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THE MEDIA SERVICES ACT, 2016

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NOTICE
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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.

Dar es Salaam,
26 Agost, 2016

JOHN W.H KIJAZI
Secretary to the Cabinet

A BILL
for

An Act to make provisions for promotion of professionalism in the media industry, for establishment of the Journalists Accreditation Board, Independent Media Council and framework for regulation of media services, and for other related matters.

ENACTED by Parliament of the United Republic of Tanzania

PART I
PRELIMINARY PROVISIONS

Short title and
commencement

1. This Act may be cited as the Media Services Act, 2016, and shall come into operation on such date the Minister may, by Notice published in the *Gazette*, appoint.

Application

2. This Act shall apply in Mainland Tanzania.

Interpretation

3. In this Act, unless the context otherwise requires:
“Board” means the Journalist Accreditation Board established under section 10 of this Act;
“content” means information in the form of speech or other sound, data, text or images, drawings including cartoon and any other related characters whether still or moving;
“Complaints Committee” means a committee established under section 30 of this Act;
“Council” means the Independent Media Council established under section 22 of this Act;
“editor” means a journalist who is in charge of production of content for radio, television, newspaper, journals and magazine, and includes online platforms for radio, television and newspaper;

- “electronic media” means a mode of communication of content to the public by television, radio, video, cinema, e-newspaper or by any other electronic means and devices including social media, applications and any other related means;
- “foreign citizen” means a person who is not a citizen of the United Republic;
- “foreign company” means a company incorporated outside the United Republic or where majority shareholders are foreigners;
- “freelancer” means a journalist working independently for media houses;
- “Fund” means the Media Training Fund established under section 20;
- “journalist” means a person accredited as journalist under this Act, who gathers, collects, edits, prepares or presents news, stories, materials and information for a mass media service, whether an employee of media house or as a freelancer;
- “mass media” includes any service, medium or media consisting in the transmission of voice, visual data or textual messages to the general public;
- “media” means the industry, trade or business of collecting, processing and dissemination of content through radio, television or newspapers, and includes online platforms;
- “media association” means organisations registered or recognized by law engaged in media related activities;
- “media house” means a person licensed to provide media services;
- “media services” means services provided through media;
- “Minister” means the Minister responsible for content;
- “news agency” means an organization that collects and distributes news items and photographs for media houses and public consumption;
- “newspaper” means a printed or published materials in the form of tabloid, broadsheet, magazine founds and other periodicals or electronic form, which contains-
- (a) news;
 - (b) articles;
 - (c) advertisements;
 - (d) photos and cartoons;
 - (e) reports of occurrences; or
 - (f) comments or observations which are published for distribution to the public either daily or periodically;
- “press card” means a press card issued under this Act identifying a person holding it as an accredited journalist;
- “print” means produce or reproduce content in the form of text, picture, drawings, cartoons for the mass media;
- “print media” means newspapers, journals, magazines, newsletters and any other related print intended for mass media;
- “private media house” means non Government owned media house;
- “public media house” means a media house owned by the Government;
- “publish” means to disseminate content to one person or to the general public;
- “publication” means any communication of content through media;
- “publisher” means a person who publishes content; and

“Roll” means the roll of accredited journalist in accordance with section 19;
“social media” means online interactions among people in which they create, share, and exchange information and ideas in virtual communities, networks and their associated platform of new technology.

PART II
INFORMATION SERVICES

(a) Information Services

Director of
Information
Services

4.-(1) There shall be the Director of Information Services who shall be appointed by the President from amongst persons of high integrity with proven academic and professional knowledge in media services, legal or public administration.

(2) The Director of information Services shall-

- (a) be the Chief Spokesman of the Government on all matters relating to its policies and programmes; and
- (b) be the principal advisor to the government in all matters related to strategic communication, publication of news and the functioning of the media industry.

Functions of
Director of
Information
Services

5. The functions of the Director of Information Services shall include to-

- (a) coordinate all Government communications units in the Ministries, Local Government Authorities, Independent Departments and Agencies.
- (b) advice the Government on all matters relating to strategic communications;
- (c) develop and review information and government communication policies, regulations, standards and guidelines;
- (d) monitor and evaluate the implementation of information and government communication policies, Regulations, standards and guidelines;
- (e) license printing media;
- (f) coordinate press conferences for government officials;
- (g) develop and coordinate capacity building of government communication officers in collaboration with immediate employers;
- (h) coordinate press coverage of national festivals and visiting Heads of State and Dignitaries and other issues of national importance;
- (i) coordinate Government photographic activities;
- (j) prepare official portrait of the President, Vice President and the Prime Minister;
- (k) manage the national portal, website and other Government communication platforms;
- (l) undertake the collection, processing, packaging and distribution of information, news and news materials to newspapers, broadcasting

services, news agencies, members of the public and other persons whether in their individual capacity or in a representative capacity; and

- (m) carry out such other activities associated with strategic communication, collection, processing, packaging of information and distribution of news or news materials as the Government may from time to time direct.

(b) Ownership and Obligations of Media Houses

Ownership of
media houses
Cap. 306

6.-(1) For purposes of licensing under this Act and licensing of electronic media under the Electronic and Postal Communications Act, there shall be two categories of media houses ownership, namely:

- (a) public owned media houses; and
- (b) private owned media houses.

(2) Conditions for ownership of media houses shall be as prescribed in the regulations.

Obligations of
media houses

7.-(1) A media house registered under this Act or licensed under any other written law shall comply with the following obligations:

- (a) in the case of a Public Media House-
 - (i) to observe universal service obligation;
 - (ii) to provide media services to the public and Government;
 - (iii) to uphold professional code of ethics;
 - (iv) to enhance communication within the Government and between the Government and public;
 - (v) to provide public awareness on development matters from Government and public sector;
- (b) in the case of a private media house-
 - (i) to provide media services to public in accordance with licensed service area;
 - (ii) to uphold professional code of ethics;
 - (iii) to promote public awareness in various issues of national interest through information dissemination; and
 - (iv) to broadcast or publish news or issues of national importance as the Government may direct.

(2) A media house shall, in the execution of its obligations, ensure that information issued does not-

- (a) undermine-
 - (i) the national security of United Republic; or
 - (ii) lawful investigations being conducted by a law enforcement agent;
- (b) impede due process of law or endanger safety of life of any person;
- (c) disclose the proceedings of the Cabinet;
- (d) facilitate or encourage the commission of an offence;

- (e) involve unwarranted invasion of the privacy of an individual, other than an applicant or a person on whose behalf an application has been made;
- (f) infringe lawful commercial interests, including intellectual property rights of that information holder or a third party from whom information was obtained;
- (g) hinder or cause substantial harm to the Government to manage the economy;
- (h) significantly undermine the information holder's ability to give adequate and judicious decision has been taken and which remains the subject of active consideration; or
- (i) damage the information holder's position in any actual or contemplated legal proceedings, or infringe professional privilege.

(3) For the avoidance of doubt, where there is an inconsistency between the provisions under this Sub-heading and the provisions of any other written law, the provisions under this Sub-heading shall prevail.

(c) Licensing of Print Media

Print media
licensing

8.-(1) A person shall not publish, sell, offer for sale, import, distribute or produce print media in any manner unless such person is licensed in accordance with this Act.

(2) The Minister shall, by regulations-

- (a) prescribe the requirements for application and procedures for licensing of a person who intends to publish, sell, offer for sale, import, distribute or produce print media; and
- (b) prescribe the shareholding requirements of a company owned by foreign national which intends to operate as a media house.

Power to reject
applications and
cancellation of
licence

9. The Director of Information Services or such other person acting on his behalf shall have powers to-

- (a) reject an application which does not comply with the prescribed requirements for licensing; and
- (b) suspend or cancel the licence in the event of failure of a licensee to comply with the prescribed conditions of a licence.

PART III

ESTABLISHMENT OF THE BOARD OF ACCREDITATION

(a) Journalists Accreditation Board

Journalists
Accreditation
Board

10.-(1) There is established a Board to be known as the Journalists Accreditation Board.

(2) The Board shall be a body corporate and shall-

- (a) have perpetual succession and an official seal;
- (b) in its own name, be capable of being sued and suing; and
- (c) be capable of acquiring any movable or immovable property.

(3) Notwithstanding the provision of subsection (2), the Attorney General shall have the right to intervene in any suit or matter instituted by, or against Board.

Cap. 5

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

(5) For purposes of subsection (3), the Board shall have the duty to notify the Attorney General on any impending suit or matter by or against the Board.

Composition of the Board

11.-(1) The Board shall consist of seven members appointed by the Minister as follows:

- (a) senior accredited journalists who shall be a Chairman;
- (b) the Director of Information Services;
- (c) Secretary of the Council;
- (d) a law officer nominated by the Attorney General;
- (e) one member representing Higher Learning Institutions offering a course in journalism, mass communication or media related courses; and
- (f) two experienced accredited journalists.

(2) The Board may, co-opt any person with special knowledge and skills to provide expertise on a particular issue but the co-opted member shall have no right to vote.

(3) The provisions of the Schedule shall have effect as to the tenure of office of members, the proceedings of the Board and any other matters relating to the Board.

Functions of the Board

12. The functions of the Board shall be-

- (a) to accredit and issue press cards to journalist in accordance with this Act;
- (b) to enforce the adopted code of ethics for journalist professionals ;
- (c) to uphold standards of professional conduct and promote good ethical standards and discipline among journalists;
- (d) to advise the Government on matters pertaining to the education and training of journalists;
- (e) in consultation with the relevant training institutions, set standards for professional education and training of journalists;
- (f) to establish links with similar organizations within and outside the United Republic;
- (g) in consultation with the Council, to prepare training for journalists; and
- (h) to maintain a roll of accredited journalists.

Powers of the Board

13. In the performance of its function, the Board shall have powers to-

- (a) suspend or expunge journalists from the roll of accredited journalists;

- (b) impose fines for non compliance as may be prescribed in the Regulations; and
- (c) set fees and charges for accreditation.

(b) Director General and Other Staff of the Board

Appointment and qualification of Director General

14.-(1) The Board shall, upon approval of the Minister, appoint a Director General who shall be the Chief Executive Officer.

(2) A person shall not be eligible for appointment to the position of Director General unless such person-

- (a) is a citizen of Tanzania; and
- (b) is a holder of at least a Masters degree from a recognized institution of higher learning and possess, by virtue of his learning and experience, expertise in the media services, law, public administration or such other related field; and
- (c) has satisfied the Board that he is unlikely to have a conflict of interest.

Responsibilities of the Director General

15.-(1) The Director General employed in terms of this Act shall be responsible for the day to day functions of the Board and in particular shall-

- (a) perform the functions and exercise the powers of the Board provided for under this Act, and such functions as may be delegated to him by the Board;
- (b) manage the budget, personnel and property of the Board;
- (c) keep all records of the affairs and meetings of the Board;
- (d) keep and maintain Roll of accredited Journalists; and
- (e) ensure the implementation of decisions and directives of the Board.

(2) The Director General may delegate his powers to officers and employees of the Board:

Provided that, the Director General shall not delegate the powers delegated to him by the Board.

(3) The Director General shall hold office for a term of five years and shall subject to his satisfactory performance, be eligible for re-appointment for one further term.

Employees of the Board

16.-(1) The Board shall employ such number of senior officers to the management of the Board as may be required.

(2) The Director General shall with the approval of the Board employ such other employees as may be necessary for efficient performance of the functions of the Board on such terms and conditions to be stipulated in their employment contracts.

(3) Employees of the Board under this section shall, in the performance of their functions, be answerable to the Director General.

Disciplinary
Authority

17.-(1) The Board shall be the disciplinary authority, and the Minister shall be the final appellate authority in relation to the Director General and other Directors.

(2) The Director General shall be the disciplinary authority and the Board shall be the final appellate authority in relation to the staff of the Board.

(c) Accreditation of Journalists

Accreditation of
journalists

18.-(1) A person shall not practice as a journalist unless that person is accredited in accordance with the provisions of this Act.

(2) A person who intends to practice as a journalist shall apply for accreditation to the Board in the form and manner prescribed in the Regulations.

(3) A journalist who is not a citizen of the United Republic or is not regarded as permanent resident by virtue of immigration laws may be accredited for a specified purpose for a period not exceeding sixty days.

(4) Where a period of accreditation granted under subsection (3) expires, and the purpose for accreditation is not completed, the journalist who pursues that purpose may apply to the Board for extension of time for a further period not exceeding twenty one days.

(5) The Board may cancel the accreditation of a journalist if its satisfied that:

- (a) the journalist has committed gross professional misconduct as prescribed in the code of ethics for journalist profession; and
- (b) in case of a foreign journalist, such journalist does not pursue the purpose for which accreditation was granted.

Press card

19.-(1) A journalist accredited in terms of this Act shall be issued with a press card by the Board.

(2) A press card shall be evidence that the holder is an accredited journalist and shall be valid for a period prescribed in the Regulations.

(3) The holder of a press card may, upon the expiry of the press card and payment of prescribed fees, make application to the Board for renewal.

Roll of journalists

20.-(1) The Board shall maintain a roll of journalists containing all names and particulars of existing accredited journalists.

(2) A person who ceased to be an accredited journalist as a result of his name being expunged from the Roll of Journalists or is suspended from practicing as an accredited journalist shall not practice, whether directly or indirectly, as a journalist.

(3) An accredited journalist whose name is expunged from the Roll of Journalists or is suspended shall not be employed or otherwise act in any capacity in the business or career connected to journalism profession.

(4) Notwithstanding the provisions of subsections (2) and (3), where the name of any journalist has been expunged from the Roll or the effect of the accreditation of any journalist has been suspended in terms of this section, the Board may, either of its own motion or on application in the prescribed manner

by the journalist concerned, and in either case after holding such inquiry as the Board may deem fit, direct that-

- (a) the deletion from the Roll be confirmed;
- (b) the name of that journalist be restored to the Roll; or
- (c) the suspension of the accredited journalist be lifted.

(5) The Board shall cause the Roll of Journalists to be published in the gazette or newspaper of wide circulation or website of the Board.

(d) Media Training Fund

Establishment of Fund

21.-(1) There is established a fund known as the Media Training Fund which shall be administered by the Board.

(2) The objectives of the Fund shall be to-

- (a) facilitate training for media services professionals;
- (b) promote local content development programs; and
- (c) promote and contribute towards research and development in the field of journalism and mass communication.

Sources of funds

22. The sources of the Fund shall consist of-

- (a) money appropriated by the Parliament;
- (b) grants, gifts and donations;
- (c) contributions by media houses; or
- (d) money that may, in any manner, become payable to or vest in the Media Fund in pursuance of the provisions of this Act or in relation or incidental to the carrying out of functions under this Act.

PART IV
INDEPENDENT MEDIA COUNCIL

Establishment of the Council

23. There is established a Council to be known as the Independent Media Council.

Membership and management of the Council

24.-(1) Every accredited journalist shall be a member of the Council

(2) The Minister shall, by notice published in the *Gazette*, convene the first meeting of the Council for the purposes of elections of members to the leadership of the Council.

(3) The leadership of the Council referred to under subsection (2) shall comprise of-

- (a) the Chairman;
- (b) Vice Chairman; and
- (c) two other accredited journalist nominated by media association.

Functions of the Council

25.-(1) The functions of the Council shall be-

- (a) in consultation with the Board:
 - (i) to prepare and adopt a code of ethics for journalist professionals;

- (ii) to promote ethical and professional standards amongst journalists and media enterprises;
- (b) to conduct reviews on the performance of media sector;
- (c) to determine print media content complaints;
- (d) to collaborate with stakeholders in promoting media accountability; and
- (e) to perform such other related promotional functions as the Council may by resolution determine

(2) The Council shall, in the execution of its functions, adhere to national unity, national security, sovereignty, integrity, and public morals.

Committees of the Council

26.-(1) The Council shall, for the purposes of facilitation of performance of its functions under this Act, establish such number of committees to perform specific functions as may be determined by the Council.

(2) The committees to be established by the Council shall include a complaints committee to deal with print media content complaints.

