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SPECIAL BILL SUPPLEMENT

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THE TANZANIA INTELLIGENCE AND SECURITY SERVICE
(AMENDMENT) BILL, 2023

ARRANGEMENT OF SECTIONS

Section Title

PART I
PRELIMINARY PROVISIONS

1. Short title.

PART II
AMENDMENT OF VARIOUS PROVISIONS

2. General amendment.
3. Amendment of section 3.
4. Amendment of section 4.
5. Amendment of section 5.
6. Addition of section 5A.
7. Amendment of section 6.
8. Addition of sections 6A and 6B.
9. Amendment of section 7.
10. Amendment of section 9.
11. Amendment of section 10.
12. Addition of section 10A.
13. Amendment of section 11.
14. Repeal and replacement of section 13.
15. Amendment of section 14.
16. Amendment of section 15.
17. Amendment of section 16.
18. Amendment of section 17.
19. Amendment of section 18.

20. Amendment of section 19.
21. Amendment of section 20.
22. Amendment of section 22.
23. Amendment of section 23.
24. Addition of sections 24, 26 and 27.
25. Amendment of Schedule.

NOTICE

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

Dodoma,
10th May, 2023

MOSES M. KUSILUKA,
Secretary to the Cabinet

A Bill
for

An Act to amend the Tanzania Intelligence and Security Service Act.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title
Cap. 406

1. This Act may be cited as the Tanzania Intelligence and Security Service (Amendment) Act, 2023, and shall be read as one with the Tanzania Intelligence and Security Service Act, hereinafter referred to as the “principal Act”.

PART II
AMENDMENT OF VARIOUS PROVISIONS

General amendment

2. The principal Act is amended generally by deleting the word “Minister” in relation to the Minister having portfolio of this Act wherever it appears in the Act and substituting for it the word “President”.

Amendment of section 3

3. The principal Act is amended in section 3-
(a) in the definition of the term “security”, by deleting the words “acts of” and substituting for

them the words “any acts including acts of terrorism,”;

- (b) by deleting the definition of the terms “Minister” and “terrorism” and substituting for them the following:

““Minister” means the Minister responsible for Tanzania Intelligence and Security Service in terms of section 5A;

Cap. 19 “terrorism” has the meaning ascribed to it under the Prevention of Terrorism Act;”; and

- (c) by adding in the appropriate alphabetical order the following new definitions:

““classified information” means information of particular security classification or of a sensitive nature and value that its unauthorised publication or disclosure thereof would lead to a security risk being posed to the State and would prejudice national security;

“counter-intelligence” means information gathered and activities conducted to impede or neutralise the intentions and activities of foreign powers, counter subversion, sabotage, espionage or any hostile activity aimed at or against the people, institutions, installations, processes or resources of the United Republic;

“Deputy Director General” means an officer of the Service appointed as the Deputy Director General of the Service under section 6A;

“desert” means willful and unjustified abandonment of the officer’s duties and obligations without permission of the Service with intention of not returning to the Service either permanently or temporarily;

“immediate family” means the spouse and children of the VVIPs described under section

5(1)(e);

“intelligence” means information which has been collated, evaluated and analysed and which is relevant to a government’s formulation or implementation of policy in relation to any internal or external threat or potential threat to national security as well as opportunities relevant to the protection and promotion of national security and national interests;

“officer of the Service” means a person employed by the Service whether on temporary or permanent terms and includes the Directors;

“premises” means any place or location, and includes land, building, building works, instrument, equipment or means of transport;

“security clearance” means an authorisation entitling a person to have access to classified information of a determined sensitivity or classification;

“security intelligence” means information other than counter intelligence which relates to or may be relevant to the assessment of any internal or external threat or potential threat to national security and includes measures and strategies aimed at impeding or neutralising such threat or potential threat;

“security vetting” means a systematic procedure used to examine and appraise a person to determine his or her suitability, loyalty and eligibility based on security competencies and considerations, including the continued monitoring of that person;

“Service” means the Tanzania Intelligence and Security Service established under section 4;

“sensitive information” includes any information-

- (a) which is likely to disclose the identification of, or provide details of, sources of information, other assistance or operational methods available to the Service;

- (b) which relates to particular operations which have been, are being or are proposed to be undertaken by the Service in pursuance of any of its functions; or
- (c) which has been provided by the Service of a foreign government where that Service or government does not consent to the disclosure of the information;

“vettable post” means a post in any Government ministry, department, agency, a state office or public office or position in either level of the Government requiring the holder of position to have, in the performance of his or her official duties, access to sensitive or classified information or any other position as may be required under any other written law;

“vital installation” means establishment, which if damaged or sabotaged, affects the economy, safety and security of the United Republic;

"VVIP" means a very, very important person with very high position in the Government as prescribed under section 5(1)(e);”.

