vituo hivyo, ni vituo 85,286 tu ndivyo vinavyofanya kazi na kutoa huduma kwa Watanzania wapatao 21,321,500 sawa na asilimia 59 ya wananchi wanaoishi vijijini.

Mheshimiwa Mwenyekiti, hii ni changamoto kubwa na sisi tumeahidi ifikapo mwaka 2020 Watanzania watakaopata maji vijijini ni asilimia 85 na tumejipanga kuhakikisha kwamba asilimia 85 hiyo tutaifikia na njia moja ambayo tumejipanga ni kuleta Muswada huu hapa Bungeni. Hali hii yote imechangiwa na changamoto ya mfumo uliopo wa usimamizi na uendeshaji wa miradi ya maji, miundombinu ambayo imejengwa kwa chini ya kiwango na uharibifu wa mazingira.

Mheshimiwa Mwenyekiti, mambo hayo yote kwa pamoja ndiyo yamesababisha tuweze kufikia asilimia hii ya 59. Uzoefu na uchambuzi wa mazingira ya sasa wa utoaji wa huduma za maji nchini umeonesha kuna haja ya kuangalia upya mfumo wa utoaji wa huduma ya maji hapa nchini hasa maeneo ya vijijini na ndiyo sababu ya msingi kubwa kuleta Muswada huu uliopo mbele yetu.

Mheshimiwa Mwenyekiti, changamoto ya usimamizi wa uendeshaji wa jumuiya ya watumiaji maji pia ndiyo sababu kuwa iliyosababisha kuleta Muswada huu. Pia usimamizi wa miradi ya maji, wataalamu wote wa maji kuwajibika kwenye Wizara ya Maji; sasa hivi walivyo wanawajibika kwenye Wizara ya TAMISEMI ambayo hii inaleta shida katika usimamizi na hii imeleta changamoto na miradi mingi kutokukamilika kwa viwango vinavyostahili.

Mheshimiwa Mwenyekiti, kulikuwa na hoja kuhusu Mfuko wa Maji. Wengi walilalamika na walitaka kufahamu asilimia ngapi ya pesa hizi zinakwenda huko vijijini. Tumeandika kanuni ambayo inasema mapato ya Mfuko wa Maji angalau asilimia 95 lazima yaende kupeleka huduma za maji huko vijijini. *(Makofi)*

Mheshimiwa Mwenyekiti, kuanzia Julai mpaka Desemba, 2019, pesa tulizopokea ni shilingi bilioni 67.8, pesa zilizopelewa vijijini ilikuwa shilin bilioni 46.2 sawa na asilimia 7.8; tunaenda juu sasa. Zilizopelekwa mjini takribani shilingi bilioni 21.6 sawa na asilimia 31.9 na miji yenyewe siyo ile miji mikubwa, ni ile miji midogo ambayo yenyewe miundombinu

yake ni hafifu kwa mfano Longido lazima kule utaona kama ni mjini lakini kwa kweli kule ni kama vijijini kwa upande wa maji.

Mheshimiwa Mwenyekiti, Wizarani tumejipanga sasa, Mamlaka zote za Maji Mikuu ya Mikoa hasa zile zilipo katika *grade A* sasa hawatopata hela kwenye Mfuko wa Maji. Tumeanzia na *DAWASA*, miradi yote inayotekelezwa *DAWASA* sasa hivi pale Dar es Salaam wanajitegemea wenyewe kwenye pesa zao wenyewe (*own source*) na kila mwezi wanatenga takribani asilimia 34 ya mapato yao. Matokeo yake hivi tunavyozungumza *DAWASA* wana mradi mkubwa wa kutoa maji Chalinze ambao unapeleka maji Chalinze, Mboga na Bagamoyo wenye thamani shilingi bilioni 10.7 unatekelezwa kwa pesa za *DAWASA* kwa asilimia 100 na hawapati pesa kwenye Mfuko wa Maji. (*Makofi*)

Mheshimiwa Mwenyekiti, kuna mradi mwingine wa kutoa maji kutoka Kibamba – Kisarawe unatekelezwa na *DAWASA* kwa shilingi bilioni 10.7. Pesa hizi ni kutoka kwenye Mfuko wa *DAWASA*, hawapati pesa kutoka kwenye Mfuko wa Maji hata kidogo. (*Makofi*)

Mheshimiwa Mwenyekiti, kuna miradi mingi kwa mfano tunapeleka maji Kiwalani, Madale, Usukumani na maeneo mengi Dar es Salaam ambayo pesa zote hizi za miradi hii ni asilimia 100 kutoka *DAWASA* hawategemei hata senti tano kutoka kwenye Mfuko wa Maji. Tuna mradi mwingine wa kupeleka maji kule Kigamboni kutoka kwenye visima vyetu 12 vilivyopo pale Mpiji; tumetangaza siku tatu zilizopita na mradi huu vilevile utasimamiwa kwa asilimia 100 na *DAWASA*, hawatochukua pesa kwenye Mfuko wa Maji. (*Makofi*)

Mheshimiwa Mwenyekiti, naomba niwahakikishie Wabunge kwamba tumekuja na mpango sasa, Mamlaka zote za Maji kwa mfano ya Arusha, Moshi, Mwanza lazima zijitegemee kwa asilimia 100 hasa hii miradi ya usambazaji. Hawawezi tena wao wakategemea Mfuko wa Maji kwa ajili ya kupeleka maji. Hii tumejipanga na tunatekeleza kwa

vitendo na tumeweka makubalino (*performance contract*) baina ya Wizara na Mamlaka zote za Maji kuhakikisha kwamba sasa wanabadilika na wanajitegemea kwa asilimia 100.

Mheshimiwa Mwenyekiti, kulikuwa na hoja kwamba sasa wakati umefika lazima tuchukue miradi ya maji kutoka Ziwa Victoria. Hivi tunavyozungumza kuna mradi mkubwa wa maji unatoka *Lake Victoria* kupitia Shinyanga, Tabora, Nzega na Igunga ambao unagharimu takribani shilingi bilioni 605. Hata kwenye Jimbo lako tuna mradi mkubwa ambao utanza mwezi Septemba ambao wenyewe utachukua maji *Lake Victoria* utapeleka Mjini Bariadi, Busega, Itilima na vijiji vingine kama 70. Mradi huu utagharimu takribani shilingi bilioni 491.9 na mkataba umeshasainiwa baina ya *Green Fund* na *KfW* au Shirika la Maendeleo la Ujerumani. Tumejipanga kuhakikisha kwamba Watanzania popote walipo kama upande wa Victoria, Mwanza na Kigoma wote wanapata majisafi na salama na tunahakikisha kwamba hili tunatekeleza kwa vitendo. (*Makofi*)

Mheshimiwa Mwenyekiti, kuna hoja ya VAT kwenye miradi ya maji. Ni kweli kulikuwa na changamoto kubwa kupata VAT kwa ajili ya miradi ya maji ama miradi yote ya miundombinu lakini tumekaa na tumeshakubaliana baina ya mimi mwenyewe, Waziri wa Miundombinu, Waziri wa Fedha, Mwanasheria Mkuu na wadau wote wanaohusika kwamba sasa vibali vya VAT au maombi ya VAT yasichukue zaidi ya wiki moja kwa ajili ya miradi yote ili miradi iweze kutekelezwa haraka iwezekanavyo. (*Makofi*)

Mheshimiwa Mwenyekiti, kulikuwa na hoja ya vyanzo vya maji. Vyanzo vya maji ni muhimu sana. Kwenye Sheria yetu ya Usimamizi wa Maji, Na.11 ya mwaka 2009 ni lazima tusimamie sheria hii. Nitakupa mfano, mwaka 1962 kiwango cha maji kwa mtu mmoja hapa Tanzania kilikuwa wastani wa mita za ujazo 7,861 kwa mwaka wakati huo tulikuwa na watu takribani milioni 10.6. Leo hii tunavyozungumza kiwango cha wastani kwa mtu mmoja kimeshuka mpaka kufikia mita



za ujazo 1,800 mwaka 2018 wakati huu sasa tuna watu takribani milioni 54.

Mheshimiwa Mwenyekiti, hii imesababishwa kwanza na ongezeko la watu; uharibifu wa mazingira ambao husababisha vyanzo vya maji kukauka; mabadiliko ya tabianchi na uchafuzi unaoharibu vyanzo vya maji. Iko haja ya kusimamia vyanzo hivi ili kuhakikisha kwamba sasa tunalinda vyanzo vyetu kwa maslahi ya Watanzania wa leo, wa kesho na vizazi vinavyokuja.

Mheshimiwa Mwenyekiti, tuna sheria ya kulinda mito kwenye vyanzo vya maji ya mita 60, sheria ya kulinda mabwawa ya mita 500; hizi zote tunazipitia upya. Tunajaribu kujiuliza, je, kama tutapunguza mpaka mita 55 itakuwaje? Je, kutoka mita 60 kama tutapunguza mpaka mita 45 itakuwaje? Nia yetu kwanza ni kutoa fursa kwa Watanzania walioko maeneo yale lakini vilevile kulinda vyanzo vya maji.

Mheshimiwa Mwenyekiti, kwa upande wa mabwawa, tuna mita 500 sasa hivi zimewekwa kisheria, tunajaribu kuuliza, je, kwa nini zimewekwa mita 500? Mita 500 hizi zimewekwa kulinda usalama wa wananchi waliopo pale. Wote Waheshimiwa Wabunge ni mashahidi, mwaka jana kule *County* ya Kenya watu karibuni 14 walikufa baada ya bwawa moja kupasuka. Wiki iliyopita tu Brazil nyote ni mashahidi hapa, watu wengi wamekufa baada ya bwawa moja kupasuka kule. Kwa hiyo, tutaangalia mambo yote hao kwa ujumla, tunafanya utafiti kuangalia hivi vigezo kama ni sahihi lakini wakati huo huo tunaangalia mazingira yetu, usalama wa wananchi wetu, vyanzo vya maji na kila kitu kwa maslahi mapana ya nchi yetu. (*Makofi*)

Mheshimiwa Mwenyekiti, kumekuja suala vilevile la uchimbaji wa visima, hili vilevile tunapitia kanuni. Tunajua miaka kumi iliyopita ukichimba kisima mita tano ama 15 unapata maji lakini hali ilivyo leo pengine mpaka uende mita 25. Hili tunaliangalia upya na tutaleta mwongozo kuhakikisha kwamba miongozo, kanuni na taratibu hizi zitaleta maslahi mapana kwa Watanzania wote kwa ujumla.

Mheshimiwa Mwenyekiti, kulikuwa na hoja nyingine kuhusu uwakilishi wa wanawake kwenye Bodi. Hili tumeliangalia kwa kina; kama utakwenda kwenye Jedwali la 1-5 tumeeleza waziwazi wanawake ambao watakuwa kwenye Bodi hizi itakuwa angalau *one third*. Hii ina maana kama una Wajumbe kumi unaweza kwenda wajumbe 3, 5 hata wajumbe 10 unaweza kuwapata wanawake. Nia yetu ni kuwawezesha wanawake kwa sababu tunajua wanawake ndiyo wanapata changamoto kubwa za maji. Hili tumelijua na tunalifanyia kazi na mimi kama Waziri nitahakikisha kwamba Bodi zote zina angalau asilimia 50 wanawake na kuendelea mbele. (*Makofi/Vigelegele*)

Mheshimiwa Mwenyekiti, kulikuwa na hoja nyingine kuhusu fedha za kuendeshea *RUWASA*. Kwanza tutapata fedha kutoka kwenye Mfuko wa Maji. Vilevile tuna fedha ambazo zinatoka kwenye Benki ya Dunia. Tumepata mkopo wa shilingi bilioni 804 kutoka Benki ya Dunia ambapo baadhi ya pesa hizi zitakwenda kuendeshea mamlaka (*agency*) hii ya *RUWASA* ili kuhakikisha kwamba *agency* hii itaweza kufanya kazi vizuri.