(3) The Council may, among other things, make rules prescribing-

- (a) conduct and procedures for determination of print media content complaints;and
- (b) matters to be awarded by the complaints committee.

Appeals

27.-(1) Save as provided for in section 38, a person who is not satisfied with an award by the Council, may appeal to the High Court.

(2) The complaint shall contain a copy of the print media content complained of.

(3) The High Court shall, upon receipt of the complaint, hear the appeal, and where appropriate, summon the parties to substantiate their case or defence.

Procedures and meetings of the Council

28.-(1) Subject to the provisions of this Act, the Council shall-

- (a) determine the number of meetings to be convened periodically; and
 - (b) have power to regulate its own procedures in respect of the meetings and the proper conduct of its business.
- (2) The Council shall, from time to time, agree on-
- (a) time and place for holding an annual stakeholders meetings, and similar matters of mutual interest;
 - (b) make mechanisms for the management and funding of the function of the Council;
 - (c) organisational structure for the management of its affairs; and
 - (d) procedure or mechanism for the identification and invitation of media associations or institutions engaged in media service.

Appointment of Secretary to the Council

29.-(1) There shall be a Secretary to the Council who shall be appointed by the Council through competitive recruitment.

(2) The Secretary shall hold office for a term of three years and **may** be eligible for re-appointment for another term.

Duties of Secretary to the Council

30. A Secretary to the Council appointed under this Act shall be the Chief Executive Officer of the Council and shall be responsible for-

- (a) the day to day management of the affairs of the Council;
- (b) ensure that funds of the Council are properly expended, accounted for and be used for intended purposes;
- (c) maintain records of the Council operations; and
- (d) the performance of such other duties as the Council may assign.

Removal of Secretary

31. Notwithstanding section 31, the Secretary may be removed from office by the Council in accordance with the terms and conditions of service for-

- (a) inability to perform the functions of the office of secretary arising out of physical or mental incapacity;
- (b) misconduct or misbehavior;
- (c) incompetency or neglect of duty;
- (d) violation of regulations; or
- (e) any other ground that may justify removal from the office under the terms and conditions of service.

PART V DEFAMATION

Defamation

32.-(1) Any matter which, if published, is likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation, is a defamatory matter.

(2) The matter referred to under subsection (1) shall qualify to be a defamatory matter even when it is published against a deceased person.

(3) The prosecution for the publication of defamatory matter concerning a person who is dead shall not be instituted without the written consent of the Director of Public Prosecutions.

Defamation in print media

33.-(1) A person shall be deemed to make publication of a libel if that person causes the print, writing, painting, effigy or other means by which the defamatory matter is conveyed, to be dealt with, either by exhibition, reading, recitation, description, delivery or otherwise, in a way that the defamatory meaning thereof becomes known or is likely to be known to either the person defamed or any other person.

(2) It shall not be necessary for defamation that the defamatory meaning is directly or completely expressed.

(3) For the purpose of subsection (2), it shall be sufficient that such meaning and its application to the person alleged to be defamed may be collected either from the alleged libel itself or from any extrinsic circumstances or partly from the one and partly from the other means.

Definition of
unlawful
publication

34. Publication of defamatory matter concerning a person shall be unlawful within the meaning of this Part, unless-

- (a) the matter is true and it was for the public benefit that it is published; or
- (b) it is privileged as one of the grounds for the reasons provided under this Act.

Cases in which
publication is
absolutely
privileged

35.-(1) The publication of defamatory matter is absolutely privileged, and a person shall not be liable to punishment in that respect where-

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

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

(3) Nothing in this section shall exempt any person from any liability of a civil or criminal nature under any other Part of this Act or under any other written law if the publication of a matter alleged to be absolutely privileged is prohibited or the relief to a person injured is available under the Constitution of the United Republic.

Cases in which
publication is
conditionally
privileged

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

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

- court, if however the court prohibited the publication of anything said or shown before it, on the ground that it is seditious, immoral or blasphemous, the publication shall not be privileged;
- (b) the matter published, is a copy or, reproduction, or is in fact, a fair abstract of any matter which was previously published, and the previous publication of which was or would have been privileged under this Part;
 - (c) the matter is an expression of opinion in good faith as to the conduct of any person in a judicial, official or other public capacity, or as to his personal character so far as it appears in such conduct;
 - (d) the matter is an expression of opinion in good faith as to the conduct of a person in relation to a public question or matter, or as to his personal character, so far as it appears in such conduct;
 - (e) the matter is an expression of opinion in good faith as to the conduct of any person disclosed by evidence given in a public legal proceedings, whether civil or criminal, as to the conduct of any person as a party, witness or otherwise in any such proceedings, or as to the character of any person so far as it appears in any such conduct as in this paragraph;
 - (f) the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech or other work, performance or act published or publicly done or made or submitted by a person to the judgment of the public, or as to the character of the person so far as it appears;
 - (g) the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he has authority, by contract or otherwise, over the person, or on the character of the other person, so far as it appears in such conduct;
 - (h) the matter is a complaint or accusation made by a person in good faith against another person in respect of his conduct in any matter, or in respect of his character so far as it appears in such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or
 - (i) the matter is published in good faith for the protection of the rights or interests of the person who publishes or of the person to whom it is published.

Offer of amends

37.-(1) A person who publishes words alleged to be defamatory of another person may, if he claims that the words were published by him innocently in relation to that other person, make an offer of amends and in that case where-

- (a) the offer is accepted by the party aggrieved and is duly performed, no proceedings for libel or slander shall be taken or continued by that party against the person making the offer in respect of the

publication in question, but without prejudice to any cause of action against any other person jointly responsible for that publication;

- (b) the offer of amends is not accepted by the party aggrieved, then, except as otherwise provided for by this section, it shall be a defence for the person making the offer, in any proceedings by the party aggrieved for libel, slander against the person making the offer in respect of the publication in question, to prove that:
 - (i) the words complained of were published by the defendant innocently in relation to the plaintiff; and
 - (ii) the offer was made as soon as practicable after the defendant received notice that they were or might be defamatory of the plaintiff, and has not been withdrawn.

(2) An offer of amends made pursuant to this section, shall be accompanied by an affidavit specifying the facts relied upon by the person making it to show that the words in question were published innocently in relation to the party aggrieved.

(3) For the purpose of a defence under paragraph (b) of subsection (1), no evidence, other than evidence of facts specified in the affidavit, shall be admissible on behalf of the person making the offer of amends to prove that the words were so published.

(4) An offer of amends referred shall be construed and understood to mean an offer-

- (a) in any case, to publish or join in the publication of a suitable correction of the words complained of, and a sufficient apology to the party aggrieved in respect of those words; and
- (b) where copies of a document or record containing the written words have been distributed by or with the knowledge of the person making the offer, to take such steps as are reasonably practicable on for notifying persons to whom copies have been so distributed that the words are alleged to be defamatory of the party aggrieved.

(5) Where an offer of amends is accepted by the party aggrieved:

- (a) any question as to the step to be taken in fulfillment of the offer as so accepted shall, in default of agreement between the parties, be referred to and determined by the court; and
- (b) power of the court to make orders as to costs in proceedings by the party aggrieved against the person making the offer in respect of the publication in question or in proceedings in respect of the offer referred to under paragraph (a) shall include power to order the payment by the person making the offer to the party aggrieved of the costs of an indemnity basis, and expenses reasonably incurred or to be incurred by that party in consequence of the publication in question.

(6) Where no proceedings have been commenced in pursuance to subsection (1), the court may, upon application made by the party aggrieved, make an order for the payment of the costs and expenses as court finds just and appropriate.

(7) For the purpose of this section, words shall be treated as published by one person, in this subsection referred to as the publisher, innocently in relation to another person if the following conditions are satisfied:

- (a) the publisher did not intend to publish the words and concerning that other person and did not know of circumstances by virtue of which they might be understood to refer to that other person; or
- (b) the words were not defamatory on the face of it and the publisher did not know circumstances by virtue of which they might be understood to be defamatory of that other person, and in either case, that the publisher exercised all reasonable care in relation to the publication.

(8) Any reference in subsection (7) to the publisher shall be construed as including a reference to a servant or agent of the publisher in relation to the contents of the publication in question.

(9) The provisions of subsection (1)(b) shall not apply in relation to the publication of words by a person who is not the author unless he proves that the words were written by the author without malice.

Redress for
defamation

38.-(1) Where a person alleges that a print or electronic media content is defamatory within the meaning of this Act, that person may make complaint to the court for redress.

(2) The complaint shall contain a copy of a print or electronic media content complained about or, if the print or electronic media content cannot be extracted without unduly difficulty, statement to the effect that retrieval of the print or electronic media content has not been possible.

(3) On receipt of the complaint the court shall hear the complaint and where appropriate, summon the parties to substantiate their case or defence.

PART VI FINANCIAL PROVISIONS

Sources of funds
of the Board

39. The sources of the funds of the Board, shall consist of-

- (a) money appropriated by the Parliament;
- (b) grants, gifts and donations;
- (c) fees paid for services rendered by the Board; and
- (d) money that may, in any manner become payable to or vest in the Board in pursuance of the provisions of this Act or in relation or incidental to the carrying out of its functions.

Power of Board to
charge fees

40. The Board may, for the proper performance of the functions of the Board, charge fees for any services or category of services rendered by the Board, subject to any directives which the Minister may, in consultation with the Minister responsible for finance, provide in that behalf.

Investment

41. The Board may, with the prior approval of the Minister and after consultation with the Minister responsible for finance, invest any part of the moneys available in any fund of the Board as may be authorized in relation to

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investment of funds by trustees under the Trustees Investments Act.

Power to borrow

42. Subject to the prior approval of the Minister and the Minister responsible for finance, the Board may borrow money for the purposes of the Board by way of loan or overdraft and upon such security and such terms and conditions relating to repayment of the principal and payment of interest, subject to any direction given by the Minister.

Annual and supplementary budget

43.-(1) The first financial year of the Board shall commence on the date when the Act comes into operation and may be of a period longer or shorter than twelve months.

(2) The Board shall, convene a meeting to pass a detailed budget of the amounts-

- (a) expected to be received; or
- (b) expected to be disbursed, by the Board during that financial year, and whenever circumstances so require, the Board may pass a supplementary budget in any financial year.

(3) The annual budget and every supplementary budget shall be in such form as the Minister may approve.

(4) Upon passing of any budget or any supplementary budget, the Board shall submit to the Minister for approval the annual budget or the supplementary budget, as the case may be.

(5) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove it, or may approve it subject to any amendments which he may deem fit.

(6) Where the Minister approves any annual or supplementary budget, with or without amendment, the Board shall confine disbursements by the Board within the items and amounts contained in the applicable estimates as approved by the Minister.

(7) The Board may-

- (a) with the written sanction of the Minister, make a disbursement notwithstanding that, the disbursement is not provided for in any budget; and
- (b) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of the alteration of expenditure limits becoming necessary.

Accounts and audit

44.-(1) The Board shall cause to be kept proper books of accounts and records in respect to-

- (a) receipt and expenditure of money and other financial transactions of the Board; and
- (b) assets and liabilities of the Board,

and shall cause to be made out for every financial year financial statements showing the details of the income and expenditure of the Board.

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(2) Accounts including the financial statements of the Board in respect of that financial year shall be audited within three months of every financial year in accordance with the Public Audit Act.

(3) Every audited account shall be placed before a meeting of the Board which, if adopted, be endorsed that it has been so adopted.

(4) As soon as the accounts of the Board have been audited, and in any case not later than three 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 made by the auditors on the statement of accounts.

Annual report

45. The Board shall, within three months after the close of the financial year, cause to be prepared and submitted to the Minister a general report of the activities and operations of the Board during that financial year and accompanied by-

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- (a) a copy of the audited accounts of the Board in accordance with the Public Audit Act;
- (b) a copy of the auditor's report on the accounts; and
- (c) such other information as the Minister may direct.

Laying of accounts
before National
Assembly

46. The Minister shall, as soon as practicable after receiving the report submitted to him by the Board, lay before the National Assembly the audited accounts of the Board, together with the auditor's report on the accounts and the annual report of the Board.

PART VII OFFENCES AND PENALTIES

Offences relating
to media services

47.-(1) Any person who makes use by any means, of a media service for the purposes of publishing-

- (a) information which is intentionally or recklessly falsified in a manner which:
 - (i) threatens the interests of defense, public safety, public order, the economic interests of the United Republic, public morality or public health; or
 - (ii) is injurious to the reputation, rights and freedom of other persons;
- (b) information which is maliciously or fraudulently fabricated;
- (c) any statement the content of which is-
 - (i) threatening the interests of defence, public safety, public order, the economic interests of the United Republic, public morality or public health; or
 - (ii) injurious to the reputation, rights and freedom of other persons;
- (d) statement knowingly to be false or without reasonable grounds for believing it to be true;

(e) a statement with maliciously or fraudulent intent representing the statement as a true statement; or

(f) prohibited information,

commits an offence and upon conviction, shall be liable to a fine of not less than five million shillings but not exceeding twenty million shillings or to imprisonment for a period not less than three years but not exceeding five years or to both.

(2) Any person who-

(a) operates media outlet without licence;

(b) practices journalism without accreditation;

(c) disseminates false information without justification; and

(d) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication,

commits an offence and upon conviction, shall be liable to a fine of not less than five million shillings and not exceeding twenty million shillings or to imprisonment for a period not less than three years but not exceeding five years or to both.

Offences in
relation to
publication

48.-(1) Any person who imports, publishes, sells, offers for sale, distributes or produces any publication or any extract of it, the importation of which is prohibited, commits an offence and shall be liable upon conviction for the first offence 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 three years but not exceeding five years or to both, and for a subsequent offence, to a fine of not less than eight million shillings but not exceeding twenty million shillings or to imprisonment for a term not less than five years and not exceeding ten years.

(2) The court may order forfeiture of a publication or extract in respect of which an offence was committed.

Seditious intention

49.-(1) A "seditious intention" is an intention to-

(a) bring into hatred or contempt or to excite disaffection against the lawful authority of the Government of the United Republic;

(b) excite any of the inhabitants of the United Republic to attempt to procure the alteration, otherwise than by lawful means, of any other matter in the United Republic as by law established;

(c) bring into hatred, contempt or to excite disaffection against the administration of justice in the United Republic;

(d) raise discontent or disaffection amongst people or section of people of the United Republic; or

(e) promote feelings of ill-will and hostility between different categories of the population of the United Republic.

(2) An act, speech or publication shall not be deemed as seditious by reason only that it intends to-

(a) show that the Government has been misled or mistaken in any of its measures; or

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(b) point out errors or defects in the Government of the United Republic or Constitution of the United Republic or in legislation or in the administration of justice with a view to remedying such errors or defects.

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

Seditious offences

50.-(1) Any person who-

- (a) does or attempts to do or makes any preparation to do, or conspires with any person to do, any act or omission with a seditious intention;
- (b) utters any words with a seditious intention;
- (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; or
- (d) imports any seditious publication,

unless that person has no reason to believe that it is seditious, commits an offence and shall be liable upon conviction, in the case of the first offender to a fine not less than five million shillings and not exceeding ten million shillings or to imprisonment for a term of not less than three years but not exceeding five years or to both, and for a subsequent offence, to a fine of not less than seven million shillings and not exceeding twenty million shillings or to imprisonment for a term of not less than five years but not exceeding ten years or to both.

(2) Any person who without lawful excuse, has in his possession any seditious publication commits an offence and shall be liable upon conviction, in the case of first offender to a fine of not less than two million shillings and not exceeding five million shillings or to imprisonment for a term of not less than two years but not exceeding five years or to both, and for a subsequent offence to a fine of not less than three million but not exceeding ten million shillings or to imprisonment for a term of not less than three years but not exceeding ten years or to both.

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

(4) A printing machine which has been, or is reasonably suspected of being, used for or in connection with the printing or reproduction of a seditious publication, may be seized or otherwise secured by a police officer pending the trial and conviction or discharge or acquittal of any person accused of printing or reproducing any seditious publication.