Amendment
of section 4

4. The principal Act is amended in section 4-

(a) by adding immediately after subsection (2) the following:

“(3) The Service shall operate as one of the defence and security organs under the general superintendence of the President.”;

(b) by renumbering subsection (3) as subsection (4);
and

(c) in subsection (4) as renumbered, by deleting the words “regional and district offices” and substituting for them the words “directorates, regional and district offices or any other office for efficient carrying out of the functions”.

Amendment
of section 5

5. The principal Act is amended in section 5-

(a) in subsection (1) by-

(i) deleting paragraph (a) and substituting for it the following:

“(a) gather, obtain, correlate and evaluate intelligence relevant to security and advise on any such intelligence to the President, Council, Ministers or persons whom, and in the manner which, the Director General considers it to be in the interests of the security;”;

(ii) adding immediately after paragraph (d) the following:

“(e) provide personal protection to-

(i) the President of the United Republic and the immediate family;

(ii) the Vice President of the United Republic and the immediate family;

(iii) the President of the Revolutionary Government of Zanzibar and immediate family;

(iv) the Prime Minister of the United Republic and immediate family;

(v) the First and Second Vice President of the Revolutionary Government of Zanzibar and their immediate families;

(vi) the Chief Justice of the United Republic;

(vii) the Speaker of the National Assembly;

(viii) Deputy Speaker of the National Assembly;

(ix) Speaker of the House of Representatives;

(x) Chief Justice of the High Court of Zanzibar;

- (xi) all presidential candidates during the general election;
 - (xii) visiting dignitaries;
 - (xiii) the Former Presidents and their spouses, Vice Presidents, former Prime Minister, Chief Justice and Speaker of the National Assembly; and
 - (xiv) any other person as the Director General may, in consultation with the President, determine;
 - (f) provide protection of vital installations as designated by the Director General;
 - (g) carry out security vetting, investigation or security clearance-
 - (i) for persons holding or eligible to hold vettable posts in a public office;
 - (ii) for persons having access to sensitive or classified information;
 - (iii) for persons seeking to be registered as citizens of the United Republic; or
 - (iv) for any other person for whom the Director General considers to require security vetting prior to execution of responsibilities by that person;
 - (h) advise the President and Government on any security threat or potential threat to the security of United Republic;
 - (i) perform such other functions as may be directed by the President or as may be prescribed under any other written law.”; and
- (b) by adding at the beginning of the opening phrase of subsection (2), the phrase “Save as otherwise provided in any other written law,”.

Addition of
section 5A

6. The principal Act is amended by adding immediately after section 5 the following:

“Role of
Minister

5A. The Minister shall be responsible for budgetary and such other policy related affairs of the Service.”.

Amendment
of section 6

7. The principal Act is amended in section 6-

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

“(2) A person shall be eligible for appointment as a Director General if that person-

(a) is a citizen of Tanzania by birth;

(b) is an employee of the Service;
and

(c) has such other qualifications as may be prescribed in the regulations.”;

(b) by renumbering subsections (2), (3), (4) and (5) as subsections (3), (4), (5) and (6), respectively;

(c) in subsection (4) as renumbered, by deleting the reference to subsection (4) and substituting for it the reference to subsection (5);

(d) by adding immediately after subsection (5) as renumbered the following:

“(6) A person who holds or has held the office of Director General shall not be appointed to, or act in, any other office in the service of the Government of the United Republic.”;

(e) by renumbering subsection (6) as renumbered as subsection (7); and

(f) in subsection (7) as renumbered by deleting the words “and responsible to the Minister for the efficient and proper working of the Service”.

Addition of
sections 6A
and 6B

8. The principal Act is amended by adding immediately after section 6 the following:

“Deputy
Directors

6A.-(1) There shall be two

General Deputy Directors General appointed by the President in consultation with the Director General, one of whom shall be for Mainland Tanzania and the other for Tanzania Zanzibar.

(2) The Deputy Directors General shall hold office and serve on such terms as may be specified in the contract of service.