Mheshimiwa Mwenyekiti, kumekuwa na maneno mengi kwa mfano *misuse water, definition* tumetoa ili kuhakikisha kwamba kila tunalofanya sheria hii iweze kuwasaidia Watanzania kwa ujumla. Hatutaki sheria hii iwe pingamizi kwa ajili ya kuwapatia Watanzania huduma ya maji. Nia ya Serikali ni kuhakikisha kwamba sheria hii inawezesha Watanzania kupata majisafi na salama popote pale walipo. (*Makofi*)

Mheshimiwa Mwenyekiti, kulikuwa na hoja kwamba madeni mengi ya wakandarasi hatuyalipi. Naomba niwahakikishie Waheshimiwa Wabunge kwamba tumejipanga sana kuhakikisha kwamba madeni yote tunayalipa kwa wakati ili wakandarasi wale waweze kufanya kazi kwa uadilifu na kwa viwango tulivyokubaliana.

Natoa wito kwamba wahandisi wote lazima wasimamie miradi hii kwa uadilifu kwa sababu changamoto

kubwa kabisa tunayopata kwenye miradi ya maji kama alivyosema Naibu Waziri ni usimamizi mbovu na matokeo yake tunajenga miradi kwa pesa nyingi lakini mwisho wa siku miradi ile inashindwa kufanya kazi inavyostahili.

Mheshimiwa Mwenyekiti, tunaamini sasa dawa ya jambo hili tumelipata, sheria hii itatatua kwa kiasi kikubwa tatizo hili. Tunaamini baada ya sheria hii mabadiliko makubwa sana yatatokea hasa upatikanaji wa maji kwenye maeneo ya vijijini.

Mheshimiwa Mwenyekiti, baada ya maelezo hayo, napenda sana kuwashukuru sana wafanyakazi wote wa Wizara ya Maji kwa kazi kubwa waliyoifanya katika kusimamia Muswada huu mpaka leo tukaweza kuuleta hapa mbele yenu.

Mheshimiwa Mwenyekiti, mwisho kabisa, kwa heshima na unyenyekevu mkubwa sasa naomba kutoa hoja. *(Makofi)*

**WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA:**

Mheshimiwa Mwenyekiti, naafiki.

**MWENYEKITI:** Hoja imetolewa na imeungwa na Wabunge wengi. Katibu.

**NDG. BAKARI KISHOMA – KATIBU MEZANI:**

**KAMATI YA BUNGE ZIMA**

**MWENYEKITI:** Waheshimiwa Wabunge, tukae, Katibu.

**Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali  
Na. 4, 2018 [The Written Laws (Miscellaneous Amendment)  
No. 4, Bill 2018]**

Ibara ya 1  
Ibara ya 2

Ibara ya 3  
Ibara ya 4

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

**NDG. BAKARI KISHOMA – KATIBU MEZANI:** Sehemu ya Tatu ya Muswada huu imefutwa na vifungu vyake vyote, pia Sehemu ya Nne ya Muswada huu imefutwa na vifungu vyake vyote. Baada ya kufutwa Sehemu ya Tatu na Nne ya Muswada, Serikali imefanya marekebisho kwa kupanga upya kifungu cha 24 mpaka 31 kosomeke kifungu cha 5 mpaka 12 na iliyokuwa Sehemu ya Tano ya Muswada isomeke Sehemu Mpya ya Tatu.

Ibara ya 5  
Ibara ya 6  
Ibara ya 7  
Ibara ya 8  
Ibara ya 9  
Ibara ya 10  
Ibara ya 11  
Ibara ya 12

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

**MWENYEKITI:** Bunge linarejea.

*(Bunge lilirudia)*

**MWENYEKITI:** Waheshimiwa Wabunge, tukae. Mtoa hoja, taarifa.

**MWANASHERIA MKUU WA SERIKALI:** Mheshimiwa Mwenyekiti, kwa mujibu wa Kanuni ya 89(1) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016, napenda kutoa taarifa kwamba Kamati ya Bunge Zima imeupitia Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali Na. 4 wa mwaka 2018 *[The Written Laws Miscellaneous (Amendments)*

No. 4 Bill, 2018] ibara kwa ibara na kuukubali pamoja na marekebisho yaliyofanyika.

Mheshimiwa Mwenyekiti, ninaomba kutoa hoja kwamba Muswada wa Sheria ya Marekebisho ya Sheria Mbalimbali Na. 4 wa mwaka 2018 [*The Written Laws Miscellaneous (Amendments) No. 4 Bill, 2018*] kama ulivyorekebisha katika Kamati ya Bunge Zima sasa ukubaliwe.

Mheshimiwa Mwenyekiti, ninaomba kutoa hoja.

**WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO:** Mheshimiwa Mwenyekiti, naafiki.

*(Hoja Ilitolewa lamuliwe)  
(Hoja Iliamuliwa na Kuafikiwa)*

**MWENYEKITI:** Ahsante, hoja imeungwa mkono, sasa nitawahoji Waheshimiwa Wabunge, wanaoafiki kwamba Muswada wa Sheria ya Marekebisho ya Sheria mbalimbali Na. 4, 2018 yaani *The Written Laws (Miscellaneous Amendments) (No. 4) Bill, 2018* sasa ukubaliwe na rasmi Bunge wote wameafiki. (*Makofi*)

Katibu usomwe mara ya tatu.

**NDG. BAKARI KISHOMA - KATIBU MEZANI:**

Muswada wa Sheria kwa ajili yakufanya marekebisho katika sheria mbalimbali zipatazo mbili kwa lengo la kuondoa mapungufu ambayo yamejitokeza katika sheria hizo wakati wa utekelezaji wa baadhi ya masharti katika sheria hizo yaani *A Bill for an Act to amend a certain written laws.*

*(Kusomwa Mara ya Tatu)*

*(Muswada wa Sheria ya Serikali ulisomwa Mara ya Tatu na Kupitishwa na Bunge)*

**MWENYEKITI:** Ahsante tumemaliza hatua hiyo muhimu ya kutunga sheria. Sasa inakwenda sehemu ya pili ya Bunge kwa Mheshimiwa Rais, naye akatekeleze wajibu wake kama itampendeza kwa muswada huu.

Niwashukuru sana Ofisi ya Mwanasheria Mkuu, Mwanasheria Mkuu mwenyewe, lakini na Kamati ya Katiba na Sheria waliouchambua muswada huu na kuwezesha kuleta hapa Bungeni. Katibu!

**NDG. BAKARI KISHOMA – KATIBU MEZANI:**

**KAMATI YA BUNGE ZIMA**

**Muswada wa Sheria ya Huduma za Maji na Usafi wa Mazingira wa Mwaka 2018 [The Water Supply and Sanitation Bill, 2018]**

**NDG. BAKARI KISHOMA – KATIBU MEZANI:** Mheshimiwa Mwenyekiti, kwa mujibu wa Jedwali la Marekebisho ya Serikali kila linapoandikwa neno *RUWA* isomeke neno *RUWASA*.

Ibara ya 1

Ibara ya 2

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)*

Ibara ya 3

**MHE. HAMIDU H. BOBALI:** Mheshimiwa Mwenyekiti, nakushukuru. Kwenye kifungu cha 3 kwenye *definition* ya neno *fund*, ninapendekeza kwamba tuongeze neno *and sanitation* li-*appear* kati ya maneno *water* na *fund* na hivyo isome kwenye *definition* ya neno *fund* kwamba *fund* sasa isomeke *means the national water and sanitation fund established under this section*.

**MWENYEKITI:** Maelezo yako ni nini?

**MHE. HAMIDU H. BOBALI:** Mheshimiwa Mwenyekiti, maelezo yangu ni kwamba hii sheria yenyewe tunayoitunga inaitwa *The Water Supply and Sanitation Act*, kwa hiyo kwenye neno *fund* limeachwa ni *fund only, sanitation* hakuna.

**MWENYEKITI:** Mheshimiwa Profesa Mbarawa.

**WAZIRI WA MAJI NA UMWAGILIAJI:** Mheshimiwa Mwenyekiti, bado ninaendelea kusema ibaki *definition* kama ilivyo kwa sababu tukisema *water fund* hiyo maana yake inaweza kufanya kazi za *sanitation*, inaweza kufanya kazi za kupeleka huduma ya maji vijijini, inaweza kupeleka maji taka, inaweza kupeleka hata kujenga vyanzo vya maji, kwa hiyo ibaki kama ilivyo *rather than* ku-*dedicate* kwa ajili ya maji taka na maji safi.

**MHE. HAMIDU H. BOBALI:** Mheshimiwa Mwenyekiti, nimemuelewa Mheshimiwa Waziri lakini hoja yangu ni kwamba sheria inasema *water and sanitation*, na ni vizuri hii ya kupeleka kwenye *sanitation* isiwe kama *privilege*, uwe ni utaratibu uliowekwa kwenye sheria.

Mheshimiwa Mwenyekiti, kwa hiyo, naomba nitoe hoja ili Waheshimiwa Wabunge wenzangu walijadili na Bunge liamue. Naomba kutoa hoja.

**MHE. MASOUD ABDALLAH SALIM:** Mheshimiwa Mwenyekiti, naafiki.

**MWENYEKITI:** Haya, imeungwa mkono, nitachukua wachache tu, hakuna kwanza. Hivi kweli tunabishania kitu ambacho kiko *so obvious*? Haya, hakuna walioomba kuchangia, kwa hiyo naendelea. Hakuna, sasa nitafanyaje? Walisimama kuunga mkono, *are two different stages*.

Haya wawili, Mheshimiwa Lucy Magereli, Mheshimiwa Zitto na Mheshimiwa Haonga. Nimeshachukua hayo majina, nachukua sasa upande wa Serikali, Mheshimiwa Makamba, Mheshimiwa Ole Nasha na Mheshimiwa Jitu Soni.

**MBUNGE FULANI:** (*Hapa hakutumia kipaza sauti*).

**MWENYEKITI:** *Gender?* Lakini Mheshimiwa Lucy Magereli sio..., kwa nini unataka kuchangia maana nimeshawataja wanaoweza kuchangia hii hoja, haya, tunaanza na Mheshimiwa Lucy Magereli.

**MHE. LUCY S. MAGERELI:** Mheshimiwa Mwenyekiti, kama nilivyokuwa nimeeleza katika mchango wangu, suala la *sanitation* ni suala ambalo kwa kweli limekuwa likiachwa na kuoneshwa kwamba ni kitu ambacho kimeegeshwa tu kwenye mfumo wa utoaji wa huduma za maji na sasa tunaposema tunapeleka huduma za maji vijijini, maana yake ni lazima pia tulitazame suala la usafi wa mazingira kwa undani wake na ndiyo maana katika *negotiation* hii tulifika mahali tukakubaliana ya kwamba hata jina la muswada libadilishwe na kuongezwa neno *sanitation* ili li-reflect katika *functions* zake zote.

Mheshimiwa Mwenyekiti, kwa hiyo *I am of the opinion* kwamba Serikali itukubalie kwamba neno *sanitation it doesn't cost you anything* kuongeza kwamba...

**MWENYEKITI:** Ahsante sana. Mheshimiwa Haonga.

**MHE. PASCAL Y. HAONGA:** Mheshimiwa Mwenyekiti, naungana na hoja ya Mheshimiwa Bobali kwa maana pale ukiongeza *the waterile* wameweka *sanitation fund* inakuwa inahusu pia usafi wa mazingira. Kwa sababu ukiweka tu peke yake ile inakuwa sasa kama wakati mwingine zile fedha zinaweza zikaenda lakini zikafanya kazi nyingine na kwenye mambo ya usafi wa mazingira zisifanye kazi, inakuwa kama vile ni hiari au wakati mwingine sio lazima. Lakini tunapongeza neno *sanitation* unalazimisha ile fedha ikafanye pia usafi wa mazingira, ifike sehemu zote.

Mheshimiwa Mwenyekiti, ilikuwa hivyo tu, nadhani Serikali ikubali tu, ni jambo...

**MWENYEKITI:** Ahsante. Mheshimiwa Zitto.



**MHE. KABWE Z. R. ZITTO:** Mheshimiwa Mwenyekiti, niungane mkono na Wajumbe wawili waliotoka kuzungumza kuunga mkono hoja ya Mheshimiwa Bobali na ninapenda nilikumbushe Bunge lako tukufu kwamba mara kwa mara tumekuwa tukiomba Serikali iongeze fedha kwenye Mfuko wa Maji, iwapo tutaweza kuwa na mfuko ambao ni wa maji na usafi wa mazingira, hata hoja yetu ya kuongeza fedha ambayo tumekuwa tukiipigia kelele kwa miaka mitatu mfululizo itakuwa na nguvu zaidi katika bajeti inayokuja.