(5) When any person is convicted of printing or reproducing a seditious publication, the court may, in addition to any other penalty which the court may impose, order that the printing machine on which the publication was printed or

reproduced be, either confiscated for a period of not less than twelve months, but not exceeding three years or forfeited to the Government of the United Republic, and may make such order whether or not the person convicted is, or was at the time when the publication was printed or reproduced, the owner of the printing machine.

(6) A printing machine forfeited to the Government of the United Republic shall be sold, and the proceeds shall be paid into the Media Fund.

(7) When the proprietor, publisher, printer or editor of a newspaper is convicted of printing or publishing a seditious publication in a newspaper, the court may, in addition to any other penalty it may impose, and whether or not it has made any order under subsection (5), make an order prohibiting any further publication of the newspaper for a period of not less than twelve months and not exceeding three years.

(8) A court shall, before ordering the forfeiture or confiscation of a printing machine, satisfy itself that the printing machine was the printing machine upon which the seditious publication was printed or reproduced.

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

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

(10) The Inspector-General of Police shall, while exercising powers conferred by this section, not be liable for any damage caused to a printing machine which is under his possession.

(11) Any person who uses or attempts to use a printing machine secured or confiscated pursuant to subsection (4) commits an offence, and shall be liable upon conviction, to a fine of not less than ten million shillings but not exceeding twenty million shillings or to imprisonment or a term of not less than three years but not exceeding five years or to both.

(12) Any person who prints or publishes a newspaper in contravention of an order made under subsection (6) commits an offence, and shall be liable upon conviction, to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than three years and not exceeding five years or to both.

Publication likely to cause fear and alarm

51.-(1) Any person who publishes any false statement, rumor or report which is likely to cause fear and alarm to the public or to disturb the public peace commits an offence and shall be liable upon 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 four years and not exceeding six years or both.

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

Offences by corporations or societies

52.-(1) Where an offence under this Act is committed by a company or a body corporate, a society, an association or a body of persons, every person

who, at the time of the commission of the offence, was concerned as a director or an officer with the management of the affairs or activities of such company or a body corporate, a society, an association or a body of persons, commits an offence and shall be liable upon conviction to a fine of not less than fifteen million shillings but exceeding twenty five million shillings.

(2) It shall be a defence for such person, director or any officer to prove to the satisfaction of the court that he had no knowledge and could not, by the exercise of reasonable diligence, have had knowledge of the commission of the offence.

Liability of employer or principal

53. Where an offence under this Act is committed by a person as an agent or employee then, as well as the agent or employee, the principal or employer commits an offence and shall be liable on conviction to a fine of not less than fifteen million shillings but not exceeding twenty five million shillings unless he proves to the satisfaction of the court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge of the commission of the offence.

PART VIII GENERAL PROVISIONS

Powers to prohibit importation of publication

54. Where the Minister is with the opinion that the importation of any publication would be contrary to the public interest, it may, in its absolute discretion and by order published in the *Gazette*, prohibit the importation of such publication.

Powers of the Minister

55. The Minister shall have powers to prohibit or otherwise sanction the publication of any content that jeopardizes national security or public safety.

Powers of seizure

56. The Director of Information Services Department, police officer or any authorized officer may, if he has reasonable grounds to believe that a media house has been established, installed, maintained, operated or provided in contravention of this Act, may seize any equipment found therein which appears to be used or had been used for such purpose.

Service of process and notices

57.-(1) Where any order or directives made or given by the Board or Information Services Department under this Act is not required to be published in the *Gazette*, the order or directive shall be brought to the notice of persons affected or likely to be affected by it in any manner.

(2) If the order or directive in question is published in *Gazette*, all persons shall be deemed to have notice of it.

Risk insurance and social security

58.-(1) Every employer shall be required to provide insurance and social security cover to every person employed in the respective media house.

(2) Every freelancer or correspondent shall be required to have personal risk insurance cover.

Obstructing of a member of the Board

59.-(1) A person who -

- (a) without lawful justification, fails or refuses to comply with a lawful direction of the Board;
- (b) obstructs or hinders a member or the Board in the exercise of powers under this Act;
- (c) furnishes information or makes a statement to the Board which he knows to be false or misleading in any material particular; or
- (d) when appearing before the Board for examination, makes a statement which he knows to be false or misleading in any material particular,

commits an offence, and on conviction shall be liable to a fine of five million shillings or imprisonment for a term of one year, or to both.

(2) A person convicted of any subsequent offence under this section shall be liable to a fine of ten million shillings or imprisonment for a term of seven years.

Regulations

60.-(1) The Minister may make Regulations for the better carrying out the provisions of this Act.

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

- (a) terms and conditions for operation of licensed media house;
- (b) licensing of print media;
- (c) appeals against the decision of the Board;
- (d) prescription of the shareholding requirement by foreign media owners;
- (e) prescription of fines;
- (f) making procedure for accreditation of journalists and issuance of press cards; and
- (g) reporting the source of funding by media houses and media association.

Repeals
Cap. 229 and 149

61. The Newspapers Act and the Tanzania News Agency (Repealing) Act are hereby repealed.

Transitional provisions
Caps. 229 and 149

62.-(1) Notwithstanding the repeal of the Newspaper Act and Tanzania News Agency (Repealing) Act -

- (a) any press card or certificate granted under the repealed Act, prior to the commencement of this Act in relation to the production, distribution or supply of media services shall remain in operation until it is revoked, annulled or otherwise replaced.
- (b) all persons practicing journalism without qualifications stipulated under this Act shall, within five years of the coming into operation of this Act meet the qualification provided for under this Act; and
- (c) all orders, rules, guidelines and Regulations made under the repealed Act shall continue to have effect until revoked by subsidiary legislation made pursuant to this Act.

SCHEDULE

(Made under section 14(3))

TENURE, PROCEEDINGS AND ANY OTHER MATTER RELATED TO THE BOARD

Vice Chairman	<p>1. Members of the Board shall elect one of their members to be the Vice Chairman who shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election and may be eligible for re-election.</p>
Tenure for appointment	<p>2.-(1) A member of the Board shall hold office for a term not exceeding three years from the date of his appointment and may be eligible for re-appointment.</p> <p>(2) In the case of a member who is a member by the virtue of his office, he shall cease to be a member upon his ceasing to hold that office.</p> <p>(3) A member appointed may at anytime resign his office by notice in writing to the appointing authority.</p> <p>(4) Notwithstanding the foregoing provisions, the appointing authority may at any time revoke an appointment of a member.</p> <p>(5) If a member of the Board who is a member by the virtue of his office is unable for any reason to attend any meeting of the Board, he may nominate in writing another person from his institution to attend the meeting on his behalf.</p> <p>(6) Where any vacancy occurs in the membership of the Board by any reason of any member thereof or otherwise, the appointing authority may appoint another person to fill that vacancy and the person so appointed shall hold office for the unexpired period of office of the member in whose place he is appointed.</p>
Meetings of Board	<p>3.-(1) The Board shall ordinarily meet for the transaction of its business at the times and places determined by it, but it shall meet at least once in every three months.</p> <p>(2) The Chairman or in his absence the Vice Chairman, shall preside at every meeting of the Board and in the absence of both of them, the members present shall appoint one of their number to preside over the meeting.</p> <p>(3) A member who fails to attend three consecutive meetings of the Board without leave of the Chairman shall cease to become a member of the Board.</p>
Notice of meeting	<p>4. The Secretary to the Board shall give each member adequate notice of the time and place of every meeting and shall keep record of the proceedings of every meeting of the Board.</p>
Quorum	<p>5. The quorum at any meeting of the Board shall be one two third of the total number of members.</p>
Decision of Board	<p>6.-(1) Any matter proposed at the meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote in addition to his normal or deliberative vote.</p> <p>(2) Notwithstanding sub-paragraph (1), a decision may be made by the Board without a meeting by way of circulation of the relevant papers among the members, and the expression in writing of the views of the majority of members.</p>
The Board to confirm minutes of its meetings	<p>7.-(1) The Board shall cause to be recorded and kept 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 and signed</p>

by the person presiding at the meeting.

(2) Any minutes signed or purporting to have been signed by the person presiding at the meeting of the Board shall, in absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.

Vacancies
etc. not to
invalidate
proceedings

8. No act or proceedings of the Board shall be invalid by reason only of any vacancy among its members or defeat in the appointment of any of them.

Orders,
directions
etc.

9. All orders, direction, notices or other documents made or issued on behalf of the Board shall be signed by-

- (a) the Chairman;
- (b) the Director of Information Services or other officer of the Board appointed in writing in that behalf.

10. Subject to the provisions of this Schedule, the Board shall regulate its own proceedings.

OBJECTS AND REASONS

This Bill proposes to enact the Media Services Act with a view of putting in place a legal framework for the promotion of professionalism in the Media Service Industry, to provide for institution framework, roles and responsibilities with the overall objective of realizing professional conduct amongst journalist, media houses and the general public.

For purpose of appreciating the intended objectives, the Bill is divided into Eight Parts. Part I deals with preliminary provisions whereby provisions on short title and commencement, application and interpretation of various terminologies are contained.

Part II makes provisions relating to organs, entities and personnel vested with the mandate to deal in or offer information services in Tanzania. The Part makes provisions for the recognition of Information Services as an apex organ of the Government for regulation of media services in Tanzania. The Part also makes provision for categorization as well as obligation of media houses to provide media services.

Further, the Part makes provision for licensing requirements of print media as a basis of provision of Information Services which is the mandate of the Information Service.

Part III generally deals with Accreditation Board. It makes provision for the establishment of the Journalists Accreditation Board which shall be a body corporate vested with the mandate of accrediting journalist professionals. The Part further proposes the creation of a Media Training Fund with a view to facilitate training of Media Services Professionals and promote research and other programmes for the development of media service profession.

Part IV makes provision for the establishment of the Media Council which shall be an Independent Forum for all accredited journalists, media houses and such other allied media service invitees of the Council. The Part makes provisions for functions of the Council which include the promotion of ethical and professional standards through its forums.

Furthermore, this part mandates the Council to determine complaints against print media content. A person aggrieved by the decision of the Council may appeal to the High Court.

Part V deals with defamation and it contains the provisions on defamation, definition of unlawful publication, cases in which publication is absolutely privileged. Cases in which publication is conditionally privileged, offer of amends and redress of defamation are also provided.

Part VI provides for financial provision of the Board. It includes all matters pertaining sources of funds, annual estimates and such matters regarding books of accounts.

Part VII deals with various offences relating to media services. The Part includes offences in relation to publication, seditious intention, seditious offences, publication likely to cause fear and alarm, offences by corporation or societies and liability of employer or principal.

Part VIII deals with general provisions whereby provisions on powers to prohibit importation of publication, power of seizure, service of process and notice, risk insurance and social security, regulations, repeals and transitional provisions are contained.

SHERIA YA HUDUMA ZA HABARI YA MWAKA, 2016

MPANGILIO WA VIFUNGU

Kifungu *Jina*

SEHEMU YA KWANZA
MASHARTI YA UTANGULIZI

1. Jina na tarehe ya kuanza kutumika
2. Matumizi.
3. Tafsiri.

SEHEMU YA PILI
IDARA YA HABARI

(a) Idara ya Habari

4. Mkurugenzi wa Habari.
5. Kazi za Mkurugenzi wa Habari.

(b) Umiliki na Wajibu wa Vyombo vya Habari

6. Umiliki wa vyombo vya habari.
7. Wajibu wa vyombo vya Habari.

(c) Utoaji wa Leseni kwa Machapisho

8. Leseni za machapisho.
9. Mamlaka ya kukataa maombi na kufuta leseni.

SEHEMU YA TATU
UUNDWAJI WA BODI YA ITHIBATI

(a) Bodi ya Ithibati ya Wanahabari

10. Bodi ya Ithibati ya Wanahabari.
11. Muundo wa Bodi.
12. Kazi za Bodi.
13. Mamlaka ya Bodi.

(b) Mkurugenzi Mkuu na Watumishi Wengine wa Bodi

14. Uteuzi na sifa za Mkurugenzi Mkuu.
15. Kazi za Mkurugenzi Mkuu.
16. Watumishi wa Bodi.
17. Mamlaka ya nidhamu.

(c) Uthibitishwaji wa Wanahabari

18. Ithibati ya Wanahabari.
19. Kitambulisho cha Wanahabari.
20. Orodha ya Wanahabari.

(d) Mfuko wa Mafunzo ya Habari

21. Kuundwa kwa Mfuko.
22. Vyanzo vya fedha za Mfuko.

SEHEMU YA NNE
BARAZA HURU LA HABARI

23. Uanzishaji wa Baraza.
24. Uanachama na uendeshaji wa Baraza.
25. Kazi za Baraza.
26. Kamati za Baraza.
27. Rufaa.
28. Mienendo na vikao vya Baraza.
29. Uteuzi wa Katibu wa Baraza.
30. Kazi za Katibu wa Baraza.
31. Uondolewaji wa Katibu.

SEHEMU YA TANO
KASHFA

32. Kashfa kwa maneno
33. Habari kwa njia ya chapisho.
34. Ufafanuzi wa utangazaji usio halali.
35. Utangazaji wa mambo yenye kasha ambayo ni halali.
36. Utangazaji wa mambo yenye kasha unaoruhusiwa.
37. Nia ya kufanya marekebisho.
38. Malalamiko dhidi ya kasha.

SEHEMU YA SITA
MASHARTI KUHUSU FEDHA

39. Vyanzo vya mapato ya Bodi.
40. Mamlaka ya Bodi kutoza tozo.
41. Uwekezaji.
42. Mamlaka ya kukopa pesa.

43. Bajeti ya mwaka na bajeti ya nyongeza.
44. Hesabu na ukaguzi wa hesabu.
45. Taarifa ya mwaka.
46. Uwasilishaji wa taarifa za hesabu Bungeni.

SEHEMU YA SABA
MAKOSA MBALIMBALI

47. Makosa yanayohusu vyombo vya habari.
48. Makosa yanayohusu utangazaji.
49. Nia ya kuchochea uasi.
50. Makosa ya uchochezi.
51. Utangazaji wa habari zenye kutia hofu na woga kwa jamii.
52. Makosa yanayotendwa na mashirika ya vyama.
53. Dhima ya mwajiri au mtu anayemwakilisha.

SEHEMU YA NANE
MASHARTI YA JUMLA

54. Mamlaka ya kupiga marufuku uingizaji wa machapisho.
55. Mamlaka ya Waziri.
56. Mamlaka ya kutwaa.
57. Utoaji wa taarifa.
58. Bima na hifadhi ya jamii.
59. Kumzuia mjumbe wa Bodi.
60. Kanuni.
61. Kufutwa kwa Sheria.
62. Masharti ya mpito.

—
JEDWALI
—

TAARIFA

Muswada huu utakaowasilishwa Bungeni unachapishwa kwa ajili ya kutoa taarifa kwa umma ukiwa pamoja na maelezo yake ya madhumuni na sababu.

Dar es Salaam,
26 Agosti, 2016

JOHN W.H KIJAZI
Katibu wa Baraza la Mawaziri

MUSWADA

wa

Sheria kwa ajili ya kuweka masharti ya kukuza na kuimarisha taaluma na weledi katika tasnia ya habari, kuundwa kwa Bodi ya Ithibati ya Wanahabari, Baraza Huru la Habari, kuweka mfumo wa usimamizi wa huduma za habari; na masuala mengine yanayohusiana na hayo.

IMETUNGWA na Bunge la Jamhuri ya Muungano wa Tanzania.

SEHEMU YA KWANZA MASHARTI YA UTANGULIZI

Jina na tarehe ya
kuanza kutumika

1. Sheria hii itaitwa Sheria ya Huduma za Habari ya Mwaka, 2016 na itaanza kutumika siku ambayo, Waziri kwa Tangazo litakalochapishwa kwenye Gazeti, atateua.