(3) A person shall be eligible for appointment as a Deputy Director General if that person-

- (a) is a citizen of Tanzania by birth;
- (b) is an employee of the Service;
- (c) in the case of Deputy Director General for Tanzania Zanzibar, is a Zanzibari by origin; and
- (d) has such other qualifications as may be prescribed in the regulations.

Director 6B.-(1) There shall be Directors of the Service in respect of each directorate established pursuant to this Act who shall be appointed by the President in consultation with the Director General.

(2) A person shall be eligible for appointment as a Director if that person-

- (a) is a citizen of Tanzania by birth;
- (b) is an employee of the Service; and
- (c) has such other qualifications as may be prescribed in the regulations.”.

Amendment
of section 7

9. The principal Act is amended in section 7-
- (a) in subsection (1), by deleting the words “and members” appearing in paragraph (a);
 - (b) in subsection (2), by-
 - (i) deleting the words “or of the Revolutionary Government of Zanzibar” appearing in the opening phrase; and
 - (ii) deleting paragraph (a) and substituting for it the following:
 - “(a) employ under written agreement and on permanent or temporary basis such officers as he thinks necessary;”;
 - (c) by adding immediately after subsection (2) the following:
 - “(3) A person shall not be employed to the Service unless he meets the qualifications and conditions set out in the regulations.”;
 - (d) by renumbering subsections (3) and (4) as subsections (4) and (5) respectively; and
 - (e) by adding immediately after subsection (5) as renumbered the following:
 - “(6) An officer of the Service shall, for purposes of this Act, be considered to be always on duty when required to act as such, and shall perform the functions and exercise powers granted to him under this Act or any other written law at any place where he may be deployed.
 - (7) An officer of the Service may, where necessary in the performance of his functions under this Act and with the approval of the Director General, carry and use an official firearm.”.

Amendment
of section 9

10. The principal Act is amended in section 9, by-
- (a) adding the words “Unless the context requires otherwise,” at the beginning of subsection (1);

- and
(b) deleting subsections (5) and (6).
- Amendment of section 10
11. The principal Act is amended in section 10-
- (a) in subsection (1) by deleting the words “and the directions of the Minister”;
- (b) by adding immediately after subsection (1) the following:
“(2) The Director General shall be the principal advisor to the President and the Government with regards to national security on security intelligence and counter-intelligence.”;
- (c) by renumbering subsection (2) as subsection (3);
- (d) in subsection (3) as renumbered, by deleting the words “and unless the Minister directs otherwise in writing”; and
- (e) by adding immediately after subsection (3) as amended the following:
“(4) The Director General shall be the disciplinary authority for officers of the Service employed by him under this Act, and for that purpose, his decision shall be final and conclusive.”.
- Addition of section 10A
12. The principal Act is amended by adding immediately after section 10 the following:
“Role of Chief Secretary
10A. The Chief Secretary shall be responsible for the coordination of the affairs of the President and public service in relation to the Service.”.
- Amendment of section 11
13. The principal Act is amended in section 11-
- (a) in subsection (1) by deleting the words “and a copy of any such direction shall, as soon as it is issued, be furnished to the Chief Secretary”; and
- (b) by deleting subsection (3).

Repeal and
replacement
of section 13

14. The principal Act is amended by repealing section 13 and replacing it with the following:
“Oaths

13.-(1) The Director General and every officer or employee of the Service shall, before assuming office, make or subscribe to an oath as prescribed in the Schedule to this Act as follows:

- (a) in the case of Director General, an oath of office and oath of allegiance before the President;
- (b) in the case of Deputy Director General and Directors, an oath of office and oath of allegiance before the Director General; and
- (c) in the case of officers or other employees of the Service, an oath of allegiance and oath of secrecy in the manner prescribed in the regulations.

(2) An oath taken or subscribed under subsection (1) shall be binding during the course of service and upon retirement or termination of employment or engagement with the Service.”.

Amendment
of section 14

15. The principal Act is amended in section 14 by adding immediately after subsection (4) the following:

“(5) Notwithstanding the generality of subsection (1), the Service may collect information with regards to protective security to vital installations and personal protection under section 5(1)(e) and advise the Government or other relevant authorities.”.

Amendment
of section 15

16. The principal Act is amended in section 15-
(a) in subsection (3) by deleting paragraph (c) and substituting for it the following:

“(c) any security organ or law enforcement agency,”; and

(b) by deleting subsection (4) and substituting for it the following:

“(4) The Service may, with the approval of the President, enter into an arrangement with other security service organ of a foreign state or its institution or an international organisation or its institution authorising the Service to cooperate with the organ, institution or organisation in the provision of security assessment or intelligence information.”.