Kwa hiyo, ninaomba Serikali ielewe mapendekezo haya ambayo Mheshimiwa Bobali ameyaleta, iyaunge mkono tuweze kwenda kwa pamoja.

**MWENYEKITI:** Mheshimiwa Makamba.

**WAZIRI WA NCHI, OFISI YA MAKAMU WA RAIS, MUUNGANO NA MAZINGIRA:** Mheshimiwa Mwenyekiti, hapa kinachopendekezwa na Mheshimiwa Bobali ni kwamba tuongeze neno *sanitation* kwenye jina. Lakini kama unavyofahamu madhumuni ya mfuko yapo ndani ya sheria na ukisoma kifungu cha 56 cha sheria kinasema; *functions of the fund; 56(a) " to mobilise financial resources necessary for fulfillment of each objective under this Act".*

Mheshimiwa Mwenyekiti, sasa moja ya madhumuni ya sheria hii ni pamoja na *sanitation* kwa maana *it's implied* na inaeleweka na nguvu kubwa ya matumizi ya mfuko huu yametajwa kwenye sheria. Kwa hiyo jina halina msingi wowote, ingekuwa kama *functions* hazipo, hapo ndiyo tungekuwa tunapata shida.

Mheshimiwa Mwenyekiti, lakini la pili ni kwamba sheria hii inasema kwamba Waziri atapewa mamlaka ya kutengeneza *regulations* ambazo zitaelekeza namna ambavyo matumizi ya mfuko huu yatakuwa. Kwa hiyo, la msingi ni *spirit* iliyopo na sio jina na wote tunajua hapa kabisa kwamba *spirit* ya sheria hii ni pamoja na miradi ya usafi wa mazingira na imo kwenye sheria. Kwa hiyo, hakuna sababu

yoyote ya kuhangaika na jina wakati *functions* za *fund implied* zimetaja pia *sanitation*. (Makofi)

**MWENYEKITI:** Ahsante. Mheshimiwa Jitu Soni.

**MHE. JITU V. SONI:** Mheshimiwa Mwenyekiti, ahsante, naungana na hoja kwamba iendelee kubaki kama ilivyo *water fund*, kwa sababu lengo la hii *fund* sio kwa ajili ya hii *bill* peke yake, hii *national water fund* itatumika kwenye sheria zote mbili, sheria ile ambayo ina *water basis* na kila kitu, na humu hii ni *definition*. Kwa hiyo, ukishaweka hilo neno *water fund* inakata kwa matumizi mengine yote. Hata kama kutatokea jambo lingine ambalo tunahitaji kutumia hiyo fedha itakuwa imekuwa *accommodated*. Kwa hiyo, hii sheria tunayotunga ni kwa ajili ya *water supply and sanitation*, lakini pia kuna mambo ya *catchment* na nini yanaungana huko, kwa hiyo ilivyo naona iko sawa.

**MWENYEKITI:** Ahsante. Mheshimiwa Ole Nasha.

**NAIBU WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA:** Mheshimiwa Mwenyekiti, napendekeza *definition* hiyo ibaki kama ilivyo kwa sababu hasara ya kui-*restrict* kwa kusema *water and sanitation* ni kwamba inatuzuia *fund* ile isiweze kuwa na majukumu mengine. Lakini ukiacha iwe ni *general*, ni rahisi kuweka vitu vingine ambavyo vimeonekana katika malengo ya sheria ikiwa ni pamoja na masuala ya utafiti, kutoa mikopo. Kwa hiyo, ukiacha ikiwa ni *general* ni rahisi kuweka vitu vingine kadiri itakavyoonekana inafaa.

**MWENYEKITI:** Mheshimiwa Bobali.

**MHE. MUSSA B. MBAROUK:** Mheshimiwa Mwenyekiti, bado mimi.

**MWENYEKITI:** Mheshimiwa Mbarouk.

**MHE. MUSSA B. MBAROUK:** Mheshimiwa Mwenyekiti, labda niungane na wale tunaokubaliana kwamba hilo neno la *sanitation* liongezwe. Lakini labda niulize tu kwa nini

tunakuwa kama na woga wa hili neno? Mimi naamini litakapokuwepo litasaidia wananchi wetu kupata maji safi na salama sio maji safi peke yake.

Mheshimiwa Mwenyekiti, lakini pia kwani likiachwa kwa Waziri, kutapatikana faida gani na likiwekwa na Bunge kutapatikana faida gani? Nafikiri lingeachwa hili neno ili tuwe na maana kamili yenye kueleweka. Ahsante. (*Makofi*)

**MWENYEKITI:** Ahsante. Mheshimiwa Bobali kwa kifupi tu.

**MHE. HAMIDU H. BOBALI:** Mheshimiwa Mwenyekiti, nakushukuru. Kwanza niwashukuru wote waliounga mkono hoja yangu, lakini nimepata fadhaha kidogo nilipoona Waziri mwenye dhamana ya Mazingira na yeye anaunga mkono kwamba neno *sanitation* lisiwepo. Lakini fadhaha yangu kubwa kwa Mheshimiwa Waziri ni kwa kusema kitu ambacho hakipo kwenye sheria hii. Ukichukua huu muswada ukurasa wa 39 ambapo ndiyo inazungumzia *national water fund*, hakuna hata kipengele kimoja kilichoandikwa *sanitation*, hakuna. (*Makofi*)

Mheshimiwa Mwenyekiti, hoja ya pili, hii sheria wakati inatungwa Serikali walileta jina *RUWA*, kwenye Kamati ya Kudumu ya Bunge wakawaambia umuhimu wa usafi wa mazingira ongezeni neno *sanitation* na ndiyo maana wameleta *amendment* kwamba jina limebadilishwa kutoka *RUWA* kwenda *RUWASA*. Sasa tunataka sasa iwe *privilege* yaani *sanitation* itengewe fedha *as a privilege*, naomba Bunge liamue ili Bunge iwe na *record* ya jambo hili. (*Makofi*)

**MWENYEKITI:** Ahsante, sasa nitawahoji.

(*Hoja lilitolewa lamuliwe*)

(*Hoja lliamuliwa na Kukataliwa*)

**MHE. HAMIDU H. BOBALI:** (*Hapa hakutumia kipaza sauti*).

**MWENYEKITI:** *Definition ya misuse okay, thank you.*

**MHE. HAMIDU H. BOBALI:** Mheshimiwa Mwenyekiti, nakushukuru sana kwa kunipa nafasi. Ninaomba kuli-commend kupendekeza kwamba kwenye *definition za terms* za Muswada iongezwe neno *definition of misuse of water*. Msingi wa kupendekeza, ukifungua kifungu cha 63 cha Muswada huu kimetoa adhabu kwa watu watakao *misuse of water*.

Mheshimiwa Mwenyekiti, na Wajumbe nilivyowasilikiza wakati wanachangia walikuwa wanajenga hoja kwamba hili neno *misuse of water* limekuwa *too wide*. Kwa hiyo tungenda jambo hili liongeze kwenye *definition of terms* ili ionekane nini maana ya *misuse of water*. Kwa hiyo naomba kutoa hiyo hoja kwamba neno *misuse of water* Serikali mlione na mli-*accommodate* ili kuepuka mtu mmoja kufanya maamuzi ya neno ya *misuse of water* na wakati huku mmetungia Sheria ya Adhabu kali, hoja yangu ni hiyo.

**MWENYEKITI:** Mheshimiwa Bobali sawa, lakini unapokuwa muungwana kama ulivyo wewe unapaswa pia utambue na Serikali kwamba kwenye eneo hilo imeleta marekebisho ya kuboresha ili sasa tafsiri unayopendekeza wewe unapoipima na hiyo ya Serikali unalisaidia Kamati kuona ipi sasa twende nayo. Ukisema pia ni upande ni kama kwamba Serikali haijafanya chochote kwenye eneo hilo, unasemaje kwa *definition* ya Serikali kwanza?

**HAMIDU H. BOBALI:** Mheshimiwa Mwenyekiti, siwezi kupinga kitu ambacho ni *obvious*, kwamba Serikali imeleta mapendekzo mengi, *amendments* nyingi nakubaliana nazo, lakini hoja yangu ni kwamba katika hizo *amendments* wa-include...

**MWENYEKITI:** *Please*, unayo hiyo ya Serikali?

**HAMIDU H. BOBALI:** Mheshimiwa Mwenyekiti, *yes*.

**MWENYEKITI:** Unaona kwenye *clause 3(b) misuse of water*, kumbe hujaisoma! Basi tuendeleo.

**HAMIDU H. BOBALI:** Mheshimiwa Mwenyekiti, tuendeleo.

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho ya Serikali)*

Ibara ya 4

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)*

Ibara ya 5

**MWENYEKITI:** Mheshimiwa Susan Lyimo.

**MHE. SUSAN A. J. LYIMO:** Mheshimiwa Mwenyekiti, nashukuru kwamba *amendment* yangu imekubalika na Serikali na Serikali nao wamefanya marekebisho hayo hayo, nashukuru sana.

**MWENYEKITI:** Ahsante sana, Mheshimiwa Bobali.

**HAMIDU H. BOBALI:** Mheshimiwa Mwenyekiti, nashukuru sana Serikali kwa kuwa *accommodate* mapendekezo yangu.

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho ya Serikali)*

Ibara ya 6

**MWENYEKITI:** Mheshimiwa Bobali.

**HAMIDU H. BOBALI:** Mheshimiwa Mwenyekiti, baada ya kuona *amendments* za Serikali nimeamua kuondoa hayo mapendekezo.

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 7

**MWENYEKITI:** Mheshimiwa Bobali, unaafiki?

**HAMIDU H. BOBALI:** Mheshimiwa Mwenyekiti,  
tuendelee.

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 8

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 9

Ibara ya 10

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 11

**MWENYEKITI:** Mheshimiwa Susan Lyimo.

**MHE. SUSAN A. J. LYIMO:** Mheshimiwa Mwenyekiti,  
nimeangalia marekebisho ya Serikali, lakini sijaona kama  
wamea-*accommodate* ya kwangu. Hata hivyo ni wazi  
kwamba tunahitaji sana *gender* katika kuwa na uwakilishi  
wa wanawake. Nimemsikia Mheshimiwa Waziri akisema  
kwamba watalishughulikia jambo hilo, lakini ningependa liwe  
kwenye sheria yenyewe, kwa sababu natambua kwamba  
wanawake wengi sasa hivi wamesoma *natural sciences*,  
lakini, halioneshi.

Mheshimiwa Mwenyekiti, kwa hiyo nilikuwa  
napendekeza kwenye *section 11* iwe 11(1) halafu tuongeze

(2) ambayo itasomeka kama ifuatavyo; *"In appointing members of the board under sub-section 11(1) the Minister shall take into consideration skills, experience and gender representation."* Kama itakubalika nitashukuru sana, naamini wanawake wenzangu mtaniunga mkono. (Makofi)

**MWENYEKITI:** Mheshimiwa Waziri.

**WAZIRI WA MAJI NA UMWAGILIAJI:** Mheshimiwa Mwenyekiti, kama Mheshimiwa Susan atakwenda kwenye ukurasa wa 52 *qualifications of the board members* tumesema namba (2)(1); *"The Minister in making appointments of members shall have regard to desirability that every person appointed possess such technical qualification or experience..."* Tume-accommodate hiyo.

Mheshimiwa Mwenyekiti, pia tumesema hapo hapo juu utakuta *at least one third of the members of the board shall be women, angalau one third.* Wanaweza kuwa *thirty percent, fifty percent, minimum one thirty.* (Makofi)

**MWENYEKITI:** Mheshimiwa Lyimo baada ya maelezo, tena imo kwenye...

**MHE. SUSAN A. J. LYIMO:** Mheshimiwa Mwenyekiti, nakubaliana nayo kama kuna hiyo *one third* nashukuru na naamini itaweza kuwa zaidi ya hapo.

**MWENYEKITI:** Ahsante sana.

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)*

Ibara ya 12

Ibara ya 13

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho ya Serikali)*

**MWENYEKITI:** Waheshimiwa Wabunge upande huu naomba, tunafanya kazi ya msingi ya kutunga sheria, nasikia upande huu tu. Naomba kabisa nisikie, tuendelee.