Matumizi

2. Sheria hii itatumika Tanzania Bara.

Tafsiri

3. Katika Sheria hii, isipokuwa pale muktadha utahitaji vinginevyo:
“Bodi” maana yake ni Bodi ya Ithibati ya Wanahabari iliyoanzishwa chini ya kifungu cha 10 cha Sheria hii;
“maudhui” maana yake ni taarifa zinazotokana na matamshi au aina nyingine za sauti, data, maandishi au picha, michoro ikijumuisha vikaragosi na vitu vingine vinavyoendana na hivyo iwe mnato au jongevu;
“Kamati ya Malalamiko” maana yake ni Kamati iliyoanzishwa chini ya kifungu cha 13 cha Sheria hii;
“Baraza” maana yake ni Baraza Huru la Habari lililoanzishwa chini ya kifungu cha 22 cha Sheria hii;
“mhariri” maana yake ni mwanahabari ambaye ni msimamizi wa uzalishaji wa maudhui katika redio, televisehni, magazeti, majarida na inajumuisha maudhui ya redio, televisheni na magazeti katika mitandao;
“chombo cha habari za kielektoroniki” maana yake ni aina ya mawasilisho ya maudhui kwa umma kwa njia ya televisheni, redio, video, sinema, magazeti yaliyotolewa mtandaoni au kwa njia nyingine yoyote ya

- kielektroniki na vifaa ikijumuisha mitandao ya kijamii na njia nyingine zinazoendana na hizo;
- “raia wa kigeni” maana yake ni mtu yeyote ambaye si raia wa Jamhuri ya Muungano;
- “kampuni ya kigeni” maana yake ni kampuni iliyosajiliwa nje ya Jamhuri ya Muungano au ambayo wanahisa wake wengi ni raia wa kigeni;
- “Mfuko” maana yake ni Mfuko ulioanzishwa katika kifungu cha 20;
- “mwandishi huru” maana yake ni mwandishi wa habari afanyaye kazi binafsi kwa ajili ya chombo cha habari;
- “mwandishi wa habari” maana yake ni mtu aliyesajiliwa kama mwandishi wa habari chini ya Sheria hii ambaye anayekusanya, anahariri, anaandaa na kutangaza habari, makala na taarifa awe amejiririwa na chombo cha habari au mwandishi huru.
- “chombo cha habari cha umma” inajumuisha huduma yoyote, njia za utoaji wa habari zinazotumika katika usambazaji wa sauti, taarifa zinazoonekana, ujumbe wa kimaandishi kwa umma;
- “Sekta ya Habari” maana yake ni tasnia, shughuli au kazi ya ukusanyaji, uchambuzi na usambazaji wa maudhui kwa njia ya redio, televisheni au magazeti, na inajumuisha maudhui ya mitandaoni;
- “taasisi za habari” maana yake ni taasisi zinazojishughulisha na masuala ya habari zilizosajiliwa au zinazotambulika kwa mujibu wa Sheria;
- “chombo cha habari” maana yake ni mtu aliyepewa leseni ya kutoa huduma za habari;
- “huduma za habari” maana yake ni huduma zitolewazo kupitia Sekta ya Habari;
- “Waziri” maana yake ni waziri mwenye dhamana na maudhui;
- “mchapishaji” maana yake ni mtu anayechapisha maudhui;
- “Gazeti” maana yake ni kitu kilichochapwa au chapisho katika mfumo wa vijarida vya udaku, magazeti, majarida au mfumo wa kielektroniki unaojumuisha-
- (a) habari;
 - (b) makala;
 - (c) matangazo;
 - (d) picha na vikaragosi;
 - (e) habari za matukio; au
 - (f) maoni au mitazamo inayochapishwa kwa ajili ya kusambazwa kwa umma kila siku au vipindi tofauti;
- “mitandao ya kijamii” maana yake ni mawasiliano miongoni mwa watu kwa njia ya mtandao ambayo yameanzishwa na watu hao kwa ajili ya kubadilisha habari na taarifa katika mitandao na majukwaa mengine ya teknolojia ya kisasa;
- “machapisho” maana yake ni mawasiliano yoyote ya maudhui kupitia vyombo vya habari;
- “kitambulisho cha mwanahabari” maana yake ni kitambulisho kilichotolewa chini ya Sheria hii kinachomtambulisha mtu anayekimiliki kuwa ni mwanahabari aliyethibitishwa;
- “chapisho” maana yake ni utoaji wa maneno au picha kwenye mfumo wa maandishi, picha, michoro au vikaragosi kwa chombo cha habari cha

- umma;
- “habari kwa njia ya chapisho” maana yake ni gazeti, majarida na machapisho mengine yanayoendana na hayo yaliyokusudiwa kutolewa kwa umma;
- “chombo binafsi cha habari” maana yake ni chombo cha habari kinachomilikiwa na mtu binafsi;
- “chombo cha habari cha umma” maana yake ni chombo cha habari kinachomiikiwa na Serikali;
- “kuchapisha” maana yake ni usambazaji wa maudhui kwa mtu au watu;
- “utangazaji” maana yake ni mawasiliano yoyote yenye maudhui kupitia sauti, picha jongefu, chapisho au kitabu cha kielektroniki;
- “mtangazaji” maana yake ni mtu ambaye amepewa leseni chini ya sheria hii kwa ajili ya kutoa huduma za utangazaji;
- “Orodha” maana yake ni Orodha ya Wanahabari waliothibitishwa kwa mujibu wa kifungu cha 19; na
- “shirika la habari” maana yake ni shirika linalokusanya, kuchambua na kusambaza habari na picha kwa ajili ya matumizi ya vyombo vya habari na umma.

SEHEMU YA PILI
HABARI MAELEZO

(a) Habari Maelezo

Mkurugenzi wa
Habari

4.-(1) Kutakuwa na Mkurugenzi wa Habari Maelezo atakayeteuliwa na Rais kutoka miongoni mwa watu waadilifu na wenye taaluma na ujuzi uliothibitishwa kuhusiana na masuala ya habari, sheria au utawala.

- (2) Mkurugenzi wa Habari atakuwa-
- (a) atakuwa Msemaji Mkuu wa Serikali katika masuala yote yanayohusiana na sera na mipango ya Serikali;
- (b) kuishauri Serikali katika masuala yote yanayohusu mawasiliano ya kimkakati;

Kazi za
Mkurugenzi wa
Habari

- 5.** Kazi za Mkurugenzi wa Habari Maelezo zitakuwa ni-
- (a) kuratibu vitengo vyote vya mawasiliano ya Serikali katika Wizara, Serikali za Mitaa, Idara Zinazojitegemea na Wakala;
- (b) kuendeleza na kufanya mapitio ya sera za habari na mawasiliano serikalini, kanuni, viwango na miongozo;
- (c) kufuatilia na kutathmini utekelezaji wa sera za habari na mawasiliano serikalini, kanuni, viwango na miongozo;
- (d) kutoa leseni kwa machapisho;
- (e) kuratibu mikutano ya habari inayofanywa na maafisa wa Serikali;
- (f) kuendeleza na kuratibu masuala ya kuwajengea uwezo maafisa habari wa Serikali kwa kushirikiana na waajiri wao;
- (g) kuratibu matangazo ya maadhimisho ya kitaifa na Ziara za Wakuu wa Nchi na masuala mengine muhimu kwa Taifa;
- (h) kuratibu masuala ya picha za Serikali;
- (i) kuandaa picha za Rais, Makamu wa Rais na Waziri Mkuu;

- (j) kuendesha na kutunza tovuti ya wananchi na majukwaa mengine ya mawasiliano ya Serikali;
- (k) kukusanya, kuchakata, kufungasha na kusambaza taarifa, habari na picha kwa vyombo vya habari, magazeti, vituo vya televisheni, mashirika ya habari, jamii kwa ujumla na watu wengine kama wao au wawakilishi; na
- (l) kufanya kazi nyingine zinazohusiana na mawasiliano ya kimkakati, ukusanyaji, uchakataji, uhifadhi na usambazaji wa habari, na picha kama Serikali itakavyoelekeza.

(b) Umiliki na wajibu wa Vyombo vya Habari

Umiliki wa
vyombo vya
habari
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6.-(1) Kwa madhumuni ya utoaji leseni chini ya Sheria hii na Sheria ya Kielektroniki na Mawasiliano ya Posta kutakuwa na aina mbili za umiliki wa vyombo vya habari, ambazo ni-

- (a) vyombo vya habari vinavyomilikiwa na umma; na
 - (b) vyombo vya habari vinavyomilikiwa na watu binafsi.
- (2) Masharti ya umiliki wa vyombo vya habari yatakuwa kama itakavyoainishwa katika kanuni.

Wajibu wa
Vyombo vya
Habari

7.-(1) Chombo cha habari kilichosajiliwa chini ya Sheria hii au kilichopewa leseni chini ya sheria nyingine yoyote ya Bunge kitakuwa na wajibu wa kutekeleza yafuatayo:

- (a) kwa chombo cha habari cha umma:
 - (i) kutoa huduma ya habari kwa wote;
 - (ii) kutoa huduma za habari kwa umma na Serikali;
 - (iii) kuzingatia maadili na kanuni za kitaaluma;
 - (iv) kuimarisha mawasiliano ndani ya Serikali pamoja na mawasiliano baina ya Serikali na Umma;
 - (v) kuujulisha umma kuhusu masuala ya maendeleo yanayofanywa na Serikali pamoja na sekta za umma.
 - (b) kwa chombo cha habari binafsi:
 - (i) kutoa huduma za habari kwa umma kwa kuzingatia masharti ya leseni kwa eneo husika;
 - (ii) kuzingatia maadili na kanuni za kitaaluma;
 - (iii) kukuza uelewa kwa umma katika masuala yenye manufaa kwa taifa kupitia usambazaji wa habari; na
 - (iv) kutangaza au kuchapisha habari au masuala ambayo ni muhimu kwa Taifa kwa kadri Serikali itakavyoelekeza.
- (2) Katika kutekeleza majukumu yake, Chombo cha habari kitahakikisha taarifa inazozitoa-
- (a) hazidhoofishi-
 - (i) usalama wa Jamhuri ya Muungano;
 - (ii) upelelezi unaofanywa na vyombo vya uchunguzi;
 - (b) hazikwamisha taratibu za sheria au unahatarisha usalama wa maisha ya mtu yeyote;

- (c) hazihusu taarifa za vikao vya Baraza la Mawaziri;
- (d) haziwezeshi au kuhamasisha kufanya kosa;
- (e) haziingilii faragha ya mtu bila idhini, mbali na muombaji au mtu ambaye kwa niaba yake ombi limefanywa;
- (f) hazitishii maslahi ya kibiashara, ikijumuisha haki miliki ya mmiliki wa taarifa au mtu wa tatu ambaye taarifa zimepatikana kutoka kwake;
- (g) hazizuii au kusababisha madhara makubwa kwa Serikali katika kusimamia uchumi;
- (h) hazidhoofishi kwa kiasi kikubwa uwezo wa mmiliki wa taarifa kutoa angalizo stahiki kwa tatizo ambalo hakuna maamuzi ya mwisho ambayo yamechukuliwa na ambayo bado linahitaji kuzingatiwa kwa kutolewa uamuzi; au
- (i) haziathiri nafasi ya mmiliki wa taarifa katika hali halisi au inayoweza kutokea katika taratibu za kisheria au kuathiri hadhi ya taaluma.

(3) Kwa madhumuni ya kuondoa shaka, ikitokea kuna mgongano kati ya masharti ya Sehemu Ndogo hii na masharti ya sheria nyingine yoyote iliyotungwa na Bunge masharti chini ya Sehemu Ndogo hii yatazingatiwa.

(c) Utoaji wa Leseni kwa Machapisho

Leseni za machapisho

8.-(1) Mtu hataruhusiwa kuchapisha, kuuza, kutaka kuuza, kuingiza nchini, kusambaza au kuchapisha kwa namna yoyote ile isipokuwa mtu huyo amepewa leseni kwa mujibu wa Sheria hii.

(2) Waziri atatunga Kanuni-

- (a) zitakazoainisha utaratibu wa maombi ya kutoa leseni kwa mtu mwenye nia ya kuchapisha, kuuza, kutaka kuuza, kuingiza nchini, kusambaza au kuchapisha chapisho; na
- (b) zitakazoainisha masharti ya umiliki wa hisa kwa kampuni inayomilikiwa na raia wa kigeni yenye lengo la kuendesha chombo cha habari.

Mamlaka ya kukataa maombi na kufuta leseni

9. Mkurugenzi wa Habari au mtu yeyote anayefanya kazi kwa niaba yake atakuwa na mamlaka ya-

- (a) kukataa maombi ya leseni ya chapisho ambayo hayakidhi vigezo vya utoaji wa leseni; au
- (b) kusitisha kwa muda au kufuta leseni endapo mwenye leseni atashindwa kuzingatia masharti ya leseni.

**SEHEMU YA TATU
UUNDWAJI WA BODI YA ITHIBATI**

(a) Bodi ya Ithibati ya Wanahabari

Bodi ya Ithibati ya Wanahabari

10.-(1) Inaanzishwa Bodi itakayojulikana kama Bodi ya Ithibati ya Wanahabari.

(2) Bodi itakuwa ni chombo hodhi na-

- (a) uhai wa kudumu na lakiri yake;
- (b) kwa jina lake, itakuwa na mamlaka ya kushtaki na kushtakiwa; na
- (c) itakuwa na mamlaka ya kutwaa mali zinazohamishika na zisizohamishika.

(3) Bila kujali masharti ya kifungu kidogo cha (2), Mwanasheria Mkuu wa Serikali atakuwa na haki ya kuingilia kati katika kesi au shauri lolote lililofunguliwa na, au dhidi ya Bodi.

Sura ya 5

(4) Pale ambapo Mwanasheria Mkuu wa Serikali anaingilia kati kesi au shauri lolote, Masharti ya Sheria ya Mwenendo wa Mashauri Dhidi ya Serikali, yatatumika katika mwenendo wa shauri hilo, kama shauri hilo limefunguliwa na, au dhidi ya Serikali.

(5) Kwa madhumuni ya kifungu kidogo cha (3), Bodi itakuwa na wajibu wa kumtaarifu Mwanasheria Mkuu wa Serikali kuhusu shauri lolote lililofunguliwa na, au dhidi ya Bodi.

Muundo wa Bodi

11.-(1) Bodi itakuwa na wajumbe saba watakaoteulwia na Waziri kama ifuatavyo:

- (a) mwanahabari mwandamizi aliyethibitishwa ambaye ndiye atakuwa Mwenyekiti;
- (b) Mkurugenzi wa Idara ya Habari;
- (c) Katibu wa Baraza;
- (d) Afisa Sheria atakayependekezwa na Mwanasheria Mkuu wa Serikali;
- (e) mjumbe mmoja anayewakilisha taasisi za elimu ya juu zinazofundisha uandishi wa habari, mawasiliano ya umma au elimu inayohusiana na masuala ya habari; na
- (f) waandishi wa habari wawili wenye uzoefu katika masuala ya habari.

(2) Bodi inaweza, pale itakapoona inafaa, kumwalika mtu yeyote ambaye ana utaalum na ujuzi mahsusi kwa ajili ya jambo mahsusi, isipokuwa mwalikwa huyo hatakuwa na haki ya kupiga kura.

(3) Masharti ya Jedwali la Sheria hii yatahusu muda wa wajumbe kukaa madarakani, mienendo ya Bodi na masuala mengine yanayohusiana na Bodi.

Kazi za Bodi

12. Kazi za Bodi zitakuwa-

- (a) kutoa ithibati na vitambulisho kwa wanahabari kwa mujibu wa Sheria hii;
- (b) kusimamia kanuni za maadili ya wanahabari zilizoidhinishwa;
- (c) kusimamia viwango na mienendo ya kitaaluma na kuendeleza vigezo bora vya maadili na nidhamu miongoni mwa wanahabari;
- (d) kuishauri Serikali katika mambo yanayohusiana na elimu na mafunzo ya wanahabari;
- (e) kwa kushauriana na taasisi za mafunzo husika, itaweka viwango vya taaluma na mafunzo kwa wanahabari;
- (f) kuanzisha mahusiano na taasisi nyingine zinazofanana na hii ndani na nje ya nchi;

- (g) kwa kushauriana na Baraza, kuandaa mafunzo kwa wanahabari; na
- (h) kutunza Orodha ya Wanahabari waliothibitishwa.