Amendment
of section 16

17. The principal Act is amended in section 16-

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

“(1) Subject to this section, a person shall not, unless with the written consent of the Director General, publish or cause to be published in a newspaper or other documents, or broadcast or cause to be broadcasted by a radio, television, social media or otherwise, information that any person, other than the Director General-

(a) is an officer of the Service; or

(b) is connected in any way with an officer of the Service.”;

(b) by deleting the word “Minister” in subsection (2) and substituting for it the words “Director General”; and

(c) in subsection (3) by deleting the words “not exceeding five hundred thousand shillings” and substituting for it the words “of not less than twenty million shillings or to imprisonment for a term of not less than fifteen years or to both”.

Amendment
of section 17

18. The principal Act is amended in section 17 by deleting subsection (3) and substituting for it the following:

“(3) Any person who contravenes the provisions of this section commits an offence and on conviction, in addition to any disciplinary action, shall be liable to imprisonment for a term of not less than twenty years.”.

Amendment
of section 18

19. The principal Act is amended in section 18-

(a) by designating the content of subsection (1) as section 18;

(b) as designated, by deleting paragraph (b) and substituting for it the following:

“(b) enter into an arrangement or otherwise co-operate with a security service organ of a foreign state or its institution or an international organisation or its institution.”; and

(c) by deleting subsection (2).

Amendment
of section 19

20. The principal Act is amended in section 19-

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

“(1) No action or other proceedings shall lie or be instituted against the Director General or officer of the Service for or in respect of any act or thing done or omitted to be done in good faith in exercise or purported exercise of his function under this Act.”; and

(b) in subsection (3) by deleting the words “Attorney General” and substituting for them the words “Attorney General, Director of Public Prosecutions or Solicitor General as the case may be”.

Amendment
of section 20

21. The principal Act is amended in section 20(2) by deleting the words “five hundred thousand shillings or to imprisonment for a term not exceeding two years” and

substituting for them the words “fifteen million shillings or to imprisonment for a term of not less than fifteen years”.

Amendment
of section 22

22. The principal Act is amended in section 22-

(a) in subsection (1) by-

(i) deleting the opening phrase and substituting for it the following:

“(1) The President may, upon recommendation of the Director General, make regulations providing for-”;

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

“(b) the code of conduct for all officers and employees of the Service in relation to the conduct, discipline, presentation, considerations, ethical standards and general directions to be adhered to in the carving out of the functions and exercise of the power conferred on the Service;”;

(iii) renaming paragraphs (b), (c), (d) and (e) as paragraphs (c), (d), (e) and (f), respectively; and

(b) in subsection (2) by deleting the word “members” and substituting for it the word “officers”.

Amendment
of section 23

23. The principal Act is amended in section 23-

(a) in subsection (1) by deleting the words “not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding twelve months” and substituting for them the words “of not less than ten million shillings or to imprisonment for a term of not less than ten years”;

(b) in subsection (2) by-

(i) deleting paragraph (b) and substituting

for it the following:

- “(b) willfully disobeys a lawful order of a superior officer;”;
- (ii) deleting the words “a fine not exceeding five hundred shillings or imprisonment for a term not exceeding thirty six months without remission or to both the fine and imprisonment” appearing in the closing words and substituting for them the words “imprisonment for a term of not less than fifteen years”; and
- (c) in subsection (3) by deleting the words “a fine not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding six months or to both the fine and imprisonment” and substituting for them the words “imprisonment for a term of not less than fifteen years”.

Addition of sections 24, 25, 26 and 27

24. The principal Act is amended by adding immediately after section 23 the following:

“Non-disclosure by persons no longer in Service

24.-(1) A person who was an officer of the Service shall not, without the authority of the Director General, disclose or communicate any information or information the disclosure of which is detrimental to national security.

(2) A person who contravenes subsection (1) commits an offence and on conviction, shall be liable to imprisonment for a term of not less than fifteen years.

Restricted access

25. Notwithstanding the provisions of any written law, no person other than an officer of the Service shall, unless with the authority of the Director General, enter any premises of the Service or

have access to books, records or other documents of the Service.

Commission of offences outside United Republic

26. An act, omission or conduct constituting an offence under this Act shall be considered to be an offence even if such act, omission or conduct took place outside the United Republic.

General penalty

27. A person who contravenes any provision of this Act for which no penalty is expressly provided commits an offence and on conviction, shall be liable to a fine of not less than five million shillings or to imprisonment for a term of not less than five years or to both.”.