Ibara ya 14

Ibara ya 15

Ibara ya 16

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 17

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 18

Ibara ya 19

Ibara ya 20

Ibara ya 21

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 22

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 23

Ibara ya 24

Ibara ya 25

Ibara ya 26

Ibara ya 27

Ibara ya 28

Ibara ya 29

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*



Ibaya ya 30

**MWENYEKITI:** Mheshimiwa Susan Kiwanga.

**MHE. SUSAN L. KIWANGA:** Mheshimiwa Mwenyekiti, mapendekezo yangu kwenye *section 30(3)* nilikuwa napendekeza kwamba maneno yale ya miaka kumi yaondolewe na iongezwe na iwe miaka 15.

Mheshimiwa Mwenyekiti, nina maana yangu ya kusema hayo, maana yangu ni kwamba katika uwekezaji wa maji suala la uwekezaji na tumeona miradi ya maji inachukua muda mrefu. Kwa hiyo, sasa ukimwambia mtu ahuishe leseni yake kwa muda wa miaka kumi unaweza kwenye kipindi anakuwa bado hajajua zaidi huo mradi kama umesimama na faida gani unapata mpaka ahuishe huo mradi.

Mheshimiwa Mwenyekiti, kwa hiyo kwa mapendekezo hayo sasa, nilikuwa naomba iwe miaka 15 na si miaka kumi na wenyewe wanajua Waheshimiwa Mawaziri jinsi mradi wa maji unavyochukua muda mrefu, unaweza ukasema hata zaidi ya hiyo miaka ili tuone kwamba hii miradi inakuwa endelevu.

Mheshimiwa Mwenyekiti, naomba kutoa hoja na kama nikipata majibu ya Mheshimiwa Waziri hajaridhisha basi nitaomba Wabunge wenzangu wanisaidie katika kujenga hoja yangu, ahsante.

**MWENYEKITI:** Lakini Mheshimiwa Susan Kiwanga, *practice* kwa masuala haya ikoje; maana ndiyo ungelisaidia Kamati. Serikali mimi nafahamu wameifanyia ndiyo maana wamekuja na *period* hiyo, sasa wewe umetuacha tu wewe unataka twende miaka 15. Mheshimiwa Profesa.

**WAZIRI WA MAJI NA UMWAGILIAJI:** Mheshimiwa Mwenyekiti, bado mimi nabaki kwamba ibaki miaka kumi, kwa sababu mbili za msingi; ya kwanza, ikimalizika kile cha miaka kumi anaweza ku-*renew* tena na ya pili, hii iko *in line*

na Sheria ya *EWURA* iko hivyo iko miaka kumi, lazima ibaki miaka kumi.

**MWENYEKITI:** Mheshimiwa Kiwanga.

**MHE. SUSAN L. KIWANGA:** Mheshimiwa Mwenyekiti, ahsante, tumeshuhudia huko vijijini maeneo yetu miradi ya maji inachukua muda mrefu sana. Sasa wakati yuko kwenye harakati au miradi ya maji inaendelezwa ni kwamba sasa anarudi tena ku-*renew* mkataba, sasa anapoteza muda mwingi. Labda tu useme tu kwa sababu anasema *EWURA* iko hivyo, lakini sasa hivi tunarekebisha Sheria ndiyo maana tulikuwa na mambo ya manunuzi ya umma lakini sasa hivi tunaona kwenye miradi huko vijijini wanafanya kwa *force account*, kwa hiyo si vibaya.

Lakini kama Mheshimiwa Waziri anasema lazima iwe miaka kumi siwezi kubishana naye lakini naona kabisa itakuwa usumbufu mkubwa kwa watu ambao wanaenda kutekeleza hiyo miradi huko vijijini kwetu kutokana na mazingira halisi, mvua kubwa maporomoko, kuharibika hiyo miradi. Kwa hiyo utamrudisha huyu Mwekezaji kuja kutafuta tena ku-*renew* mkataba na kuna *process* zake.

Mheshimiwa Mwenyekiti, naomba kutoa hoja, Waheshimiwa Wabunge wenzangu naomba mniunge mkono.

**MWENYEKITI:** Sasa Mheshimiwa wewe umeshaunga mkono.

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 31

Ibara ya 32

Ibara ya 33

Ibara ya 34

Ibara ya 35

Ibara ya 36

Ibara ya 37

*(Ibara zilizotajwa hapo zilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 38

**MWENYEKITI:** Mheshimiwa Susan Kiwanga 38.

**MHE. SUSAN L. KIWANGA:** Mheshimiwa Mwenyekiti, ahsante nakushukuru sana kwa kunipa hii nafasi.

Mimi mapendekezo yangu kama nilivyosema katika marekebisho yangu, ni kwamba nilikuwa naomba mamlaka ya kwenda kuruhusu hii miradi ya jumuiya, kuruhusu pesa za kutumia labda kurekebisha nini ziende kwa *RUWA* kwa sababu tumeshapata *RUWA* kule vijijini ambayo ina-*deal* kabisa na hali ya vijijini kule chini. Sasa kusema haya mambo mpaka yapate ruhusa ya Waziri vijiji vyote Tanzania nzima hiyo kazi inaweza kuwa kubwa sana na inaweza kuwa urasimu mkubwa kwenye miradi ya maji katika nchi yetu.

Mheshimiwa Mwenyekiti, kama sjaridhika na majibu ya Serikali, nitaomba Wabunge wenzangu nitoe hoja ili tujadili hili suala.

**MWENYEKITI:** Ahsante, Mheshimiwa Mwanasheria Mkuu.

**MWANASHERIA MKUU WA SERIKALI:** Mheshimiwa Mwenyekiti, kifungu hiki kinahusu fedha, *donations, loans others financial assistance* ambayo vikundi vya jamii vinaweza kupokea na kinatoa mamlaka yakuidhinisha upokeaji wa fedha hizo kwa Mheshimiwa Waziri.

Mheshimiwa Mwenyekiti, kimetungwa hivi kwa sababu katika upokeaji wa hizo *donations, loans, others financial assistance* kuna mambo ya kisera yanaweza kuingia

humo (*policy issues*) na yakiwa mambo ya kisera mwenye mamlaka ni Waziri na siyo *Regulatory Authority*. Nawasilisha.

**MWENYEKITI:** Mheshimiwa Susan Kiwanga.

**MHE. SUSAN L. KIWANGA:** Mheshimiwa Mwenyekiti, ahsante, kwa mwenye hoja amesema kwamba ni ya kisera zaidi, lakini jinsi ilivyokaa hapa kwenye sheria kwamba, mimi nafikiria yaani mimi nilivyokuwa naleta hii hoja yangu nikafikiria kwa mfano kule Mlimba sasa hivi tu kwenye kile Kijiji cha Mlimba wakitaka kutengeneza *pump* wanakaa Ifakara kwa Mkurugenzi siku tatu ndipo wapate ruhusu ya kutumia hizo hela. Sasa leo hawa wakiambiwa wapewe ruhusa na Mheshimiwa Waziri na wakati tumeumba ya *RUWA*, hawa *RUWA* kama unafanya kazi na nini wananchi kule chini, kwa nini mamlaka isiachie kwa *RUWA* na Waziri akapewa tu taarifa kutoka kwa *RUWA* na kupeleka kwa Waziri? Hii inatuhusu hata hata sisi ndugu zangu Wabunge, tunavyotoa mfuko wetu wa Jimbo kwenye hela za visima, shuleni au katika hospitali, inamaana kibali mpaka kitoke kwa Mheshimiwa Waziri, ndugu zangu tutaathirika sana, naomba mniunge mkono hiyo hoja tuijadili kwa makini na kuangalia vijiji vyetu.

Mheshimiwa Mwenyekiti, naomba kutoa hoja.

**MWENYEKITI:** Hawajatimia kumi.

**WABUNGE FILANI:** Aah.

**MWENYEKITI:** Sijawaonea wewe umesimama baada ya mimi kuwaambia hamjatimia, haya, msionekana bwana mimi nawaburuza, tunawachukua, naanza huko. Halafu ni wale wale tu jamani? hivi wengine hawaelewi maana ni wewe tu! Haya Mheshimiwa Lucy, Mheshimiwa James, Waziri. Waheshimiwa tunaanza tuone hoja hii, Mheshimiwa Mbatia.

**MHE. JAMES F. MBATIA:** Mheshimiwa Mwenyekiti, naunga mkono hoja ya Mheshimiwa Susan kwa msingi ya kwamba nchi yetu ya Tanzania ni kubwa na masuala haya ya kisera yakipewa kwa mtu mmoja Ofisi ya Waziri iko

Dodoma *let's say* mradi uko kijijini *interior* na kuna *organization* nyingine za humu ndani *let's say* ni taasisi ya dini, *NGO* yoyote ina-*support* mradi pale kijijini mpaka uweze kumfikia Mheshimiwa Waziri, ni urasimu mkubwa sana.

Sasa hii sheria imeleta ni huduma za maji ili kurahisisha utaratibu wa upatikanaji wa huduma hii. Sasa tuna *complicate* zaidi katika namna ya ofisi ya kuhudumia mradi huu na kwa hivyo nchi itazidi kupata matatizo. Kwa hiyo, namuunga mkono Mheshimiwa Susan kwamba ni suala japo amesema suala la kisera...

*(Hapa kengele ililia kuashiria kuisha kwa muda wa Mzungumzaji)*

**MWENYEKITI:** Ahsante.

**MHE. LUCY S. MAGERELI:** Mheshimiwa Mwenyekiti, na mimi namuunga Mheshimiwa Susan Kiwanga mkono kwenye suala hili kwa sababu yako mazingira ambayo huko vijijini tunapata misaada kwa mfano *World Division*, watu kama *Oxfam* lakini makanisa yanatoa misaada mingi kwenye maeneo ya vijijini katika kusaidia miradi miradi ya maji. Sasa tukifika hatua ya kwamba hata kama kanisa litakaposema nataka kuwachimbua wanachi wa eneo hili kisima cha maji kwa shilingi milioni 20 halafu tufikiri ya kwamba *that donation* lazima ipate mamlaka kutoka Mheshimiwa Waziri tunachelewa maendeleo.

Mheshimiwa Mwenyekiti, kwa hiyo naomba hoja ya Mheshimiwa Susan ipokelewe na ikubalike.

**MWENYEKITI:** Ahsante, Mheshimiwa Dkt. Ndumbaro.

**NAIBU WAZIRI WA MAMBO YA NJE NA USHIRIKIANO WA AFRIKA MASHARIKI:** Mheshimiwa Mwenyekiti, ahsante sana. Siungi mkono hoja iliyotolewa na Mheshimiwa Susan kwa sababu masuala ambayo yanahusiana *na loans, grants* na *guarantee* yanaratibiwa na sheria ya mwaka 1974 ambayo iko bayana kwamba mwenye mamlaka ya kuidhinisha,

kupokea au kufanya chochote ni Waziri. Kwa hiyo, tukienda kinyume, tutakuwa tunakiuka sheria hii ambayo ilifanyiwa marekebisho hapa Bungeni mwaka 2003.

Mheshimiwa Mwenyekiti, naomba kuwasilisha.

**MWENYEKITI:** Ahsante. Mheshimiwa Kairuki.

**WAZIRI WA NCHI, OFISI YA WAZIRI MKUU, UWEKEZAJI:**

Mheshimiwa Mwenyekiti, nakushukuru. Na mimi naomba tu kwamba maelezo ya Mheshimiwa Waziri yabaki kama yalivyo, kwa sababu hapa ukiangalia kuna vyanzo vya mapato zaidi ya sita. Hapa kimsingi wananchi hawakatazwi kuchangia; kuna *contributions* na kuna *donations*. Wao kama wananchi, kwa mujibu wa kifungu cha 38(b) wamekuwa *empowered*, wanaweza wao wenyewe kwa wenyewe kama wanachama waka-*contribute* na bado wakafanya ukarabati, wakajenga na mengine yote.

Pili, bado kwa mujibu wa mamlaka za Serikali za Mitaa wana uwezo pia wa kutenga fedha mbalimbali kwa ajili ya ujenzi, upanuzi, ukarabati na mengine yote. Inapokuja katika masuala mazima ya misaada, mikopo na misaada mingine ya kifedha ni lazima kwa sababu masuala ya kifedha na kiseru uweze kufahamu yule anayekuchangia ambaye sio mwananchi wa pale ana lengo gani? Kwa hiyo, yote hayo yanasimamiwa.