Mamlaka ya Bodi

- 13.** Katika kutekeleza kazi zake, Bodi itakuwa na mamlaka ya-
- (a) kuwasimamisha au kuwaondoa wanahabari waliothibitishwa katika Orodha;
 - (b) kutoa adhabu kama zitakavyoainishwa katika kanuni; na
 - (c) kuweka viwango vya ada na tozo kwa ajili ya uthibitishaji.

(b) Mkurugenzi Mkuu na Watumishi Wengine wa Bodi

Uteuzi na sifa za Mkurugenzi Mkuu

- 14.**-(1) Bodi itaajiri, kwa idhini ya Waziri, Mkurugenzi Mkuu ambaye atakuwa Mtendaji Mkuu wa Bodi.
- (2) Mtu hatakuwa na sifa za kuteuliwa kuwa Mkurugenzi Mkuu isipokuwa kama mtu huyo-
- (a) ni raia wa Tanzania;
 - (b) angalau ana shahada ya uzamili kutoka taasisi ya elimu ya juu inayotambulika na kuwa kutokana na elimu na uzoefu wake ujuzi katika masuala ya habari, sheria, utawala au ujuzi mwingine unaohusiana na huo; na
 - (c) ataihakikishia Bodi kuwa hana mgongano wa kimaslahi.

Kazi za Mkurugenzi Mkuu

- 15.**-(1) Mkurugenzi Mkuu aliyeajiriwa kwa mujibu wa Sheria hii atawajibika kutekeleza kazi za kila siku za Bodi na mahsusii-
- (a) atatekeleza majukumu na mamlaka ya Bodi yaliyoainishwa katika Sheria hii na kwa kadri atakavyokasimiwa na Bodi;
 - (b) atasimamia bajeti, rasilimali watu na mali za Bodi;
 - (c) atatunza kumbukumbu za mikutano na masuala mengine ya Bodi;
 - (d) kutunza Orodha ya Wanahabari waliothibitishwa; na
 - (e) atahakikisha utekelezaji wa uamuzi na maelekezo ya Bodi.
- (2) Mkurugenzi Mkuu anaweza kukasimu madaraka yake kwa maafisa na waajiriwa wa Bodi isipokuwa hataweza kukasimu madaraka yaliyokasimiwa kwake na Bodi.
- (3) Mkurugenzi Mkuu atashika madaraka kwa kipindi cha miaka mitano na anaweza kuteuliwa kwa kipindi kimoja tena endapo utendaji wake utakuwa ni wa kuridhisha.

Watumishi wa Bodi

- 16.**-(1) Bodi itaajiri watumishi waandamizi katika ngazi ya utawala kwa kadri itakavyohitajika.
- (2) Mkurugenzi Mkuu ataajiri, kwa idhini ya Bodi, watumishi wengine wa Bodi kwa kadri itakavyohitajika kwa ajili ya ufanisi wa utekelezaji wa majukumu ya Bodi kwa masharti yatakavyoainishwa katika mikataba ya ajira.
- (3) Watumishi wa Bodi chini ya kifungu hiki, watawajibika kwa Mkurugenzi Mkuu katika kutekeleza kazi zao.

Mamlaka ya
nidhamu

17.-(1) Bodi itakuwa na mamlaka ya nidhamu, na Waziri atakuwa mamlaka ya mwisho ya rufaa kuhusiana na Mkurugenzi Mkuu na Wakurugenzi wengine.

(2) Mkurugenzi Mkuu atakuwa mamlaka ya nidhamu na Bodi itakuwa mamlaka ya mwisho ya rufaa kuhusiana na wafanyakazi wa Bodi.

(c) Uthibitishwaji wa Wanahabari

Ithibati ya
Wanahabari

18.-(1) Mtu hataruhusiwa kufanya kazi za uandishi wa habari, isipokuwa kama mtu huyo amethibitishwa na Sheria hii.

(2) Mtu ambaye anakusudia kufanya kazi ya uandishi wa habari ataomba kuthibitishwa na Bodi kwa utaratibu wa maombi utakaoainishwa katika kanuni.

(3) Mwanahabari ambaye si raia wa Jamhuri ya Muungano au asiyetambuliwa kama mkazi wa kudumu kwa mujibu wa Sheria za Uhamiaji anaweza kuthibitishwa kwa sababu maalum kwa muda usiozidi siku sitini.

(4) Pale ambapo kipindi cha uthibitisho kilichotolewa chini ya kifungu kidogo cha (3) kimeisha muda wake na madhumuni ya uthibitisho husika hayajakamilika, mwanahabari husika anaweza kuomba kwa Bodi kuongezewa muda usiozidi siku ishirini na moja.

(5) Bodi inaweza kufuta uthibitisho wa mwanahabari ikiwa itajiridhisha kwamba-

- (a) mwanahabari amekiuka kwa kiasi kikubwa maadili ya taaluma yaliyoainishwa katika kanuni za maadili ya taaluma ya habari; au
- (b) ikiwa mwanahabari si raia wa Tanzania, mwanahabari huyo hatekelezi lengo la uthibitisho wake.

Kitambulisho
cha
mwanahabari

19.-(1) Mwanahabari aliyethibitishwa kwa mujibu wa Sheria hii atapewa kitambulisho na Bodi.

(2) Kitambulisho kitakuwa ni uthibitisho kuwa mmiliki ni mwanahabari aliyethibitishwa, na muda wa kitambulisho utakuwa kama itakavyoainishwa katika kanuni.

(3) Mmiliki wa kitambulisho anaweza, baada ya kuisha muda wa kutumika wa kitambulisho na kulipa ada iliyoainishwa, atatuma maombi ya kupewa upya kitambulisho.

Orodha ya
Wanahabari

20.-(1) Bodi itatunza Orodha ya Wanahabari itakayojumuisha majina na maelezo ya wanahabari waliopo waliothibitishwa.

(2) Mtu aliyekoma kuwa mwanahabari kutokana na kuondolewa jina lake kwenye Orodha ya Wanahabari au kusimamishwa kufanya kazi ya uandishi wa habari hataruhusiwa kufanya kazi ya uandishi wa habari kwa namna yoyote ile.

(3) Mwanahabari aliyethibitishwa ambaye jina lake limeondolewa kwenye Orodha ya Wanahabari au amesimamishwa hataruhusiwa kuajiriwa au kushughulika kwa namna yoyote ile katika kazi au taaluma inayohusiana na habari.

(4) Bila kujali masharti ya kifungu kidogo cha (2) na (3), endapo jina la mwanahabari limeondolewa kwenye orodha ya wanahabari au uthibitisho wa mwanahabari yeyote umesimamishwa kwa mujibu wa kifungu hiki, Bodi inaweza, kwa uamuzi wake au kwa maombi ya mwanahabari husika kupitia utaratibu utakaowekwa, na katika hali yoyote ile, baada ya kufanya uchunguzi kwa kadri Bodi itakavyoona inafaa, itaelekeza kwamba-

- (a) kuondolewa kwenye Orodha kumethibitishwa;
- (b) jina la mwanahabari huyo lirudishwe kwenye Orodha; au
- (c) kusimamishwa kwa mwanahabari aliyethibitishwa kuondolewe.

(5) Bodi itatangaza Orodha ya Wanahabari katika *Gazeti* la Serikali au gazeti ambalo linasomwa na watu wengi.

(d) Mfuko wa Mafunzo wa Habari

Kuundwa kwa Mfuko

21.-(1) Kunaundwa Mfuko utakaojulikana kama Mfuko wa Mafunzo ya Habari utakaosimamiwa na Bodi.

(2) Malengo ya Mfuko yatakuwa ni-

- (a) kuwezesha mafunzo kwa wanataaluma ya habari;
- (b) kukuza programu za uendelezaji maudhui ya ndani ya nchi; na
- (c) kukuza na kuchangia utafiti na maendeleo katika nyanja za habari na mawasiliano ya umma.

Vyanzo vya fedha za mfuko

22. Vyanzo vya Fedha za Mfuko vitatokana na-

- (a) fedha itakayoidhinishwa na Bunge;
- (b) misaada, zawadi na michango;
- (c) michango ya hiari kutoka kwenye vyombo vya habari; au
- (d) fedha ambayo kwa namna yoyote italipwa au kuwekwa kwenye Mfuko kwa masharti ya Sheria hii, au kuhusiana na au zinazoendana na utetekelezaji wa majukumu chini ya Sheria hii.

SEHEMU YA NNE
BARAZA HURU LA HABARI

Uanzishaji wa Baraza

23. Linaanzishwa Baraza litakalofahamika kama Baraza Huru la Habari.

Uanachama na uendeshaji wa Baraza

24.-(1) Kila mwanahabari aliyethibitishwa atakuwa mwanachama wa Baraza.

(2) Waziri, kwa Tangazo litakalotolewa katika *Gazeti* la Serikali ataitisha mkutano wa kwanza wa Baraza kwa madhumuni ya kuchagua viongozi wa Baraza.

(3) Viongozi wa Baraza watajumuisha-

- (a) Mwenyekiti wa Baraza;
- (b) Makamu Mwenyekiti wa Baraza; na
- (c) wanahabari wengine wawili watakaopendekezwa na taasisi za habari.

Kazi za Baraza

- 25.**-(1) Kazi za Baraza zitakuwa-
- (a) kwa kushirikiana na Bodi:
 - (i) kuandaa na kuidhinisha kanuni za maadili ya taaluma ya wanahabari;
 - (ii) kukuza maadili na viwango vya taaluma baina ya wanahabari na kampuni za habari;
 - (b) kufanya marejeo juu ya utendaji wa sekta ya habari;
 - (c) kushirikiana na wadau katika kukuza wajibu wa vyombo vya habari; na
 - (d) kufanya kazi nyingine za uhamasishaji kama Baraza, kwa azimio litakavyoamua;
- (2) Baraza katika kutekeleza kazi zake itazingatia umoja wa kitaifa, usalama, uhuru wa nchi, uadilifu na maadili na maadili ya jamii kwa wajumbe wake.

Kamati za Baraza

- 26.**-(1) Baraza, kwa madhumuni ya kuwezesha utekelezaji wa kazi zake chini ya Sheria hii, litaunda kamati kadhaa kwa ajili utekelezaji wa kazi maalum kama itakavyoamuliwa na Baraza.
- (2) Kamati zitakazoundwa na Baraza zitajumuisha kamati ya malalamiko itakayoshughulikia malalamiko yanayohusu maudhui ya machapisho.
- (3) Baraza linaweza, mzingoni mwa mambo mengine, kutengeneza kanuni zinazoainisha:
- (a) mienendo na taratibu zitakazosimamia malalamiko yanayohusu maudhui ya machapisho; na
 - (b) tuzo zinazoweza kutolewa na kamati ya malalamiko.

Rufaa

- 27.**-(1) Isipokuwa kama ilivyoainishwa katika kifungu cha 38, mtu ambaye hakuridhishwa na tuzo iliyotolewa na Baraza, anaweza kukata rufaa Mahakama Kuu.
- (2) Malalamiko hayo yataambatanishwa na nakala ya maudhui ya chapisho linalolalamikiwa.
- (3) Mahakama Kuu, wakati wa kusikiliza rufaa, itapitia lalamiko husika, na kama itakuwa muhimu, kuwaita wahusika katika shauri hilo kutoa uthibitisho au utetezi wao.

Mienendo na vikao vya Baraza

- 28.**-(1) Kwa mujibu wa masharti ya Sheria hii, Baraza-
- (a) litaamua idadi ya vikao vitakavyoitishwa mara kwa mara; na
 - (b) litakuwa na mamlaka ya kutengeneza utaratibu wake kuhusiana na vikao au shughuli zake.
- (2) Baraza, mara kwa mara, litakubaliana juu ya:
- (a) muda na mahali pa kufanya vikao vya mwaka vya wadau na masuala mengine yanayohusiana na hayo;
 - (b) utaratibu wa kusimamia na kugharamia kazi za Baraza;
 - (c) muundo wa Baraza kwa ajili ya utekelezaji wa majukumu yake; na
 - (d) taratibu au namna ya kutambua na kualika vyama vya habari au taasisi zinazojihusisha na habari.

Uteuzi wa
Katibu wa
Baraza

29.-(1) Kutakuwa na Katibu wa Baraza ambaye atateuliwa na Baraza kwa kushindanishwa.

(2) Katibu atashika madaraka kwa kipindi cha muda wa miaka mitatu na anaweza kuteuliwa tena kwa kipindi kingine.

Kazi za Katibu
wa Baraza

30. Katibu wa Baraza atakayeteuliwa kwa mujibu wa Sheria hii atakuwa Mtendaji Mkuu wa Baraza na atawajibika-

- (a) kutekeleza majukumu ya kila siku ya Baraza;
- (b) kuhakikisha kuwa fedha za Baraza zinatumika ipasavyo, kutolewa taarifa za hesabu na kutumika kwa madhumuni husika;
- (c) kutunza kumbukumbu za shughuli za Baraza; na
- (d) kutekeleza majukumu mengine kama Baraza litakavyompingia.

Uondolewaji wa
Katibu

31. Bila kujali masharti ya kifungu cha 31, Katibu anaweza kuondolewa madarakani na Baraza kwa mujibu wa vigezo na masharti ya kazi ikiwa-

- (a) amepoteza uwezo wa kutekeleza majukumu yake kutokana na sababu za kimaumbile au ugonjwa wa akili;
- (b) ataonyesha tabia au mwenendo usiokubalika;
- (c) atakosa uwezo au kushindwa kutekeleza majukumu yake;
- (d) atakiuka kanuni; au
- (e) kwa sababu nyingine yoyote ambayo itahalalisha kuondolewa kazini kwa vigezo na masharti ya kazi.

**SEHEMU YA TANO
KASHFA**

Kashfa kwa
maneno

32.-(1) Jambo lolote, kama likichapishwa, kutangazwa linaweza kuharibu sifa ya mtu yeyote kwa kumfanya achukiwe, adharauliwe au afanyiwe kejeli au linaloweza kumharibia mtu kazi yake kwa kuchafua jina lake au kumvunjia heshima yake, jambo hilo litahesabika kuwa ni kashfa.

(2) Jambo linaloelezwa katika kifungu kidogo cha (1) litakuwa suala la kashfa hata kama limechapishwa au kutangazwa dhidi ya mtu aliyefariki dunia.

(3) Mashtaka ya kashfa yanayomhusu mtu aliyefariki dunia hayawezi kufunguliwa isipokuwa kwa idhini ya maandishi ya Mkurugenzi wa Mashtaka.

Habari kwa njia
ya chapisho

33.-(1) Mtu atahesabika kuwa amechapisha suala la kashfa, ikiwa mtu huyo amesababisha kuchapishwa, kuandikwa, kuchorwa, kutengenezwa karagosi au kwa namna nyingine yoyote ambayo suala la kashfa limewasilishwa, limeshughulikiwa, ama kwa maonesho, kusomwa, kunakiliwa, kuelezwa, kupokelewa au vinginevyo, kwa njia ambayo maana ya kashfa itajulikana au inaweza kujulikana kwa mtu aliyekashifiwa au mtu mwingine yeyote.

(2) Haitakuwa lazima kwamba uchapishaji au utangazaji wa kashfa umetolewa kwa waziwazi au kikamilifu.

(3) Kwa madhumuni ya kifungu kidogo cha (2), inatosha kama kashfa hiyo inaeleweka kuwa inamhusu huyo mtu aliyekashfiwa kutokana na maelezo ya kashfa yenyewe au kutokana na mambo mengine yasiyofungamana na maelezo hayo ya kashfa au kutokana na baadhi ya maelezo hayo na ya mambo hayo mengine.