Amendment of Schedule

25. The principal Act is amended by deleting the Schedule and substituting for it the following:

“
SCHEDULE
”

(Made under section 13)

OATH OF ALLEGIANCE

I, do hereby take Oath/Affirm that I will be faithful and bear true allegiance to the United Republic of Tanzania and that I will preserve, protect and defend the Constitution of the United Republic of Tanzania as by law. So Help Me God.

KIAPO CHA UTII

Mimi,, Naapa/Nathibitisha kwamba nitakuwa mwaminifu kwa Jamhuri ya Muungano wa Tanzania na kuitumikia kwa moyo wangu wote na kwamba nitaihifadhi, nitailinda na kuitetea Katiba ya Jamhuri ya Muungano wa Tanzania iliyowekwa kwa mujibu wa Sheria. Ewe Mwenyezi Mungu Nisaidie.

OATH OF SECRECY

I, do hereby take Oath/Affirm that I will not, without due authority, disclose or make known to any person any information acquired by me by reason of the duties performed by me on behalf of, or under the direction of the Tanzania

Intelligence and Security Service or by reason of any Office or Employment held by me pursuant to the Tanzania Intelligence and Security Service Act. So Help Me God.

KIAPO CHA KUHIFADHI SIRI

Mimi,, Naapa/Nathibitisha kwamba sittoa kwa mtu yeyote bila idhini, taarifa yoyote ya siri nitakayoipata kutokana na utekelezaji wa majukumu nitakayotekeleza kwa niaba ya, au kwa maelekezo ya Idara ya Usalama wa Taifa au kutokana na nafasi yangu ya kazi au ajira nitakayopewa kwa mujibu wa Sheria ya Idara ya Usalama wa Taifa. Ewe Mwenyezi Mungu, Nisaidie.

OATH OF OFFICE

I, do hereby take Oath/Affirm that I will faithfully serve the United Republic of Tanzania and the President in the performance of my duty as So Help Me God.

KIAPO CHA UTUMISHI

Mimi,, Naapa/Nathibitisha kwamba nitaitumikia kwa uaminifu Jamhuri ya Muungano wa Tanzania na Rais wake katika kazi ya Ewe Mwenyezi Mungu, Nisaidie.”

OBJECTS AND REASONS

This Bill proposes to amend the Tanzania Intelligence and Security Service Act, Cap. 406. The objective of the proposed amendments is to alter the provisions of the Act in order to align them with the current administrative and global security practices as well as to put in place effective implementation of functions of the Service. The proposed amendments intend to keep the Act up-to-date and address various challenges so far observed in the implementation of the Act.

The Bill is divided into two Parts. Part I deals with preliminary provisions which include the title of the Bill and the manner in which various provisions of the Act are amended.

Part II deals with amendments proposed to various sections. The Act is proposed to be amended generally by removing all the provisions concerning the administration of the Minister responsible for intelligence and security and instead, placing that mandate under the President. The purpose of the amendment is to make the Act conform with the current structure of governance whereby the Security and Intelligence Service is under the direct superintendence of the President and not through the Minister responsible for intelligence and security. The proposed changes take into account the nature of operations of security services across the globe.

Following the proposed change of portfolio that places the Intelligence and Security Service under the mandate of the President, the Act is further proposed to be amended in sections 11, 15, 18 and 19(3) by removing the controls of the Minister responsible for Foreign Affairs, the Chief Secretary and the Attorney General of various matters pertaining the administration of intelligence and security.

The Act is proposed to be amended in section 4 with a view of conferring to the Service a defense and security status and to placing it under the general superintendence of the President. The amendments are aimed at complementing a duty which the Service currently executes as one of the defense and security organs in Tanzania.

The Act is proposed to be amended in section 5 by adding vital security related functions which TISS currently implements. The functions include provision of personal protection of national leaders and foreign dignitaries, protection of vital installations, the carrying out of security vetting investigation or security clearance of leaders and control of security threats or potential security threats to the security of United Republic.

Section 5A is proposed to be added in order to include the responsibility of the Minister in the Act. The aim of the amendment is to facilitate policy affairs of the Service undertaken through the Minister.

Section 6 is proposed to be amended by adding qualification requirements for the appointment of the Director General of TISS as well as providing post-Service restrictions of former Directors General. The objective of the amendment is to facilitate employment of a qualified persons with requisite skills and safeguard the security interest of persons who have served as Director General.