**MWENYEKITI:** Haya. Mheshimiwa Kangi Lugola.

**WAZIRI WA MAMBO YA NDANI YA NCHI:** Mheshimiwa Mwenyekiti, mimi siungi mkono kabisa hoja ya Mheshimiwa Susan Kiwanga kwa sababu kwenye marekebisho yaliyoletwa na Serikali kuanzia sehemu (a) neno *RUWA* tulilifuta tukaweka neno *RUWASA*. Halafu sehemu (b) *definition* ya *RUWA* pia tukaifuta, tukaweka *definition* ya *RUWASA*. Kwa hiyo, neno lake la "*RUWA*" analotaka liingizwe wakati lilishafutwa, halina nafasi tena kisheria. (*Kicheko/Makofi*)

*(Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu)*

**MWENYEKITI:** Mheshimiwa Susan Kiwanga.

**MHE. SUSAN L. KIWANGA:** Mheshimiwa Mwenyekiti, ahsante. Madhara yake najua yanaweza yakaja kama ya kikokotoo. Kwa hiyo, hoja yangu bado iko pale pale, naomba twende kwenye kupiga kura, kwa sababu watakaopata taabu ni wananchi wa vijijini. *(Makofi)*

**MWENYEKITI:** Ahsante.

*(Hoja Ilitolewa lamuliwe)  
(Hoja Iliamuliwa na Kukataliwa)*

**MWENYEKITI:** Niseme moja tu Waheshimiwa Wabunge. Mheshimiwa Mbunge anapotoa hoja, hatua ya kwanza ni kuungwa mkono. Ndiyo maana nilisema idadi kwa mujibu wa Kanuni zetu anatakiwa aungwe mkono na Wabunge kumi au zaidi.

Hatua ya pili, tukishavuka kwamba imeungwa mkono, ni wale wanaotaka sasa kuchangia. Nilisema waliposimama hawakufika kumi, lakini upande huu mliposimama ndiyo ikatimia hao kumi. Nadhani lengo lenu lilikuwa ni zuri tu kwamba mliwahisha mambo, mlitaka mje mchangie, lakini katika hatua ya kwanza ilikuwa ni kupata idadi ya Wabunge wanaomuunga mkono. Tukikaa hivyo tutakwenda vizuri.

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)*

Ibara ya 39

Ibara ya 40

Ibara ya 41

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)*

Ibara ya 42

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 43

**MWENYEKITI:** Mheshimiwa Susan Kiwanga.

**MHE. SUSAN L. KIWANGA:** Mheshimiwa Mwenyekiti, ahsante. Hiki kifungu kingekuwa kizuri sana, sasa hivi ningekijengea hoja kama kile kifungu Na. 38 kingekubalika. Kwa sababu nilikuwa nasema Mamalaka wapewe *RUWASA* ndiyo watafanya hizo kazi pamoja na jamii. Kwa kuwa imepigwa kura hapa na Wabunge wa CCM wakakataa hoja yangu, madhara yake tutakwenda kuyaona vijijini. Ahsante.

Ibara ya 43

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 44

**MWENYEKITI:** Mheshimiwa Susan Kiwanga.

**MHE. SUSAN L. KIWANGA:** Mheshimiwa Mwenyekiti, kifungu hiki nina *issue* ya *gender sensitive*. Hilo neno *chairman* kwa mtu yeyote, ukishasema *chairman* inamaanisha mwanaume, lakini kisheria najua nitapata majibu kwamba kisheria ni *chairman*, lakini lazima twende na mabadiliko. Hatuwezi kuwa na maneno yale yale kila wakati miaka yote. Napendekeza kiwe *chairperson*. *Chairperson* inawamwakilisha mwanamke na mwanaume.

Mheshimiwa Mwenyekiti, kama Serikali itakataa pendekezo langu ambalo ni pendekezo karibuni la wanawake wote Tanzania, tunahitaji kuitwa *chairpersons* siyo *chairman* basi ni vyema sasa mahali kwenye Muswada huu kinapotamkwa *chairman* kitamkwe *chairperson*. Nawaomba



chonde chonde. Kama Mheshimiwa Waziri akinikatalia, basi nitawaomba Wabunge wenzangu hasa wanawake waniunge mkono. (*Makofi*)

**MWENYEKITI:** Mheshimiwa *Attorney General*.

**MWANASHERIA MKUU WA SERIKALI:** Mheshimiwa Mwenyekiti, kama unavyofahamu wewe mwenyewe vizuri kabisa, bado katika misingi ya uandishi wa sheria neno linalotumika tunapo-*designate gender* ni *chairman* na siyo *chairperson*.

Mheshimiwa Mwenyekiti, naomba kuwasilisha. (*Makofi*)

**MWENYEKITI:** Waheshimiwa Wabunge, tuko katika hatua ya msingi sana ya kutunga Sheria za Jamhuri ya Muungano wa Tanzania. Iko misingi ya uandishi wa sheria. Pamoja na kwamba sisi kama Bunge tuna mamlaka ya kuweza kufanya hivyo, lakini mtiririko wa maneno katika sheria moja, unapaswa kwa Sheria ya Tafsiri ukilikuta neno hilo unajua katika *context* iliyotumika maana yake ni hiyo. Kama wanataka kulifafanua, watafafanua pale, *otherwise* inafahamika katika sheria zote ambapo neno hilo limetumika.

Sasa hatuwezi tukaanzisha kwasababu ya kuwa *gender sensitive*. Naheshimu sana hayo, nawaheshimu sana mama zangu walionizaa mimi, lakini kwa uandishi huu hakuna kinachopungua katika kutekeleza lengo la Serikali la kutaka kuhakikisha kwamba kundi kubwa la akina mama linapata nafasi siyo kwa uwakilishi tu, lakini katika maeneo ya kufanya maamuzi.

Mimi nadhani maelezo ya Mwanasheria Mkuu wa Serikali ndiyo hayo ya kisheria.

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 44

Ibara ya 45

Ibara ya 46

Ibara ya 47

*(Ibara ziliyotajwa hapo juu zilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 48

**MWENYEKITI:** Mheshimiwa Anthony Komu.

**MHE. ANTONY C. KOMU:** Mheshimiwa Mwenyekiti, naomba kwenye kifungu cha 48 ile sehemu ya (h) kufanywe marekebisho ili ule ushirikishwaji unaozungumzwa kwenye hii Ibara ya 48(a) mpaka (g) iwezekane kirahisi, kwa sababu kule kwenye *full council* ndiko ambako kuna hivi vitu vyote ambavyo vinaelezwa kwenye (a) mpaka (g) kama hiyo Mamlaka inataka ku-*acquire* kitu chochote. Maana kule *ODC* wakifahamu kwamba kuna mpango huu wanaweza wakarahisisha sana hayo mambo yakaenda vizuri.

Mheshimiwa Mwenyekiti, kwa hiyo, kutakuwepo na *harmonization* ya hali ya juu katika utendaji wa kazi wa hiki chombo tunachokiunda kama tukiweka kwa lazima kwenye sheria kwamba hii *agency* ilete taarifa zake na mipango yake kwenye *full council*, kwa taarifa tu ili kuweze kuwepo na *harmonization*.

Mheshimiwa Mwenyekiti, kwa hiyo, nitaomba Serikali inikubalie na kama haitawezekana, basi naweza kuwaomba wenzangu Wabunge hapa ambao wote ni Madiwani na wanakaa kwenye *full council* ili waweze kunisaidia tuweze kufanya haya marekebisho kwa maslahi mapana ya nchi hii.

**MWENYEKITI:** Mheshimiwa Komu kwa uandishi tu, kwanza tuanze na hilo ili wakuelewe wenzetu. Ninavyoisoma ya kwako unasema, isomeke hivi: *"shall submit plans and operational reports to the full councils."* Sasa Muswada wa Serikali unapoanza ile *opening words "The" RUWA* sasa inakuwa *"RUWASA shall cooperate with the Local*

Government.” Kwa hiyo, “shall” imeanzia huko. “*Shall cooperate with the Local Government Authorities in exercising any of the following duties.*” Ndiyo unakuja kwenye (h). Sasa huwezi ukaandika “shall” tena kwako huko. Kwa hiyo, hilo la kwanza.

La pili, una-introduce concept ya plans, maana Serikali inasema: “*submit operational reports.*” Taarifa za kitendaji. Wewe unasema tu na “plans” (mipango) na reports hizo kwa Halmashauri for necessary. Wewe umesema unaishia tu “*to the full Councils.*” Serikali inasema, “*as may be necessary for information,*” Hiyo ndiyo tofauti tu iliyopo kati yako na Serikali. Kwa hiyo, “shall” ipo, lazima wafanye hivyo. Okay? Umeongeza “plans” lakini Serikali inasema “pale ambapo panahitajika taarifa hizo zitolewe.”

Mheshimiwa Mwanasheria Mkuu.

**MWANASHERIA MKUU WA SERIKALI:** Mheshimiwa Mwenyekiti, tuliyachunguza mapendekezo ya Mheshimiwa Komu ambayo yanabeba vipengele viwili. Cha kwanza ni “plans” na cha pili ni “reports.” Katika formulation ya Serikali katika Muswada, operational reports imekuwa covered lakini bada ya kujadili tukasema hakuna ubaya kuongeza hilo neno “plans.” (Makofi)

Mheshimiwa Mwenyekiti, tulisoma pia spirit ya mapendekezo ya Mheshimiwa Komu na tukasema basi kwa vyovyote vile yataondoa maneno haya “*as may be necessary.*”

Mheshimiwa Mwenyekiti, sasa baada ya kusema hivyo, naomba nisome kifungu hiki kinavyopaswa kusomeka baada ya kuingiza mapendekezo ya Mheshimiwa Komu; “(h) *Submit plans and operational reports to full Councils for information.*” Narudia. “*Submit plans and operational reports to full Councils for information.*” Naomba kuwasilisha.

**MWENYEKITI:** Mheshimiwa Komu.

**MHE. ANTONY C. KOMU:** Mheshimiwa Mwenyekiti, nawashukuru sana Serikali. Ahsante.

Ibara ya 48

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 49

Ibara ya 50

Ibara ya 51

Ibara ya 52

Ibara ya 53

Ibara ya 54

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 55

**MWENYEKITI:** Mheshimiwa Magereli.

**MHE. LUCY S. MAGERELI:** Mheshimiwa Mwenyekiti, nina mapendekezo ambayo yana vipengele vinne kwenye *section 55* na nilikuwa na *spirit* ile ile ya kutaka hoja ya *sanitation* iwe *reflected* kwenye vipengele vyote vinavyotaja utekelezaji na *especially* kwenye *part* hii ambayo inazungumzia "*The National Water Fund.*" Kwa hiyo, nataka kwenye *heading* tuongeze maneno "*and sanitation.*" Kwa sababu maelezo mnyo, tusichukue muda mrefu kwa sababu vipengele ni vingi.

Mheshimiwa Mwenyekiti, pia kwenye *marginal note* nilikuwa nataka tuongeze maneno "*and sanitation.*" Kwenye *sub-section (1)* pia nilitaka tuongeze maneno "*and sanitation*" kwenye *funding*. Vilevile kwenye *sub-section (5)* kulingana na jinsi inavyosomeka, inasema; "*The Minister may make regulations prescribing procedures for the performance of the functions and use of the funds for the operations of the funds.*" Sasa imesema "*The Minister may.*"

Mheshimiwa Mwenyekiti, nilikuwa napendekeza ya kwamba, *Minister* kutengeneza *regulations* isiwe ni suala kufikiri kufanya ama kutofanya, badala yake liwe ni jambo la ulazima kufanyika. Kwa hiyo, lile neno "*may*" liwe *replaced* na neno "*shall*."

**MWENYEKITI:** Mheshimiwa Waziri.

**WAZIRI WA MAJI NA UMWAGILIAJI:** Mheshimiwa Mwenyekiti, nitajibu swali la kwanza mpaka la nne ambalo kwa ufupi sasa halina mantiki tena kwa sababu *definition* kule tumeshabadilisha. Mwanasheria Mkuu wa Serikali atajibu hilo la kubadilisha "*may*" to "*shall*."