Ufanunuzi wa utangazaji usio halali

34. Utangazaji wa mambo yenye kashfa utahesabika kuwa si halali kwa madhumuni ya Sehemu hii ya Sheria hii, isipokuwa kama-

- (a) mambo yenyewe ni ya kweli na yanatangazwa kwa manufaa ya umma; na
- (b) umeruhusiwa kama mojawapo ya sababu zilizoainishwa ndani ya Sheria hii.

Utangazaji wa mambo yenye kashfa ambayo ni halali

35.-(1) Utangazaji wa mambo yenye kashfa utaruhusiwa na hapana mtu yeyote anayeweza kuadhibiwa kwa sababu hiyo, ikiwa-

- (a) mambo hayo yanatangazwa na Rais, Serikali au Bunge katika hati yoyote ya Serikali au shauri la mashtaka;
- (b) mambo hayo yanatangazwa katika Bunge na Rais, Serikali, Mbunge au Spika;
- (c) mambo hayo yanatangazwa kwa amri ya Rais au Serikali;
- (d) mambo hayo yanatangazwa kuhusu mtu yeyote ambaye anatakiwa kufuata sheria na kanuni za jeshi au jeshi la wanamaji na yametangazwa kuhusu tabia yake kama mtu wa kazi hizo na mtu aliye na mamlaka juu yake kuhusu tabia hiyo;
- (e) mambo hayo yanatangazwa wakati wa kusikilizwa kwa shauri lolote mahakamani na yanatangazwa na mtu anayeshiriki katika shauri hilo kama Jaji, hakimu, kamishna, wakili, mzee wa baraza, shaidi au muhusika katika shauri hilo;
- (f) mambo hayo yanayangazwa ni taarifa ya kweli na sahihi ya jambo lolote lililosemwa, lililotendwa au lililotangazwa katika Bunge; au
- (g) mtu huyo anayetangaza mambo hayo anapaswa, kwa mujibu wa sheria, kutangaza mambo hayo.

(2) Pale ambapo utangazaji wa mambo yenye kashfa umeruhusiwa, basi kwa madhumuni ya Sehemu hii ya Sheria hii, si muhimu kama mambo hayo ni ya kweli au ya uongo, na kama inajulikana au haijajulikani au inasadikiwa kuwa ni ya uongo na kama yametangazwa ama kwa nia safi au la.

(3) Hakuna jambo lolote katika kifungu hiki litakalo msalimisha mtu yeyote na jukumu la kuadhibiwa kwa mujibu wa Sehemu yoyote ya Sheria hii au sheria nyingine yoyote kwa makosa ya madai au ya jinai, ikiwa utangazaji wa jambo ambalo limeruhusiwa umezuiliwa au nafuu ya mtu aliyeathirika imetolewa katika Katiba ya Jamhuri ya Muungano.

Utangazaji wa mambo yenye kashfa si halali ila kwa Masharti Maalum

36. Utangazaji wa mambo yenye kashfa utahesabika kuwa umeruhusiwa kwa masharti maalum ikiwa mambo hayo yanatangazwa kwa nia safi na ikiwa uhusiano baina ya mtu anayetangaza na mtu anayetangaziwa mambo hayo unamfanya mtu huyo mtangazaji kuwa na jukumu la kumtangazia huyo mtu mwingine ama kwa mujibu wa sheria au kufuatana na

mila au kanuni za mwenendo bora katika jamii kwa jumla au ikiwa mtangazaji huyo anatekeleza maslahi yake yaliyo halali kwa kutangaza mambo hayo, kwa sharti kwamba katika hali kama hiyo utangazaji huo hauzidi ama kwa ukubwa au kwa namna yake, na pia utangazaji utahesabika kuwa umeruhusiwa kwa masharti maalum kwa mujibu wa masharti yafuatayo, yaani ikiwa-

- (a) mambo yanayotangazwa ni taarifa ya kweli na sahihi ya jambo lolote lililosemwa, lililotendwa au lililoonekana katika shauri lolote la madai au la jinai linalosikilizwa mahakamani; isipokuwa kwamba iwapo mahakama itapiga marufuku utangazaji wa jambo lolote lililosemwa au lililoonekana katika mahakama hiyo kwa sababu kwamba jambo hilo huchochea uasi, ni ovu au ni la kukufuru basi utangazaji wa jambo kama hilo hautahesabika kuwa ni halali;
- (b) mambo yanayotangazwa yametokana na nakala au muhtasari halisi wa mambo yaliyopata kutangazwa wakati uliopita, na ikiwa utangazaji wa mambo hayo wakati uliopita ulikuwa halali, kwa mujibu wa Sehemu hii ya Sheria hii;
- (c) mambo hayo ni maoni yaliyotolewa kwa nia safi kuhusu vitendo vya kikazi vya mtu yeyote mwenye madaraka katika shughuli za Mahakama, kiofisi au majukumu ya umma, au tabia yake binafsi kwa kadri tabia hiyo inavyoonekana katika vitendo vya kikazi;
- (d) mambo hayo ni maoni yaliyotolewa kwa nia safi kuhusu vitendo vya mtu yeyote vinavyohusika na suala la jambo lolote linalohusu umma, au kuhusu tabia yake binafsi kwa kadri tabia hiyo inavyoonekana katika vitendo kama hivyo;
- (e) mambo hayo ni maoni yaliyotolewa kwa nia safi juu ya tabia ya mtu yeyote kama ilivyoonekana kwenye ushahidi uliotolewa katika shauri lolote la kisheria lililosikilizwa hadharani, kama ni shauri la madai au la jinai kuhusu tabia ya mtu yeyote ambaye katika shauri hilo anashiriki kama mshtaki au mshtakiwa, mdai au mdaiwa, shahidi au anashiriki kwa namna nyingine yoyote, au kuhusu tabia binafsi kwa kadri tabia hiyo inavyoonekana kwa jinsi ilivyoelezwa katika aya hii;
- (f) mambo hayo ni maoni yaliyotolewa kwa nia safi kuhusu ubora wa kitabu chochote, maandishi, picha au mchoro, hotuba au shughuli nyingineyo yoyote, maonesho au tendo lililotangazwa au kutendwa kwa hadhara au lililotendwa au kutolewa hadharani kwa ajili ya kutaka kupata maoni ya watu, au kuhusu tabia binafsi ya mtu yoyote anayehusika na lolote kati ya mambo hayo yaliyotajwa kwa kadri tabia hiyo inavyoonekana katika mambo hayo;
- (g) mambo hayo ni lawama iliyotolewa na mtu kwa nia safi kuhusu vitendo vya mtu mwingine katika jambo lolote ambalo huyo aliyetoa lawama ana mamlaka nalo, ama kwa mujibu wa mkataba au vinginevyo na kwa kadri anavyohusika huyo aliyelaumiwa au kuhusu tabia binafsi ya mtu huyo aliyalaumiwa kwa kadri tabia hiyo inavyoonekana katika vitendo hivyo;

- (h) mambo hayo ni malalamiko au mashtaka yaliyotolewa na mtu kwa nia safi dhidi ya mtu mwingine kuhusu vitendo vya mtu huyo mwingine katika jambo lolote, au kuhusu tabia yake binafsi kwa kadri tabia hiyo inavyoonekana katika vitendo hivyo, na ikiwa malalamiko au mashtaka hayo yametolewa mbele ya mtu ambaye ana mamlaka, ama kwa mujibu wa mkataba au vinginevyo juu ya mtu huyo aliyelaumiwa au kushtakiwa kuhusu vitendo vyake au tabia yake, au malalamiko au mashtaka hayo yametolewa mbele ya mtu ambaye kwa mujibu wa sheria ana mamlaka ya kuchunguza au kupokea malalamiko yanayohusika na vitendo au tabia kama hiyo; au
- (i) mambo hayo yanatangazwa kwa nia safi kwa ajili ya kulinda haki au maslahi ya mtu huyo anayetangaza mambo hayo, au haki au maslahi ya mtu anayetangaziwa mambo hayo.

Nia ya kufanya
Marekebisho

37.-(1) Mtu atakayetangaza jambo linalodhaniwa ni la kashfa kwa mtu mwingine anaweza, kama atadai kuwa jambo hili alilitangaza kwa nia safi kuhusu mtu huyo, ataonesha nia ya kufanya marekebisho kuhusu kashfa husika na katika jambo hilo, kama-

- (a) marekebisho yatakubaliwa na mtu aliyeathirika na kurekebishwa kikamilifu hakutakuwa na mashtaka ya kashfa dhidi ya mtu aliyefanya marekebisho juu ya kashfa husika, lakini bila kuathiri hatua yoyote dhidi ya mtu mwingine anayewajibika kwa pamoja na utangazaji huo;
- (b) marekebisho hayatakubaliwa na aliyeathirika, isipokuwa imeelezwa vinginevyo na kijifungu hiki, itakuwa ni utetezi kwa mtu aliyefanya marekebisho husika katika shauri lolote la upande ulioathirika na kashfa dhidi ya mtu aliyefanya marekebisho kuhusu utangazaji wa kashfa husika kuthibitisha kwamba-
 - (i) jambo linalolalamikiwa lilitangazwa na upande wa utetezi kwa nia safi kuhusiana na mlalamikaji; au
 - (ii) marekebisho yalifanywa mara tu baada ya upande wa utetezi kupokea taarifa kuwa kunaweza kukawa na kashfa dhidi ya mlalamikaji; na haijaondolewa.

(2) Nia ya kufanya marekebisho iliyotolewa kwa mujibu wa kifungu hiki itaambatanishwa na hati ya kiapo ikielezea hoja kwamba jambo linalohesabika kuwa ni kashfa lilitangazwa kwa nia safi kuhusiana na mlalamikaji.

(3) Kwa madhumuni ya utetezi chini ya aya ya (b) ya kifungu kidogo cha (1), hakuna ushahidi zaidi ya hoja zilizotolewa katika hati ya kiapo, ambao utakubalika kwa niaba ya mtu aliyefanya marekebisho kuthibitisha kuwa jambo hilo lilitangazwa.

(4) Nia ya kufanya marekebisho inayoelezwa itatafsiriwa na kueleweka kuwa-

- (a) kwa vyovyote vile, kutangaza au kuunganisha utangazaji wa usahihi wa maneno yanayolalamikiwa na kuomba radhi kikamilifu kwa mtu aliyeathirika na maneno husika; na

- (b) ambapo nakala ya nyaraka au kumbukumbu yenye maneno imesambazwa au kwa uelewa wa mtu wa anayefanya marekebisho, kuchukua hatua kwa namna ambayo inafaa kwa kuwajulisha watu ambao wamesambaziwa nakala zenye maneno yenye kashfa dhidi ya mlalamikaji.
- (5) Pale ambapo nia ya kufanya marekebisho imekubaliwa na mlalamikaji-
 - (a) jambo lolote katika kuchukua hatua zinazotakiwa katika kufanya marekebisho, kama zilivyokubaliwa na pande husika, ikitokea kutokubaliana na pande husika, jambo hili litaamuliwa na Mahakama; au
 - (b) mamlaka ya Mahakama kuamuru kuhusu gharama za uendeshaji wa shauri dhidi ya upande wa aliyefanya marekebisho kuhusu utangazaji husika au uendeshaji wa shauri unaohusiana na nia inayoelezwa katika fasili (a) itajumuisha mamlaka ya kumuamuru anayefanya marekebisho kumlipa mlalamikaji fidia na gharama zilizohusika au zilizotumika na mhusika kuhusiana na utangazaji husika.
- (6) Pale ambapo hakuna mashtaka yaliyofunguliwa kwa mujibu wa kifungu kidogo cha (1) Mahakama inaweza, kutokana na maombi ya mlalamikaji, kuamuru kulipa gharama kadri Mahakama itakavyoona kuwa ni halali na inafaa.
- (7) Kwa madhumuni ya kifungu hiki, maneno yatachukuliwa kuwa yametangazwa na mtu, katika kifungu hiki atajulikana kama mtangazaji, kwa nia safi kuhusiana na mtu mwingine ikiwa masharti yafuatayo yatazingatiwa:
 - (a) mtangazaji hakuwa na nia ya kutangaza maneno kuhusiana na mtu mwingine, na hakujuua mazingira ya namna ambayo ingeeleweka na mtu mwingine; na
 - (b) maneno hayakuwa ya kashfa kwa kuyatazama na mtangazaji hakujuua mazingira ya namna ambayo ingeeleweka na mtu mwingine kuwa ni kashfa na katika namna yoyote mtangazaji alichukua tahadhari kuhusiana na utangazaji husika.
- (8) Marejeo yoyote katika kifungu kidogo cha (7) kwa mtangazaji yatafikiriwa kuhusisha mtumishi au mwakilishi wa mtangazaji aliyehusika na maudhui ya tangazo.
- (9) Masharti ya aya ya (b) ya kifungu kidogo cha (1) hayatamhusu mtangazaji wa maneno ambaye siyo mwandishi mpaka pale atakapothibitisha kuwa maneno yaliyotangazwa yaliandikwa na mwandishi bila nia ovu.

Malalamiko
dhidi ya kashfa

38.-(1) Pale ambapo mtu anadai kuwa maudhui ya chapisho au tangazo ni ya kashfa kwa maana ya Sheria hii, mtu huyo aweza kuwasilisha malalamiko yake mahakamani.

(2) Malalamiko yatakuwa na nakala ya chapisho au tangazo lenye maudhui yanayolalamikiwa au kama maudhui ya chapisho au tangazo hayawezi kupatikana kwa namna yoyote, maelezo ya kutopatikana kwa maudhui husika.

(3) Baada ya kupokea malalamiko, Mahakama itasikiliza malalamiko husika na pale itakapoona inafaa kuwaita wahusika kwa ajili kuthibitisha ua

kutokuthibitisha malalamiko hayo.

SEHEMU YA SITA
MASHARTI KUHUSU FEDHA

Vyanzo vya
mapato ya Bodi

- 39.** Vyanzo vya Mapato ya Bodi vitakuwa ni-
- (a) fedha itakavyoidhinishwa na Bunge;
 - (b) misaada, zawadi na michango;
 - (c) ada inayolipwa kwa huduma zinazotolewa na Bodi; na
 - (d) kiasi chochote cha fedha ambacho, kwa namna yoyote, kitalipwa au kuwekwa kwenye Bodi kwa mujibu wa masharti ya Sheria hii, au kuhusiana au kutokana na utekelezaji wa majukumu yake.

Mamlaka ya
Bodi kutoza tozo

40. Bodi inaweza, kwa utekelezaji bora wa kazi zake, kutoza tozo kwa huduma zozote au aina za huduma ambazo zimetolewa na Bodi kwa kuzingatia maelekezo ambayo Waziri anaweza kutoa kwa kushauriana na Waziri anayeshughulika na masuala ya fedha.

Uwekezaji

41. Bodi inaweza, kwa ridhaa ya Waziri na baada ya kushauriana na Waziri mwenye dhamana na fedha, kuwekeza sehemu yoyote ya fedha zilizopo kwenye mfuko wowote wa Bodi katika uwekezaji kama itakavyoidhinishwa kuhusiana na uwekezaji wa fedha kwa mujibu wa Sheria ya Uwekezaji ya Wadhamini.

Sura ya 53

Mamlaka ya
kukopa pesa

42. Kwa kuzingatia idhini ya Waziri na Waziri wa Fedha, Bodi inaweza kukopa fedha kwa madhumuni ya Bodi kwa njia ya mkopo au mkopo wa akiba, na kwa kutoa dhamana na kwa masharti yanayohusiana na urejeshwaji wa fedha na malipo ya riba, kwa kadri itakavyoelekezwa na Waziri.

Bajeti ya mwaka
na bajeti ya
nyongeza

43.-(1) Mwaka wa kwanza wa fedha wa Bodi utanza kwenye tarehe ambayo Sheria hii itanza kutumika na unaweza kuwa muda mrefu au mfupi kuliko miezi kumi na mbili.

(2) Bodi itakutana katika mkutano wake, itapitisha bajeti ya kiasi cha fedha-

- (a) kinachotegemewa kupokelewa; au
- (b) kinachotegemewa kutumiwa na Bodi katika mwaka huo wa fedha, na kwa kadri mazingira yatakavyoruhusu, Bodi inaweza kupitisha bajeti ya nyongeza katika mwaka wowote wa fedha.

(3) Bajeti ya mwaka na kila bajeti ya nyongeza itakuwa katika namna ambayo Waziri ataidhinisha.

(4) Baada ya kupitisha bajeti ya mwaka au bajeti ya nyongeza, Bodi itawasilisha bajeti ya mwaka au bajeti ya nyongeza kwa Waziri kwa kadri itakavyokuwa.

(5) Waziri, baada ya kupokea bajeti ya mwaka au bajeti ya nyongeza, ataidhinisha au atakataa, au ataidhinisha kwa kuzingatia marekebisho yoyote ambayo anaweza kuona yanafaa kuwekwa.

(6) Pale ambapo Waziri ameidhinisha bajeti yoyote ya mwaka au bajeti ya nyongeza ikiwa na marekebisho au bila marekebisho, Bodi itazingatia matumizi yaliyomo katika mahitaji na kiasi kilichomo katika makadirio yaliyoidhinishwa na Waziri.

(7) Bodi inaweza-

(a) kwa idhini ya kimaandishi ya Waziri, kutumia fedha bila kujali kwamba matumizi hayo hayapo kwenye bajeti yoyote; na

(b) kubadilisha ukomo wa kiwango cha matumizi ya fedha ili kujumuisha mambo ambayo hayakuweza kutarajiwa wakati wa uandaaji wa bajeti kwa masharti ya kuwasilisha bajeti hiyo ya nyongeza kwa Waziri ndani ya kipindi cha miezi miwili tangu kuonekana kwa hitaji la kubadili ukomo wa viwango vya matumizi ya fedha.

Hesabu na ukaguzi wa hesabu

44.-(1) Bodi itahakikisha uwepo wa vitabu sahihi vya hesabu na kumbukumbu zinazohusu-

(a) upokeaji na matumizi ya fedha na miamala mingine ya kifedha ya Bodi;

(b) mali na madeni ya Bodi,

na itahakikisha kunatayarishwa, katika kila mwaka wa fedha, taarifa za hesabu inayoonyesha taarifa za mapato na matumizi ya Bodi.

Sura 418

(2) Hesabu za taasisi ikiwemo taarifa za hesabu za mwaka huo wa fedha, zitakaguliwa ndani ya miezi sita ya kufungwa mwaka wa fedha, kulingana na Sheria ya Ukaguzi wa Fedha za Umma.

(3) Kila hesabu zilizokaguliwa zitawasilishwa kwenye mkutano wa Bodi ambapo, kama zitakubaliwa zitaidhinishwa kwa cheti ambacho kitaonyesha zimekubaliwa.

(4) Mara baada ya hesabu za Bodi kukubaliwa, na kwa namna yoyote ile si chini ya miezi mitatu baada ya kufungwa kwa mwaka wa fedha husika, Bodi itawasilisha kwa Waziri nakala ya taarifa ya ukaguzi wa hesabu, pamoja na nakala ya taarifa iliyofanywa na wakaguzi wa hesabu kuhusu hesabu za Bodi.

Taarifa ya mwaka

45. Bodi itahakikisha, ndani ya miezi mitatu baada ya mwaka wa fedha kufungwa, inaandaliwa na kuwasilishwa kwa Waziri taarifa ya jumla kuhusu shughuli na utendaji wa Bodi katika mwaka huo wa fedha na taarifa hiyo itaambatishwa na-

Sura ya 418

(a) nakala ya hesabu za Bodi zilizokaguliwa kwa mujibu wa Sheria ya Ukaguzi wa Fedha za Umma;

(b) nakala ya taarifa ya wakaguzi hesabu kuhusu hesabu za Bodi; na

(c) taarifa nyingine zozote ambazo Waziri anaweza kuelekeza.

Uwasilishaji wa taarifa za hesabu Bungeni

46. Waziri, mapema iwezekanavyo baada ya kupokea taarifa iliyowasilishwa na Bodi, atawasilisha Bungeni hesabu za Bodi zilizokaguliwa pamoja na taarifa ya wakaguzi kuhusu hesabu na taarifa ya mwaka ya Bodi.

SEHEMU YA SABA
MAKOSA MBALIMBALI

Makosa
yanayohusu
vyombo vya
habari

47.-(1) Mtu yeyote atakayetumia kwa namna yoyote huduma ya habari kwa madhumuni ya kutangaza-

- (a) kwa makusudi au kwa uzembe habari za uongo kwa namna ambayo-
 - (i) zitahatarisha ulinzi, usalama, utulivu, amani na maslahi ya kiuchumi ya Jamhuri ya Muungano, maadili au afya ya jamii; au
 - (ii) itaharibu sifa, haki na uhuru wa watu wengine;
- (b) taarifa yenye nia ovu au ya kutungwa na ya uongo;
- (c) Tamko lolote lenye maudhui ambayo-
 - (i) yatahatarisha ulinzi, usalama, utulivu, amani na maslahi ya kiuchumi ya Jamhuri ya Muungano, maadili au masuala ya afya ya jamii; au
 - (ii) yataharibu sifa, haki na uhuru wa watu wengine;
- (d) kwa kujua kuwa tamko ni la uongo na bila sababu za kuamini kuwa ni kweli;
- (e) kwa uzembe au kwa nia ovu au uongo kuwasilisha tamko kama tamko la kweli; au
- (f) kwa kusambaza taarifa zilizokatazwa,

atakuwa ametenda kosa na akipatikana na hatia atatozwa faini isiyopungua kati ya shilingi milioni tano na isiyozidi milioni ishirini au kutumikia kifungo kwa muda usiopungua miaka mitatu na isiyozidi miaka mitano au vyote kwa pamoja.

- (2) Mtu yeyote ambaye-
 - (a) ataendesha chombo cha habari bila leseni;
 - (b) kufanya kazi ya uanahabari bila ya kuthibitishwa;
 - (c) kusambaza taarifa za uongo bila ya kuwa na sababu maalum;
 - (d) atadurufu, atachapisha, atauza, ataonyesha nia ya kuuza, atagawa au kutoa taarifa zenye uchochezi;

atakuwa ametenda kosa na akipatikana na hatia mbele ya Mahakama atapaswa kuadhibiwa kwa kutozwa faini isiyopungua shilingi milioni tano na isiyozidi milioni ishirini au kufungwa gereza kwa muda sio chini ya miaka mitatu na isiyozidi miaka mitano au vyote kwa pamoja.

Makosa
yanayohusu
utangazaji

48.-(1) Mtu yeyote atakayeingiza nchini, atakayetangaza, atakayeuzwa, atakayegawa au atakayetengeneza tangazo lolote ambalo uingizaji wake umepigwa marufuku atakuwa ametenda kosa na akipatikana na hatia kwa kosa la kwanza atalipa faini isiyopungua shilingi milioni tano na isiyozidi milioni kumi au kifungo kisichopungua miaka mitatu na kisichozidi miaka mitano au vyote kwa pamoja na kwa kosa la pili shilingi zisizopungua milioni nane na isiyozidi milioni ishirini au kutumikia kifungo kwa muda usiopungua miaka mitano na isiyozidi kumi.

(2) Mahakama inaweza kuamuru kutaifishwa kwa chapisho au sehemu inayohusika na utendaji wa kosa.

Nia ya
kuchochea uasi

- 49.**-(1) Nia ya “kuchochea uasi” ni nia ya-
- (a) kuchochea chuki au ufidhuli au uasi dhidi ya Jamhuri ya Muungano au Serikali yake;
 - (b) kuchochea mkazi yeyote wa Jamhuri ya Muungano kujaribu kuleta mabadiliko yoyote kwa njia zisizo za kisheria kwa jambo lolote katika Jamhuri ya Muungano liliowekwa kwa mujibu wa sheria;
 - (c) kuchochea chuki au ufidhuli au uasi dhidi ya utawala wa haki katika Jamhuri ya Muungano;
 - (d) kuchochea manung’uniko na kutoridhishwa miongoni mwa wakazi au kwa wakazi wote wa Jamhuri ya Muungano; au
 - (e) kuchochea uhasama au kusababisha hali tete baina ya vikundi mbalimbali vya wakazi wa Jamhuri ya Muungano.
- (2) Kitendo, tamko, hotuba au tangazo halitahesabika kuwa ni la kuchochea uasi ikiwa lengo lake ni-
- (a) kuonyesha kwamba Serikali imepotoshwa au imekosea katika shughuli yake yoyote; au
 - (b) kuonyesha makosa au hitilafu katika Serikali au Katiba ya Jamhuri ya Muungano au katika sheria za nchi au utekelezaji wa haki, kwa madhumuni ya kusahihisha au kurekebisha makosa hayo au hitilafu hizo.
- (3) Katika kuamua nia ya jambo lolote lililotendwa, maneno yoyote yaliyotamkwa au hati yoyote iliyochapishwa au kutangazwa kuwa nia hiyo ni ya kuchochea uasi, kila mtu atahesabika kuwa ana dhima kamili juu ya matokeo ya vitendo vyake kwa wakati na mazingira husika.

Makosa ya
uchochezi

- 50.**-(1) Mtu yeyote ambaye-
- (a) atatenda au kukusudia kutenda, au atajitayarisha kutenda, au atakula njama na mtu yeyote kutenda jambo lolote kwa nia ya kuchochea uasi;
 - (b) atatamka maneno yoyote kwa nia ya kuchochea uasi;
 - (c) atachapisha, atatangaza, atatoa, atauza, atasambaza au kutengeneza nakala ya chapisho linalochochea uasi; na
 - (d) ataingiza nchini tangazo la uchochezi,
- isipokuwa kama hana sababu ya kuamini kwamba chapisho hilo linachochea uasi, atakuwa ametenda kosa na akipatikana na hatia kwa kosa la kwanza atatozwa faini si chini ya shilingi milioni tano na isiyozidi milioni kumi au kutumikia kifungo kwa muda usiopungua miaka mitatu na usiozidi miaka mitano au vyote kwa pamoja, na kwa kosa la pili kutozwa faini isiyopungua shilingi milioni saba na isiyozidi milioni ishirini au kutumikia kifungo kwa muda usiopungua miaka mitano na isiyozidi kumi au adhabu zote kwa pamoja.
- (2) Mtu yeyote bila kuwa na sababu inayokubalika kisheria, atakuwa na chapisho linalochochea uasi, atakuwa ametenda kosa na akipatikana na hatia kwa kosa la kwanza atalipa faini isiyopungua shilingi milioni mbili na isiyozidi million tano au kutumikia kifungo kwa muda wa miaka miwili na usiozidi mitano au vyote kwa pamoja, na kwa kosa la pili kwa kutozwa faini isiyopungua shilingi milioni tatu na isiyozidi milioni kumi au kutumikia

kifungu kwa muda usiopungua miaka mitatu na isiyozidi miaka kumi au vyote kwa pamoja.

(3) Itakuwa ni utetezi chini ya kifungu kidogo cha (2), endapo mtu aliyeshitakiwa alikuwa hajui kwamba chapisho hilo lilichochea uasi na kwamba mara tu alipogundua yaliyokuwamo katika chapisho hilo alilipeleka kwa afisa utawala aliyekuwa karibu naye au kwa Mkuu wa Kituo cha Polisi kilicho karibu naye.

(4) Mashine ya kupigia chapa yoyote iliyotumiwa au inayotuhumiwa kutumika kwa ajili ya kupigia chapa au kutengeneza nakala ya chapisho linalochochea uasi yaweza kuchukuliwa au kuzuiliwa na afisa wa polisi wakati wa kungojea kusikilizwa shauri na kutolewa hukumu juu ya mtu yeyote aliyeshitakiwa kwa kosa la kuchapisha au kutengeneza nakala ya tangazo linalochochea uasi.

(5) Endapo mtu yeyote atapatikana na hatia ya kuchapisha au kutengeneza chapisho linalochochea uasi, mahakama yaweza, pamoja na adhabu nyingine yoyote inayoweza kumpa mshitakiwa, kuamuru kwamba mashine iliyotumika kwa ajili ya kupigia chapa au kutengeneza chapisho hilo linalochochea uasi, ama ichukuliwe na Serikali kwa muda usiozidi miezi kumi na mbili au ichukuliwe kabisa na Serikali na mahakama hiyo yaweza kutoa amri kama hiyo hata kama wakati wa uchapishaji wa chapisho hilo mashine iliyotumika haikuwa mali ya mshtakiwa huyo.

(6) Mashine ya kupigia chapa iliyochukuliwa na Serikali kwa mujibu wa kifungu kidogo cha (5) itauzwa na fedha itakayopatikana itapelekwa kwenye Mfuko wa Huduma za Habari.

(7) Endapo mmiliki, mtangazaji, mchapishaji, au mhariri wa gazeti atapatikana na hatia kwa kosa la kuchapisha gazeti au kutoa chapisho linalochochea uasi, mahakama yaweza pamoja na adhabu nyingine yoyote inayoweza kumpa mshitakiwa, kutoa amri, bila ya kujali kuwa imeshatoa amri chini ya kifungu kidogo cha (5), kutoa amri ya kupiga marufuku uchapishaji wa chapisho hilo kwa muda usiopungua miezi kumi na mbili na usiozidi miaka mitatu.

(8) Kabla mahakama haijatoa amri kwa mashine ya kupigia chapa au kutangazia kuchukuliwa na Serikali kwa mujibu wa kifungu hiki, itabidi iridhike kwamba mashine hiyo ndiyo iliyotumika kwa ajili ya kupigia chapa gazeti au kutoa chapisho hilo linalochochea uasi.

(9) Katika hali yoyote endapo mashine ya kupigia chapa au kutangazia imechukuliwa na Serikali, Inspekta Jenerali wa Jeshi la Polisi kwa ridhaa yake aweza-

- (a) kuagiza kwamba mashine yote au sehemu yoyote ya mashine hiyo iondolewe; na
- (b) kuagiza kwamba sehemu fulani ya mashine hiyo izibwe au ifungwe ili kuzuia isitumike.

(10) Inspekta Jenerali wa Jeshi la Polisi wakati akitekeleza madaraka yake kwa mujibu wa kifungu hiki hatakuwa na hatia kwa hasara yoyote itakayotokea kwenye mashine za kuchapisha ambazo ziko chini ya uangalizi wake.

(11) Mtu yeyote atakayetumia au kujaribu kutumia mashine ya kupigia chapa iliyochukuliwa na Serikali kwa mujibu wa kifungu cha (4) atakuwa

ametenda kosa na akipatikana na hatia atatozwa faini isiyopungua shilingi milioni kumi na tano au kutumikia kifungo kwa muda usiopungua miaka mitatu au vyote kwa pamoja.

(12) Mtu yeyote anayechapisha gazeti kwa kukiuka amri iliyotolewa chini ya kifungu kidogo cha (6) anatenda kosa, na akitiwa hatiani atatozwa faini isiyopungua shilingi milioni tano na isiyozidi shilingi milioni kumi au kutumikia kifungo kisichopungua miaka mitatu na kisichozidi miaka mitano au vyote kwa pamoja.

Utangazaji wa habari zenye kutia hofu na woga kwa jamii

51.-(1) Mtu yeyote atakayetengeneza au kueneza habari yoyote ya uongo, uzushi au taarifa ambayo yaweza kuwatia watu woga na wasiwasi au kuchafua amani katika nchi atakuwa ametenda kosa na akipatikana na hatia atatozwa faini isiyopungua shilingi milioni kumi na isiyozidi shilingi milioni ishirini au kutumikia kifungo kwa muda usiopungua miaka minne na isiyozidi miaka sita au vyote kwa pamoja.

(2) Itakuwa ni utetezi kwa kosa lililoanzishwa chini ya kifungu kidogo cha (1), endapo mshtakiwa atathibitisha kwamba kabla ya kutangaza au kueneza habari au taarifa ya aina iliyoelezwa katika kifungu kidogo cha (1) alichukua hatua madhubuti za kuhakikisha ukweli wa jambo hilo na kwamba matokeo yake yalimfanya asadiki kwamba habari au taarifa hiyo ilikuwa ya kweli.