**MWENYEKITI:** Ahsante. Mheshimiwa Lucy Magereli kwanza tuelewane na hiyo, kwa sababu nilikuwa nawaeleza Sekretarieti hivyo hivyo kwamba tumeshaiamulia *definition*, mfuko huu utaitwa *National Water Fund*. Sasa tumetumia muda kidogo hapa na tukaamua. Sasa tukifika hapa maana yake hatuwezi kurudi nyuma tena kwa hilo.

**MHE. LUCY S. MAGERELI:** Mheshimiwa Mwenyekiti, nakubaliana na wewe lakini mmei-*let down* hii hoja yetu ya *sanitation*, *we real wanted it in*. Ahsante.

**MWENYEKITI:** Mheshimiwa Mwanasheria Mkuu "*shall*" and "*may*."

**MWANASHERIA MKUU WA SERIKALI:** Mheshimiwa Mwenyekiti, katika misingi ile ile ya uandishi wa sheria, linapokuja suala la kumpa Mheshimiwa Waziri mamlaka ya kutengeneza *regulations*, neno linalotumika siku zote ni "*may*" na siyo "*shall*."

Mheshimiwa Mwenyekiti, naomba kuwasilisha.

**MWENYEKITI:** Mheshimiwa umeridhika? Ahsante.

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho ya Serikali)*

Ibara ya 56

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 57

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 58

**MWENYEKITI:** Mheshimiwa Lucy Magereli.

**MHE. LUCY S. MAGERELI:** Mheshimiwa Mwenyekiti, katika kifungu cha 58 bado hoja yangu ilikuwa ni juu ya suala la *sanitation*. Nimeona Serikali imekubali na yenyewe kufuta neno *investment* ambapo nami nilipendekeza ya kwamba lifutwe.

Mheshimiwa Mwenyekiti, nieleze pia masikitiko yangu kwamba hata Waziri wa Mazingira alipotoa tafsiri akieleza ya kwamba tunataka hiyo *fund* ibaki hivyo kwa sababu itakuwa na matumizi mengineyo ambayo hata hivyo humu hayajawa *specified* wakati sisi tunataka kuamulia suala la *water supply and sanitation*, bado inaniongezea machungu sana kutamani kama mngeweza ku-*revise* na kukubaliana na suala la *sanitation*. Ahsante. *(Makofi)*

**MWENYEKITI:** Mheshimiwa Waziri wa Nchi, Ofisi ya Makamu wa Rais.

**WAZIRI WA NCHI, OFISI YA MAKAMU WA RAIS, MUUNGANO NA MAZINGIRA:** Mheshimiwa Mwenyekiti, hebu naomba nielezee kidogo, kwa sababu sheria kwa uelewa wangu hii tumeifanyia kazi kwenye kwenye KB, kwenye Baraza na yote haya tumeyatafakari. Sasa ngoja nieleze uelewa wangu.

Mheshimiwa Mwenyekiti, ukisoma kazi za mfuko, zimeandikwa kwenye kifungu cha 56(b), inasema: *"To disburse funds to implementing agencies for the purposes of execution of water projects."* Now what are the water projects kwa mujibu wa sheria hii? Nenda kwenye *definition*, imetaja *sanitation*.

Mheshimiwa Mwenyekiti, sasa kwetu sisi msingi ni *substance* ya mfuko utafanya nini? Ndiyo maana tumekuwa tayari, *of course* tusingekubali hapa kama suala la msingi kama hilo lisiwepo, lakini limo kwenye *definition*. Kwa hiyo, nadhani kama mtu ukisoma yote kwa ujumla wake kwamba mfuko uta-*execute water projects*, twende kwenye *definition*, *what are the water projects? Water projects* inasema *means projects for construction, expansion or rehabilitation of water supply and sanitation infrastructure*. Hiyo ndiyo maana yake. (Makoff)

Kwa hiyo, huyu bwana akisimama ooh, Waziri wa Mazingira kasema hivi, tunajua tunachosema. Ahsante. (Makoff)

**MHE. LUCY S. MAGERELI:** Mheshimiwa Mwenyekiti,...

**MWENYEKITI:** Mheshimiwa Magereli umeafiki hapo?

**MHE. LUCY S. MAGERELI:** Mheshimiwa Mwenyekiti, sijaafikiana. Unajua suala la *sanitation* siyo msamiati mpya, *sanitation* imekuwa ikitajwa wakati mwingine wote, lakini tumekuwa tukitekeleza miradi ya maji bila kuchukua *into account* suala la *sanitation*, kwa hiyo Mheshimiwa Waziri anaposema *is defined*, I *understand is defined* na mimi nimesoma kweli *is defined*, lakini kwa nini hai- *reflect* kila tunapotaka iwe *reflected* kwa sababu mtunga sheria ni mtu mwingine na mtekeleza sheria ni mtu mwingine. Wale wafanya miradi wanapokuwa kwenye eneo hilo wanatakiwa kuelewa kwamba wanatakiwa kuchukua nini *on board*, kwa hiyo mimi bado naendelea ku- *insist* kwamba *sanitation* iingie, lakini Serikali imekataa, basi nawashukuru na nawatakiwa kheri.

**MWENYEKITI:** Mimi sitaki kuchukua nafasi ya Serikali, mimi ni *referee* katika hatua hii, lakini unapoanza na neno *sanitation* liko kwenye ukurasa wa tisa, pale limeeleza kabisa na *sanitation works* imeyaeleza yote hayo. Sasa huu Mfuko kwa maelezo ambayo wote tunaona baada ya maelezo ya Serikali na Kamati kuamua kwenye eneo hili la 58, baada ya maelezo hayo, nashindwa kukuelewa ni kitu gani ambacho kinakusumbua, maana mabishano ya lugha lugha sijui lakini maelezo ya sheria ndiyo haya. Tukielewane hivyo, sidhani kama kuna tatizo.

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 59

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 60

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 61

Ibara ya 62

Ibara ya 63

Ibara ya 64

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge  
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 65

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 66

**MWEYEKITI:** Mheshimiwa Lucy Magereli.



**MHE. LUCY S. MAGERELI:** Mheshimiwa Mwenyekiti, katika kifungu cha 66 hiki kinazungumzia adhabu kwa wale watumiaji wa maji kwamba itakapotokea mtu ameoga, amesafisha vyombo, amemnywesha punda wake maji katika eneo lililotengwa maalum kwa ajili ya hifadhi ya maji atakuwa na faini kama zilivyokuwa *specified*. Sasa mapendekezo yangu ilikuwa ni kuondoa neno *ten okay, my speech was to delete the word fifty appearing between the word than and thousand and replacing with the word ten* na kama inavyoeleza kwenye *amendment* yangu.

Mheshimiwa Mwenyekiti, *spirit* ya hoja yangu ilikuwa ni kutaka kupunguza ukubwa wa faini ambazo watu wetu wanatozwa katika maeneo hayo kwa sababu makosa yanyewe hayaonekani ya kunawa kwenye bomba ama kunywesha punda kwenye maji ya bwawa, nikataka adhabu hiyo ipunguzwe na kuwa shilingi 10,000 mpaka 50,000 badala ilivyooneshwa kama *1,000,000 to 10,000,000*. Nasema kwamba ipungue kutoka 50,000 *shillings* kama ilivyoneshwa *up to 1,000,000 shillings* badala yake iwe 10,000 *to 50,000; that is the spirit of what I am requesting*.

**MWENYEKITI:** Ahsante. Kwa hiyo unataka kupunguza faini isipungue shilingi 10,000 na isizidi shilingi 50,000 ndiyo mapendekezo yako. Serikali.

**WAZIRI WA MAJI NA UMWAGILIAJI:** Mheshimiwa Mwenyekiti, bado napendekeza faini ibaki hivyo hivyo kwa sababu athari za hapa ni kubwa, kwa mfano, mtu amekwenda kwenye chanzo cha maji chanzo kile pengine ni maji safi, halafu ameoga na ameweka vitu ambavyo vinaweza kuchafua chanzo, athari yake watu wengi baadaye wanaweza kupata madhara makubwa sana, hiyo isitoshe. La pili, kwa mfano kuna mtu ameenda kufungua tu koki ama *valve* na maji yamemwagika kwa makusudi, hivyo, nafikiri bado adhabu hii iwe ni fundisho ili kuhifadhi miundombinu na vyanzo vya maji vile.

**MWENYEKITI:** Mheshimiwa Magereli wewe una uzoefu, kifungu hicho kinavyosema unaiachia mahakama iangalie

mazingira yote ya tukio ambayo mwananchi amekutwa. Sasa wakiona kwamba inastahili icheze kati ya hiyo 50,000 na 1,000,000 mahakama sasa ndiyo itaweza kufanya maamuzi yaliyo sahihi na bora. Sasa ukiishusha sana hiyo ndiyo *concern* ya Mheshimiwa Waziri, hii miundombinu pamoja na utunzaji wa mazingira haya ni muhimu sana kwa *survival* ya watu wetu na nchi yetu na viumbe vyote, ndiyo maana tunataka twende hivyo. Hata hivyo, unapelekwa mahakamani siyo kwamba unapigwa faini hapo hapo, hapana lazima akupeleke na upatikane na hatia na hatia hiyo sasa je, iwe chini hapo au juu ya hapo au, unaiachia mahakama unaonaje hapo?

**MHE. LUCY S. MAGERELI:** Mheshimiwa Mwenyekiti, sheria yenyewe inasema hivi " *any person who washes his person or bathes in any part of the waterworks or waterworks area* unaona akioga au akiosha au akinyweshwa.

**MWENYEKITI:** Anatenda kosa.

**MHE. LUCY S. MAGERELI:** Mheshimiwa Mwenyekiti, *yes*, kwamba anatenda kosa na mimi nakubaliana kabisa kwamba anatenda kosa, lakini tukiliacha hili tufikirie kwamba tunakwenda mahakamani na mahakama ndiyo iamue na ndiyo maana hata kwenye mchango wangu nilipendekeza kwamba zile Mamlaka za Watuamiaji Maji kule chini ziachiwe mamlaka hiyo ya kuamua ili walindane wenyewe, kwa sababu katika mazingira haya ambayo mtu amefika katika chanzo cha maji ameoga, utaweka walinzi ama utawekaje. Kwa hiyo nafikiri hii adhabu ipunguzwe ili na suala lirudishwe kwenye Mamlaka za Watumia maji wao ndiyo walindane, uwape na *sense ya ownership* ya lile eneo walindane na wao wapeane adhabu na *almost* iwe kama hii ambayo nimependekeza, lakini hii ni kubwa. Ninavyojua tukitaka mahakamani, wataenda watu wengi sana, watu wanaooga kwenye lambo ni wengi sana.

Mheshimiwa Mwenyekiti, naomba kutoa hoja kama itashindikana Waheshimiwa Wabunge wenzangu waniunge mkono kwenye hoja hii. (*Makofi*)

**MWENYEKITI:** Leo hapo sawa ahsanteni. Sasa wanaotaka kuchangia hoja hii, Mheshimiwa Emmaculate, Dkt. Sware samahani, lazima nitambue Dkt. Sware; Mheshimiwa Peneza na wewe haya, Mheshimiwa Waziri Kange Lugola, Waziri wa Mazingira, kaeni tu Waheshimiwa, Mheshimiwa Shangazi na Mheshimiwa Jitu Soni, tunao hapa zaidi jamani, najua ni hoja nzito nakubali nimeelewa haya Mheshimiwa Lucy na Mheshimiwa Haonga, ongeeni tu si mnataka kuongea haya tunaanza na Mheshimiwa Sokombi.

**MHE. JOYCE B. SOKOMBI:** Mheshimiwa Mwenyekiti, ahsante naomba tu tunapoongelea hoja hii tusiangalie tu kwa mijini tuangalie pia vijijini.

**MWENYEKITI:** Niwasaidie Mheshimiwa ngoja nalinda muda wako, kaa tu ili twende vizuri, mapendekezo ya Mheshimiwa Magereli kwenye kifungu hicho bado adhabu inaamuliwa na mahakama, tuelewana na katika ngazi hiyo tunakosemea kwa wananchi wetu sawa kabisa tuna Serikali zetu za vijiji, ni Serikali kamili kabisa, sasa lakini *concept* iliyopo hapa ni kwamba uamuzi adhabu gani apate, mahakama ndiyo inaachiwa. Sasa tukichangia kwa uelewa huo tutakuwa tunakwenda vizuri. Mheshimiwa Sokombi.