Makosa yanayotendwa na Mashirika ya Vyama

52.-(1) Pale ambapo kosa lolote chini ya Sheria hii litatendwa na kampuni, au shirika hodhi au na chama, umoja au kikundi cha watu basi kampuni hiyo au shirika hilo hodhi, au chama, umoja au kikundi hicho cha watu kila mtu ambaye wakati wa kosa hilo lilipotendeka alishiriki au kuhusika, kama Mkurugenzi au afisa katika uongozi au uendeshaji wa kazi na shughuli za kampuni hiyo au shirika hilo hodhi au chama, umoja au kikundi hicho cha watu, atakuwa ametenda kosa na akitiwa hatiani atatozwa faini isiyopungua shilingi milioni kumi na tano na isiyozidi shilingi milioni ishirini na tano.

(2) Itakuwa utetezi kwa mtu huyo, Mkurugenzi au afisa mwingine kuthibitisha kwa kuidhirishia mahakama kuwa hakujua na wala asingeweza kwa njia nyingine yoyote kujua kwamba kosa limetendeka.

Dhima ya Mwakilishi au mtu anayemwakilisha

53. Pale ambapo kosa lolote chini ya Sheria hii litatendwa na mtu yeyote ambaye ni mwakilishi au mtumishi wa mtu mwingine, basi pamoja na mwakilishi huyo au mtumishi huyo au mtu aliyewakilisha madaraka yake au huyo mwajiri atakuwa vilevile ametenda kosa hilo na akipatikana na hatia kutozwa faini isiyopungua shilingi milioni kumi na tano na isiyozidi ishirini na tano isipokuwa kama ataithibitishia mahakama kwamba asingeweza kwa njia nyingine yoyote kumwezesha kutambua utendaji wa kosa hilo.

SEHEMU YA NANE MASHARTI YA JUMLA

Mamlaka kupiga marufuku uingizaji wa machapisho

54. Pale ambapo Waziri ataona kwamba uingizaji nchini wa chapisho lolote ni kinyume na maslahi ya umma, anaweza kwa ridhaa yake, kutoa amri ya kupiga marufuku uingizaji nchini wa chapisho hilo na kutangaza katika

Gazeti la Serikali.

- Mamlaka ya Waziri **55.** Waziri atakuwa na mamlaka ya kuzuia uchapishaji au utangazaji wa maudhui yanayohatarisha usalama wa Taifa au afya ya jami.
- Mamlaka ya kutwaa **56.** Mkurugenzi wa Habari, afisa wa polisi au afisa yeyote muidhiniwa anaweza, ikiwa ana sababu za msingi na kuamini kuwa chombo cha habari kimeanzishwa au kinaendeshwa kinyume na sharti ya Sheria hii, kutwaa kifaa chochote ambacho kimetumika au kitatumika kwa madhumuni hayo.
- Utoaji wa taarifa **57.**-(1) Pale ambapo amri au maelekezo yatatolewa na Bodi au Idara ya Huduma za Habari chini ya Sheria hii hayalazimiki kutangazwa katika *Gazeti la Serikali*, amri au maelekezo hayo yatawasilishwa kwa wahusika watakaoathirika na amri au maelekezo hayo kwa namna yoyote itakayoamriwa.
(2) Kama amri au maelekezo hayo yatatangazwa katika *Gazeti la Serikali*, watu wote wanaohusika watahesabiwa kuwa wana taarifa husika.
- Bima na hifadhi ya jamii **58.**-(1) Kila mwajiri atatakiwa kuweka bima na hifadhi ya jamii kwa kila mtu aliyeajiriwa katika chombo cha habari husika.
(2) Kila mwanahabari wa kujitegemea atapaswa kujiwekea kinga ya bima kwa mujibu wa Sheria hii.
- Kumzuia mjumbe wa Bodi **59.**-(1) Mtu ambaye-
(a) bila ya kuwa na sababu zinazokubalika kisheria atashindwa au kukataa kutekeleza maelekezo halali ya Bodi;
(b) ataizua Bodi kutekeleza mamlaka yake chini ya Sheria hii;
(c) atatoa taarifa au tamko kwa Bodi huku akijua kuwa taarifa hizo ni za uongo au ni za kupotosha kwa namna yoyote ile; au
(d) akiitwa mbele ya Bodi kwa mahojiano na akatoa taarifa huku akijua kuwa taarifa hizo ni za uongo au kupotosha kwa namna yoyote ile,
atakuwa anatenda kosa na akitiwa hatiani chini ya kifungu hiki atatozwa faini ya shilingi milioni tano au kifungo cha mwaka mmoja au vyote kwa pamoja.
(2) Mtu atakayekutwa na hatia chini ya kifungu hiki kwa kosa jingine linalojirudia atatozwa faini isiyopungua shilingi milioni kumi au kutumikia kifungo cha miaka saba.
- Kanuni **60.**-(1) Waziri aweza kutunga kanuni kwa ajili ya utekelezaji bora wa masharti ya Sheria hii.
(2) Bila ya kuathiri kifungu kidogo cha (1), Waziri anaweza kutengeneza kanuni kwa -
(a) vigezo na masharti ya leseni ya vyombo vya habari;
(b) utoaji leseni wa machapisho;
(c) uainishaji wa masharti ya umiliki wa hisa kwa vyombo vya habari vya kigeni;
(d) utoaji wa adhabu;

- (e) utayarishaji wa taratibu za uthibitishaji wa maandishi wa habari;
- (f) utayarishaji wa taratibu za utoaji wa kitambulisho cha uandahabari; na
- (g) utoaji wa taarifa za vyanzo vya mapato kwa vyombo vya habari na vyama vya wanahabari.

Kufutwa kwa
Sheria
Sura ya 229
na 149

61. Sheria ya Magazeti na Sheria ya Kufuta Shirika la Habari Tanzania zimefutwa.

Masharti ya
mpito
Sura ya 229 na
149

62. Bila ya kujali kufutwa kwa Sheria ya Magazeti na Sheria ya Shirika la Habari Tanzania:

- (a) kitambulisho chochote au cheti kilichotolewa, au leseni iliyotolewa kabla ya kuanza kutumika kwa Sheria hii kuhusiana na uzalishaji, usambazaji au utoaji wa huduma za habari, zitaendelea kutumika mpaka zitakapofutwa, zitakapobatilishwa au kubadilishwa;
- (b) watu wote wanaofanya kazi za Wanahabari bila sifa zilizoelezwa katika Sheria hii, watatakiwa ndani ya miaka mitano kukidhi masharti yaliyotolewa chini ya Sheria hii; na
- (c) amri, mwongozo na kanuni zote zilizotangazwa chini ya Sheria iliyofutwa zitaendelea kutumika mpaka hapo zitakapofutwa kwa mujibu wa kanuni zitakazotungwa chini ya Sheria hii.

JEDWALI

(Limetengenezwa chini ya kifungu cha 14(3))

**MUDA WA KUKAA MADARAKANI, MIENENDO NA MASUALA MENGINE
YANAYOHUSIANA NA BODI**

Makamu
Mwenyekiti

1. Wajumbe wa Bodi watamchagua mjumbe mmoja miongoni mwao kuwa Makamu Mwenyekiti ambaye, kwa kuzingatia kuendelea kwa kipindi cha ujumbe wake, atakuwa makamu Mwenyekiti kwa kipindi kimoja cha mwaka mmoja na anaweza kushagulwika tena kwa kipindi kimoja.

Muda wa
uteuzi

2.-(1) Mjumbe wa Bodi atakuwa Ofisi kwa kipindi kingine kisichozidi miaka mitatu kuanzia siku aliyoteuliwa na anaweza kuteuliwa kwa kipindi kimoja.

(2) Kwa mjumbe ambaye ni mjumbe wake unatokana na ofisi, mjumbe huyo hatakuwa mjube pale ambapo atakoma kuwa mfanyakazi kwenye ofisi husika.

(3) Mjumbe yeyote anaweza, kujiuzuru wakati wowote kwa kuandikia mamlaka ya uteuzi.

(4) Bila kujali vifungu vya hapo juu, mamlaka ya uteuzi, wakati wowote inaweza kutengua uteuzi wa mjumbe.

(5) Pale ambapo mjumbe wa Bodi ambaye ni mjumbe kutokana na ofisi yake awezi kuudhuria vikao vya Bodi kwa sababu yoyote ili, mjumbe huyo anaweza, kumteua kwa maandishi mtu mwingine kutoka ofisini kwake kuudhuria, vikao vya Bodi kwa niaba yake.

Sheria ya Huduma za Habari

(6) Pale ambapo kuna nafasi wazi ya mjumbe kwa sababu yoyote ili, Mamlaka ya uteuzi inaweza kumteua mtu mwingine kujaza nafasi hiyo na mtu huyo aliyeteuliwa atakaa ofisini kwa kipindi kilichobaki cha mjumbe aliyechukua nafasi yake.

Miutano ya Bodi

3.-(1) Bodi itakutana kwa ajili ya masuala yake katika muda na sehemu ambayo Bodi itaamua, ila italazimika kukutana walau mara moja kila baada ya miezi mitatu.

(2) Mwenyekiti au asipokuwe, Makamu Mwenyekiti, ataongoza kila kikao cha Bodi na pale ambapo Mwenyekiti na Makamu Mwenyekiti hawapo, wajumbe waliopo watamteua mmoja wao kuongoza kikao.

(3) Mjumbe ambaye atashindwa kuudhuria vikao vitatu vya Bodi bila ruksa ya Mwenyekiti, atakoma kuwa mjumbe.

Taarifa ya kikao

4. Katibu wa Bodi atatoa taarifa kwa kila mjumbe ya muda na mahali kikao kitafanyiwa na atatunza kumbukumbu za kila kikao cha Bodi.

Akidi

5. Akidi ya kila kikao cha bodi itakuwa robo tatu ya wajumbe wote.

Maamuzi ya Bodi

6.-(1) Kila jambo lililojadiliwa kwenye Kikao cha Bodi litaamuliwa kwa wingi wa kura za wajumbe walioudhuria na kupiga kura na pale ambapo kura zimelingana, mtu anayeongoza kikao atakuwa na kura ya veto tofauti na kura yake ya kawaida.

(2) Bila kujali haya ya (1), uamuzi unaweza kufikiwa na Bodi bila ya Kikao kwa njia ya kuzungusha karatasi husika kwa wajumbe.

Bodi kuidhinisha kumbukumbu za vikao

7.-(1) Bodi itawezesha kuandaliwa na kutunzwa kumbukumbu zote za vikao vyake na kila kumbukumbu vya kikao itasoma na kuidhinishwa kwenye kikao kinachofuata na kusainiwa na mtu aliyeongoza kikao.

Nafasi wazi haiwezi kubatilisha vikao

8. Tendo au kikao chochote cha Bodi hakitabilishwa kwa sababu tu kulikuwa na nafasi wazi ya mjumbe.

Amri, maelekezo n.k

9. Maelekezo, amri, taarifa na nyaraka zingine zilizoandaliwa au kutolewa kwa niaba ya Bodi zitasainiwa na-

(a) Mwenyekiti;

(b) Mkurugenzi wa habari au afisa yeyote aliyeteuliw na Bodi kwa ajili hiyo.

Bodi kusimamia vikao vyake

10. Kwa kuzingatia vifungu vya jedwali hili, Bodi itasimamia vikao vyake yenyewe.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kutunga Sheria ya Huduma za Habari kwa madhumuni ya kuweka utaratibu wa kisheria katika tasnia ya habari, kuunda Bodi ya Ithibati ya Wanahabari, kuunda Baraza Huru la Habari, kushughulikia masuala ya kashfa, makosa yanayohusiana na utangazaji na masuala yanayohusiana na hayo.

Muswada huu umegawanyika katika Sehemu Nane.

Sehemu ya Kwanza inahusika na masharti ya ambayo ni jina la Sheria, tarehe ya kuanza kutumika, matumizi na tafsiri ya misamiati na maneno yaliyotumika.

Sehemu ya Pili, inahusika na Idara ya Habari kuwa Masemaji Mkuu wa Serikali, majukumu ya Mkurugenzi wa Idara ya Habari, aina za umiliki wa vyombo vya habari, inatoa wajibu kwa vyombo vya habari kutoa habari kwa Umma na Serikali na pia inaainisha wajibu wa vyombo vya habari binafsi kutoa habari na kulinda maadili ya kitaaluma ya vyombo vya habari, utoaji leseni kwa magazeti, ufutwaji wa leseni na utaratibu wa kutoa malalamiko.

Sehemu ya Tatu, inamaanisha masharti yanayohusu uanzishwaji wa Bodi ya Ithibati ya Wanahabari, muundo wa Bodi ya Ithibati, majukumu ya Bodi, mamlaka ya Bodi, Mkurugenzi Mkuu wa Bodi, majukumu ya Mkurugenzi Mkuu, watumishi wa Bodi, uthibitishaji wa wanahabari, Kitambulisho cha Wanahabari, Mfuko wa Mafunzo ya Wanahabari, na vyanzo vya fedha za Mfuko.

Sehemu ya Nne ina masharti yanayohusu uanzishwaji wa Baraza Huru la Habari, uanachama wa Baraza, majukumu ya Baraza, mwenendo na mikutano ya Baraza, mamlaka ya Baraza, majukumu ya Katibu wa Baraza na kuondolewa kwa Katibu wa Baraza.

Vile vile, Sehemu hii inaipa Baraza mamlaka ya kushughulikia malalamiko dhidi ya machapisho. Mtu asiyeridhika na uamuzi wa Baraza anaweza kukata rufaa Mahakama Kuu.

Sehemu ya Tano, inahusika na masuala ya kashfa Sehemu hii inatoa ufafanuzi endapo jambo lolote litachapishwa na kutangazwa na mtu na kusababisha kuharibu sifa ya mtu au kuchafua jina lake; mtu huyo atakuwa ametenda kosa kwa mujibu wa Sheria. Aidha, Sehemu hii imeanisha utangazaji wa mambo yenye kashfa ambayo yanaruhusiwa ikiwa mambo hayo yatatangazwa na Rais, Serikali au Bunge au jambo lolote litakalotangazwa mahakamani wakati wa kusikilizwa shauri au kutangaza jambo lolote kwa mujibu wa Sheria.

Sehemu ya Sita, inaainisha masharti yanayohusu masuala ya fedha za Bodi na vyanzo vya mapato ya Bodi. Aidha, makadirio ya bajeti ya Bodi, utoaji wa taarifa za fedha, vitabu vya fedha vya Bodi pamoja na ukaguzi wake vimewekewa masharti.

Sehemu ya Saba, inahusu makosa mbalimbali ambayo yanahusu vyombo vya habari. Sehemu hii imeainisha makosa dhidi ya utangazaji wa habari ambao umepigwa marufuku, habari za kuchochea uasi, makosa ya uchochezi, utangazaji wa habari za uongo au za kutia hofu na woga kwa jamii. Aidha, makosa yanayotendwa na mashirika au kosa litakalotendwa na mtumishi anayemwakilisha mwajiri yameainishwa na kuwekewa adhabu.

Sehemu ya Nane, inahusika na masuala ya jumla ambapo inapiga marufuku uingizaji wa machapisho ambayo hayana manufaa kwa umma. Aidha, inampa mamlaka Mkurugenzi wa Huduma za Habari, afisa polisi au afisa yeyote muidhiniwa kukamata chombo chochote kinachoendeshwa kinyume na Sheria. Vile vile, Sehemu hii inaainisha masharti yanayompa mamlaka Waziri kutengeneza kanuni kwa ajili ya uendeshaji bora wa Sheria hii na uanzishwaji wa masuala ya mpito.

Dar es Salaam,
15 Agosti, 2016

NAPE M. NNAUYE
*Waziri wa Habari, Utamaduni,
Sanaa na Michezo*