**MHE. JOYCE B. SOKOMBI:** Mheshimiwa Mwenyekiti, ahsante na naunga mkono hoja ya Mheshimiwa Lucy Magereli. Tusiangalie kwa upande wa mijini tuangalie pia upande wa vijijini, hiyo gharama iliyowekwa ni kubwa sana tukilinganisha vipato vya wananchi wa vijijini; 1,000,000 na kuendelea ni kubwa sana, yaani angalau ingekuwa kuanzia 10,000 mpaka 50,000 si mbaya, mpaka imefikia hatua mtu amefanya kosa na ukichukulia kwamba mtu kijijini ametembea hata akikuta maji anachota kwa mkono kunywa hivi, hebu niambie amekamatwa kwa hali kwamba amekamatwa na kiu ghafla amekunywa maji kwa kutumia mkono, leo hii uje umtoze shilingi 1,000,000 na kuendelea, *is not fair*. Ahsante.

**MWENYEKITI:** Ahsante Mheshimiwa Dkt. Sware.

**MHE. DKT. IMMACULATE S. SEMESI:** Mheshimiwa Mwenyekiti, ahsante kwa nafasi. Namuunga mkono Mheshimiwa Magereli kwa misingi kwamba hao wanaoenda kwenye kifungu hiki cha 66 kinagusa wananchi wa vijijini ambao kipato chao ni cha chini sana. Kwa hiyo *issue* ya kumtoza kuanzia 50,000 kipato cha huyu mtu wa kijijini ni kuanzia shilingi ngapi aweze kupata 50,000 na bado kunakuwa kuna gharama za kwenda mahakamani. Kwa hiyo na-*propose* kwamba ibaki hiyo 10,000 aliyoitaja Mheshimiwa Magereli na suala hili limalizike katika Serikali ya Kijiji kwa kufuata kanuni walizojiwekea. Ahsante. (*Makofi*)

**MWENYEKITI:** Ahsante. Mheshimiwa Peneza.

**MHE. UPENDO F. PENEZA:** Mheshimiwa Mwenyekiti, ahsante sana. Kwenye hili suala namuunga mkono Mheshimiwa Magereli kwa maana moja tu, kwamba mara nyingi tunasema kwamba mahakama tunaziachia ziamue, lakini ukienda hata katika magereza zetu kule Geita na kwingineko ambako kuna watu ambao wako katika maeneo ya chini kabisa na vijijini, utakuta kwamba watu wanafungwa kwa makosa madogo na wanatozwa faini, wanashindwa kutoa hata hizo faini zenyewe ambazo wanakuwa wamewekewa. Kwa hiyo, kwa ajili ya watu wetu kule kijijini ambao wanafungwa na tunatambua kwamba kwa sababu ya shida ya maji na matatizo mengineyo inawezekana wakafanya makosa sasa tuziachie Serikali zetu za vijiji ziweke... (*Makofi*)

**MWENYEKITI:** Mheshimiwa Shangazi.

**MHE. RASHID A. SHANGAZI:** Mheshimiwa Mwenyekiti, ahsante. Naungana na Serikali kwa sababu huko vijijini tunakokuzungumza, hata nje ya sheria hizi wenyewe wana taratibu baadhi wana mila zao ambazo hata kuchota maji karibu na chanzo au kwenda kufanya *activities* yoyote karibu na chanzo hairuhusiwi. Kwa hiyo hapa tunachosema ni mtu ambaye amefanya uhalifu wa kwenda kuharibu chanzo, hivyo adhabu ibaki kama ilivyo, lakini kama hakufanya kosa adhabu hii itatozwa kutoka wapi. Kwa hiyo, lazima turudi

katika misingi ya kuheshimu utunzaji wa mazingira na vyanzo vya maji. *(Makofi)*

**MWENYEKITI:** Ahsante. Mheshimiwa Haonga.

**MHE. PASCAL Y. HAONGA:** Mheshimiwa Mwenyekiti, naunga mkono hoja ya Mheshimiwa Magereli, kwa maana ya kwamba, hii sheria tunayoitunga hapa kwanza lazima tujue watakaoathirika siyo Wabunge moja kwa moja au siyo wale watu wenye kipato cha juu, wataathirika watu wa kule chini kabisa lakini na wewe Mheshimiwa Mbunge utaathirika kwa namna moja au nyingine kwa sababu kule kijijini kwa mfano kule kwako Bariadi akienda bibi yako au mama yako akinawa pale kwenye chanzo, wewe ujiandae kutoa kutumia *per diem* ya kwako mwenyewe. *(Makofi/kicheko)*

Mheshimiwa Mwenyekiti, kwa hiyo, nashauri tu kwamba hii ingebaki shilingi 10,000 aliyopendekeza ndugu yangu hapa ili tuweze kunusuru ndugu zetu na mara nyingi sana sisi ambao kidogo tu Wabunge huku hatuna shida hiyo, wenye shida ni wale wa chini, kumbuka hapa hii sheria itamgusa yule anayeza nyanya...*(Makofi)*

**MWENYEKITI:** Ahsante sana, umeeleweka Mheshimiwa. Mheshimiwa Makamba.

**WAZIRI WA NCHI, OFISI YA MAKAMU WA RAIS, MUUNGANO NA MAZINGIRA:** Mheshimiwa Mwenyekiti, labda tutazame hapa sheria inasemaje? Inasema kwamba kitu gani ambacho kinafanyiwa *offence* wanasema kwamba ni *waterworks or waterworks area or in any vessel* ukiangalia zote 66(a), (b) na (c) ni *waterworks area or a vessel* ambayo inatumika ku- *supply public water*. Sasa ukienda kwenye *definition, what is the waterworks?* Anasema *all gathering ground* pale maji yanapokusanywa, *off-takes, reservoirs, dams, weirs, tanks, cisterins, tunnels, filter beds*. Kwa hiyo ni pale mahala popote ambapo maji yanapoenda kutumika na jamii yanakusanywa au yanapelekwa.

Mheshimiwa Mwenyekiti, sasa hapa hili kosa linaweza kujumuisha hata kuweka kitu chochote ndani ya *tank* kwa ajili ya maji yanayoenda kutumika na watu wote. Kwa hiyo hii *offence* inayotajwa hapa kwenye 66 ni *offence* ya hatari sana, watu wasidhani wasiichukulie tu kwamba mtu anaenda kuoga pale au kunywesha mbuzi, kuna mambo makubwa yanaweza kufanyika mahali ambapo maji yanakusanywa kwa ajili ya matumizi ya *public*. Sasa hilo la kwanza, kwa sababu hapa tunazungumzia hata kuweka sumu au kuweka mnyama vilevile ambaye ameoza. Kwa hiyo hilo la kwanza. (Makofi)

Mheshimiwa Mwenyekiti, tukizungumza *dams* tunazungumza bwawa la Mindu, tunazungumzia tanki la kule.....

**MWENYEKITI:** Ahsante.

**WAZIRI WA NCHI, OFISI YA MAKAMU WA RAIS, MUUNGANO NA MAZINGIRA:** Mheshimiwa Mwenyekiti, vilevile *it's compound offence* nataka niwafafanulie *it's a compound offence* lazima anayefanya kosa akubaliane kwamba amefanya kosa ndipo ambapo nanihi inaweza kufanyika, kwa hiyo inaweka unafuu kwa wala ambao wanakutwa na makosa haya. (Makofi)

**MWENYEKITI:** Mheshimiwa Kangi Lugola.

**WAZIRI WA MAMBO YA NDANI YA NCHI:** Mheshimiwa Mwenyekiti, nakubaliana na adhabu ambayo imeandikwa kwenye Muswada. Nimekuwa Naibu Waziri kwenye Mazingira, Wabunge wote hapo walikuwa wanachangia wanasema maji ni uhai, sasa kama maji ni uhai iko siku mtakuta hata wale wanaochenjua dhahabu kwa kutumia *mercury* wataenda mahali ambapo kuna bwawa wataenda kuchenjulia pale dhahabu tutapata sumu. Kwa hiyo suala hili lazima wananchi kule waelewe, hapa hatuzungumzii mambo ya kunawa uso, Mheshimiwa Sware ni mtaalam tusiingize mambo kwamba ni kunawa uso, sijui mtu antaka kunywa maji, ni mambo mazito tunataka wananchi hata kule

chini waogope kabisa kwenye vyanzo hivi vya maji na mahakama itaenda...

Mheshimiwa Mwenyekiti, mahakama inapotoa adhabu pia inam- *evaluate* yule ambayo wamemtia hatiani ni mtu wa namna gani katika ile jamii na moja wapo ya ku-*assess* adhabu ni kama huyu ana uwezo wa kulipa. Kwa hiyo, tukubaliane na adhabu iliyowekwa hapa kwa ajili ya kulinda usalama wa maji kwa ajili ya wananchi wetu. (*Makofi*)

**MWENYEKITI:** Mheshimiwa Frank Mwakajoka.

**MHE. FRANK G. MWAKAJOKA:** Mheshimiwa Mwenyekiti, nami namuunga mkono Mheshimiwa Lucy Magereli. Tunaona kabisa watu ambao wanajaribu kupinga hoja hii wanazungumzia sana masuala mazito kabisa. Sisi tunachotaka kusema ni kwamba watenganishe haya makosa kwa sababu mtu mnayemzungumzia anaweka sumu kwenye tanki, mnazungumzia kwenda kuweka sumu za kwenye madini hizo ziko kwenye Sheria za Mazingira.

Mimi nafikiri kikubwa tu ni kwamba tuangalie mazingira ya wananchi wetu, ukienda magerezani sasa hivi mimi juzi tu nimewalipia wananchi zaidi ya 30 ambao wamekaa gerezani zaidi ya miezi mitatu wakidaiwa shilingi 25,000 wameshindwa kulipa, lakini leo nashangaa mnataka sheria hii ianze kuwatoza shilingi milioni 1,000,000. (*Makofi*)

Mheshimiwa Mwenyekiti, ukienda mahakamani Hakimu hatakwenda kwenye faini ya shilingi 50,000 atakwenda kwenye faini ya shilingi 1,000,000; kwa hiyo hili jambo tuliangalie, ila kama tunaona tunatengeneza chanzo cha mapato kwenye nchi hii, labda mtuambie hivyo na kama siyo lazima tuweke urahisi kwa wananchi wetu siyo kila kitu hata makatazo ya faini, kuwaweka watu ndani mtajaza watu magerezani. (*Makofi*)

**MWENYEKITI:** Ahsante. Baada ya maelezo mazuri hayo ya Serikali, mtoa hoja?

**MHE. LUCY S. MAGERELI:** Mheshimiwa Mwenyekiti, bado msimamo wangu uko palepale kwamba haya ni makosa madogo madogo kwa kweli. Nakubaliana na kwamba yeyote anayeharibu chanzo cha maji apate adhabu lakini kwa haya ya kuoga, kuosha, kunywesha mnyama, ni makosa madogomadogo ambayo kiukweli tutakamata wananchi wengi sana na kwa adhabu hii iliyowekwa shilingi 50,000 hawatalipa watakwenda magerezani. Niendeleo kusihi tukubaliane adhabu hii ishuke iwe shilingi 10,000 mpaka shilingi 50,000 kama nilivyoomba. Kinyume na hapo, nakuomba upige kura Wabunge wa CCM waamue wananchi wao kwenda magerezani kwa kushindwa kulipa shilingi 50,000. Ahsante.

**MWENYEKITI:** Hivi lazima useme Wabunge wa CCM waamue?

*(Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu)*

**MWENYEKITI:** Umeweka hoja yako, imeungwa mkono, imejadiliwa, sasa lazima tuamue, wale walio wengi wakishinda ndio hivyo.

*(Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu)*

**MWENYEKITI:** Haya, nawahoji sasa kuhusu hoja ya Mheshimiwa Lucy Magereli katika Ibara ya 66 ya Muswada.

*(Hoja Ilitolewa lamuliwe)  
(Hoja Iliamuliwa na Kukataliwa)*

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)*

Ibara ya 67

Ibara ya 68

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho ya Serikali)*



Ibara ya 69

**MWENYEKITI:** Mheshimiwa Magereli.

**MHE. LUCY S. MAGERELI:** Mheshimiwa Mwenyekiti, nina marekebisho kwenye kifungu hicho cha 69(4) pale ambapo inasema: "*The Minister may make regulations prescribing procedures for compounding offences under this Act*". Hata hivyo, tayari limeshatolewa maamuzi basi na hoja yangu ninai-drop. Ahsante. *(Makofi)*

**MWENYEKITI:** Aah, usichanganye mambo. Nakubali unaanza kuelewa lakini hapa ni mahali ambapo mhusika aliyekutwa anafanya vituko yeye mwenyewe amekiri, amekubali, pendekezo hili linasema Waziri mwenye dhamana na masuala haya atatengeneza kanuni ambazo zitasimamia masuala ya kufifilisha adhabu, *to compound*, ndiyo hiyo tu. Kwa mwananchi yeye ameshakubali kwamba Mheshimiwa kweli nimekosea ndiyo sasa inawekwa adhabu hiyo, ndiyo hiyo tu. Mheshimiwa Makamba aliwahi kufika huko lakini *concept* ya *compounding* ilikuwa ni hiyo.

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 70

Ibara ya 71

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge  
Zima bila mabadiliko yoyote)*

Ibara ya 72

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 73

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima bila ya mabadiliko yoyote)*

Ibara ya 74

**MWENYEKITI:** Mheshimiwa Susan Lyimo.

**MHE. SUSAN A. J. LYIMO:** Mheshimiwa Mwenyekiti, nadhani hili litakubalika kwa sababu mimi nilivyofundishwa Kingereza inapokuwa kuna *noun* mbele lazima uwe na *gramatical article* ambayo itakuwepo kama 'the' au 'an' au 'a'. Kwa hiyo, napendekeza kwamba neno 'the' liwe pale baada ya neno *appropriate*, isomeke 'the Minister'. Kwa hiyo, lile neno 'the' lilikuwa limeachwa.

**MWENYEKITI:** AG.

**MWANASHERIA MKUU WA SERIKALI:** Mheshimiwa Mwenyekiti, upande wa Serikali inakubaliana na mapendekezo ya Mheshimiwa Susan Lyimo. (*Makofi*)

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima pamoja na marekebisho yake)*

Ibara ya 75

Ibara ya 76

Ibara ya 77

Ibara ya 78

Ibara ya 79

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge  
Zima bila ya mabadiliko yoyote)*

Ibara ya 80

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge  
Zima pamoja na marekebisho ya Serikali)*

Ibara ya 81

Ibara ya 82

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge  
Zima bila ya mabadiliko yoyote)*

**NDG. BAKARI KISHOMA – KATIBU MEZANI:** Mheshimiwa Mwenyekiti, Serikali imefanya marekebisho kwa kuzipa namba mpya Sehemu ya 12 mpaka 16 kuwa Sehemu ya 11 mpaka 15.

Jedwali la 1

*(Jedwali lililotajwa hapo juu lilipitishwa na Kamati ya Bunge Zima bila ya mabadiliko yoyote)*

Jedwali la 2

**MWENYEKITI:** Mheshimiwa Susan Lyimo.

**MHE. SUSAN A. J. LYIMO:** Mheshimiwa Mwenyekiti, nashukuru. Sijui hapa AG atatuambiaje kwa sababu natambua lile la kisheria *chairman* na *chairperson* tumekubaliana, lakini *headmaster* ni tofauti kabisa na *headteacher*. Kwa hiyo, napendekeza *headmistress* kwa sababu hapa Tanzania shule za wasichana haziongozwi na *headmasters* zinaongozwa na *headmistress* na *headmistress* ni tofauti na *headteacher*. Hapa kwetu *headteacher* ni mwalimu mkuu wa shule za msingi. Kwa hiyo, naomba baada ya neno *headmaster* liingizwe neno *headmistress*. Kwa mfano, ukienda Msalato unakuta ni *headmistress*. Kwa hiyo, naomba mtambue hilo kwa sababu ya masuala mazima ya jinsia na hasa ikizingatiwa kwamba hii iko hapa Tanzania.

Mheshimiwa Mwenyekiti, nashukuru.

**MWENYEKITI:** AG.

**MWANASHERIA MKUU WA SERIKALI:** Mheshimiwa Mwenyekiti, neno *headmaster* linatumika kwa mkuu wa shule katika ngazi ya sekondari na *headteacher* linatumika kwa mkuu wa shule katika ngazi ya shule ya msingi. Neno moja litakapotumika ku-*designate gender* linatosha, hatuweki tena *or* katika uandishi wa sheria. Kwa bahati nzuri katika ile ngazi ya shule ya msingi yenyewe inasema tu ni *headteacher*, kwa hiyo, hilo halitupi shida yoyote.

Mheshimiwa Mwenyekiti, naomba kuwasilisha.

**MWENYEKITI:** Ahsante. Mheshimiwa Susan Lyimo.

**MHE. SUSAN A.J. LYIMO:** Mheshimiwa Mwenyekiti, Mheshimiwa AG ameeleza vizuri kwamba tunapozungumzia *headmistress* ni *a woman who is the head of a school that is secondary school, kwa hiyo, is a woman*. Kwa hiyo, nataka niseme tu kwamba sitakubaliana kwa sababu *headmaster* ninavyojua mimi ni mwanaume mkuu wa shule ya sekondari na hata ukienda kwenye shule za wasichana utakuta imeandikwa *headmistress not headmaster*. Kwa hiyo, sielewi ni kwa nini Tanzania katika karne hii bado tunakuwa *gender blind*. Hivi kweli ukiweka *headmistress* itakuwa na madhara gani katika hii sheria?

Mheshimiwa Mwenyekiti, kwa hiyo, bado nasisitiza kwa sababu katika mazingira ya shule zetu za Tanzania ina maana kwamba tukiendelea hivi walimu wakuu wanawake hawatashiriki katika masuala haya ya maji. Kwa hiyo, naomba sana Mheshimiwa AG utuambie tu kwamba ukiweka *headmistress* itakuwa na madhara gani kwenye hii sheria? (*Makofi*)

**MWANASHERIA MKUU WA SERIKALI:** Mheshimiwa Mwenyekiti, kama nilivyoeleza awali katika lile neno *chairman* liko katika misingi ya uandishi wa sheria. Naomba tu nimtoe wasiwasi Mheshimiwa Lyimo asifikiri kwamba ni Tanzania peke yake, ziko nchi nyingi na hata Ulaya mpaka sasa hivi nenda Sweden, Ujerumani, Uholanzi na nchi nyingine ambazo sijazitaja katika sheria zao wanaandika hivyo hivyo. Wakiandika *chairman* inahusu pia *chairperson/chairwoman*, wakiandika *headmaster* inajumuisha pia *headmistress*.

Mheshimiwa Mwenyekiti, naomba kuwasilisha.

**MWENYEKITI:** Mheshimiwa Lyimo.

**MHE. SUSAN A.J. LYIMO:** Mheshimiwa Mwenyekiti, aah, sijui hata nisemeje, lakini kwa kweli mimi bado sijafurahishwa

na maelezo kwa sababu anaposema niende Ujerumani au wapi lakini sisi tunazungumzia mazingira ya Tanzania. Ujerumani hata Ufaransa wana maneno ya *feminine* na *masculine*. Kwa hiyo, sioni kwa nini utupe mifano ambayo kwanza ni mibaya kwa sababu hiyo kabisa hai-*denote* mwanamke ni nani na mwanaume ni nani. (*Makofi*)

Mheshimiwa Mwenyekiti, kwa hiyo, kwa sababu bado AG anang'ang'ania lakini nadhani kwa kweli, kwa mazingira yetu huwezi ukasema *headmaster* ni mkuu wa shule mwanamke, sikubaliani naye kabisa. Kwa hiyo, naomba nitoe hoja waniunge mkono watu, ili tujadili.

Mheshimiwa Mwenyekiti, naomba kutoa hoja.  
(*Kicheko*)

**MWENYEKITI:** Waheshimiwa Wabunge, haijaungwa mkono, tuendelee. Eneo hilo linaafikiwa?

*(Jedwali lililotajwa hapo juu lilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho ya Serikali)*

Jedwali la 3

*(Jedwali lililotajwa hapo juu lilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho ya Serikali)*

Jedwali la 4

*(Jedwali lililotajwa hapo juu lilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)*

**NDG. BAKARI KISHOMA – KATIBU MEZANI:** Mheshimiwa Mwenyekiti, naomba kutoa taarifa kwamba Kamati ya Bunge Zima imemaliza kazi yake.

**MWENYEKITI:** Bunge linarejea.

*(Bunge lilirudia)*

**MWENYEKITI:** Waheshimiwa Wabunge, tukae. Mtoa hoja, taarifa.

## T A A R I F A

**WAZIRI WA MAJI NA UMWAGILIAJI:** Mheshimiwa Mwenyekiti, kwa mujibu wa Kanuni ya 89(1) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016, napenda kutoa taarifa kwamba Kamati ya Bunge Zima imepitia Muswada wa Sheria ya Huduma za Maji na Usafi wa Mazingira kwa mwaka 2018 [*The Water Supply and Sanitation Bill, 2018*] Ibara kwa Ibara na kukubali pamoja na marekebisha yaliyofanyika.

Mheshimiwa Mwenyekiti, naomba kutoa hoja kwamba Muswada wa Sheria ya Huduma za Maji na Usafi wa Mazingira wa mwaka 2018 [*The Water Supply and Sanitation Bill, 2018*] kama ulivyorekebisha katika Kamati ya Bunge Zima sasa ukubaliwe.

Mheshimiwa Mwenyekiti, naomba kutoa hoja.

**WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO:** Mheshimiwa Mwenyekiti, naafiki.

**MWENYEKITI:** Ahsante, hoja imetolewa na imeungwa mkono. Sasa nitawahoji.

*(Hoja Ilitolewa lamuliwe)*  
*(Hoja Iliamuliwa na Kuafikiwa)*

**MWENYEKITI:** Katibu.

**NDG. BAKARI KISHOMA – KATIBU MEZANI:**

Muswada wa Sheria kwa Ajili ya Kuweka Masharti katika Huduma za Maji na Usafi wa Mazingira, Kuanzisha Mamlaka za Huduma za Maji na Usafi wa Mazingira, Kuanzisha Wakala wa Maji Vijijini, Kuanzisha Mfuko wa Maji wa Taifa, Kuanzisha Vyombo vya Jamii Kuhusu Utoaji wa Huduma za Maji pamoja na Mambo Mengine yanayohusiana na mambo

hayo [A Bill for An Act to Provide for Regulations of Water Supply and Sanitation Services to Provide for the Establishment of Water Supply and Sanitation Authorities, Rural Water Agency, National Water Fund and Community Based Water Supply Organisations and to Provide for the Other Related Matters]

(Kusomwa Mara ya Tatu)

(Muswada wa Sheria Mbalimbali wa Serikali Ullisomwa Mara ya Tatu na Kupitishwa na Bunge)

**MWENYEKITI:** Ahsante. Katika hatua hiyo tumehitimisha jukumu letu kama Bunge, tunamuachia Mheshimiwa Rais wa Jamhuri ya Muungano wa Tanzania naye akafanye jukumu lake kwa mujibu wa Katiba.

Waheshimiwa Wabunge, niwashukuru sana kwa kazi nzuri mliyofanya kuanzia kwenye Kamati husika iliyopelekewa na Spika Muswada huu na michango yenu ya leo mmeitendea haki sekta hii muhimu ya maji. Naamini kupitia sheria hii Wizara sasa itaweza kutekeleza majukumu yake vizuri zaidi kwa faida ya maendeleo ya watu wetu. Niwatakie kila lililo jema katika hilo.

Pia nimshukuru Waziri mwenyewe, Katibu Mkuu na timu yake ya wataalam, Ofisi ya Mwanasheria Mkuu kwa kuweza kutufanikishia kazi hii. Muswada huu uliandikwa vizuri lakini na hoja zenu Waheshimiwa Wabunge katika maeneo ambayo Serikali imeyaona yanafaa, tumetunga sheria vizuri nawashukuru sana.

Waheshimiwa Wabunge, sina la ziada kwa leo, nitamke naahirisha shughuli za Bunge hadi kesho, siku ya Ijumaa, saa tatu asubuhi.

(Saa 1.15 Usiku Bunge liliahirishwa hadi Siku ya Ijumaa, Tarehe 1 Februari, 2019 Saa Tatu Asubuhi)