For effective administration to the Service, sections 6A and 6B are proposed to be added with a view to introduce the posts of Deputies Director General for Mainland Tanzania and Zanzibar and Directors within the Service, all of whom are Presidential appointees. Qualifications for appointment to those posts is also proposed to be added.

Section 7 is proposed to be amended by introducing qualifications for employment of other staff to the Service. Furthermore, the section makes requirement for possession of firearms by officers in the service with the aim of recognising the use of firearms and controlling the discipline for possession and use of fire arm by those officers.

Section 10 of the Act is proposed to be amended by designating the Director General as principal advisor to the President and the Government on national security on security intelligence and counter intelligence. The aim of the amendment is to complement mandate of the Service as the resource center for control of security intelligence in Tanzania. Whereas the Director General is the Chief Executive Officer of the Service, the section is further proposed to be amended by designating the Director General as the disciplinary authority of officers under him.

Section 10A is proposed to be added in order to add provisions that will pave way for the Chief Secretary to coordinate policy and public service affairs of the President over the Service.

Section 13 is proposed to be amended to govern the requirements for taking of oath by Director General, Deputies Director, Directors and other officers of the Service. Section 16 is proposed to be amended in order to restrict publication of the identity of persons serving as or under the Service and empower the Director General to control their publication. The objective of the amendment is to afford protection of identity of those persons due to the nature of engagement in security operations.

Section 19 is proposed to be amended by widening the scope of immunity to be afforded to officers in the Service beyond the immunity currently afforded under the Act which is only confined to immunity against civil action. The aim of amendment is to provide protection resulting from *bona fide* acts by those officers in the course of implementing functions under the Act.

Sections 16(3), 17(3), 20(2) and 23 are proposed to be amended severally so as to provide for penalties depending on the severity of offence as provided under the Act. Furthermore, the amendment include review of penal sum to be compatible with prevailing currency value.

New sections 24, 25 and 26 are proposed to be added to provide for various security controls provisions including, non-disclosure of information by officers no longer in Service, restricted access and commission of offences outside United Republic.

The Schedule to the Act is proposed to be amended by adding oath of allegiance to the schedule as well as amendment to the existing oath of service and secrecy in order to strengthen protection of information and effective implementation of functions of the Service.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya marekebisho katika Sheria ya Idara ya Usalama wa Taifa, Sura ya 406. Lengo la marekebisho yanayopendekezwa ni kubadili masharti ya Sheria kuendana na mfumo wa utawala uliopo na taratibu za usimamizi wa Idara za Usalama kimataifa na kuweka masharti mbalimbali ya utekelezaji bora wa majukumu ya Idara. Marekebisho yanakusudia kuboresha Sheria na kutatua changamoto mbalimbali zilizojitokeza wakati wa utekelezaji wake.

Muswada umegawanyika katika Sehemu Mbili. Sehemu ya Kwanza inahusu masharti ya awali ambayo yanajumuisha jina la Muswada na masharti kuhusu namna ambavyo vifungu mbalimbali vya Sheria vimefanyiwa marekebisho.

Sehemu ya Pili ya Muswada inapendekeza marekebisho katika vifungu mbalimbali vya Sheria. Sheria inapendekeza kurekebisha kwa ujumla kwa kubadili masharti yote kuhusu usimamizi wa Idara kutoka kwa Waziri mwenye dhamana na masuala ya Usalama wa Taifa na kuweka jukumu hilo kwa Rais. Lengo la mapendekezo hayo ni kukidhi muundo uliopo sasa ambapo Idara ya Usalama wa Taifa inawajibika moja kwa moja kwa Rais pasipo kupitia kwa Waziri mwenye dhamana na masuala ya Usalama wa Taifa. Mapendekezo haya yamezingatia pia mfumo wa utendaji kazi wa idara za usalama duniani.

Kufuatia mabadiliko ya jumla yanayoweka usimamizi wa Idara chini ya Rais, inapendekezwa vifungu vya 11, 15, 18, 19(3) virekebishwe ili kuondoa mamlaka ya usimamizi wa Waziri wa Mambo ya Nje, Katibu Mkuu Kiongozi na Mwanasheria Mkuu wa Serikali katika masuala mbalimbali yanayohusu usimamizi wa intelijensia na usalama.

Inapendekezwa kifungu cha 4 cha Sheria kifanyiwe marekebisho kwa kuipa Idara hadhi ya Chombo cha Ulinzi na Usalama na kuiweka chini ya usimamizi wa Rais. Lengo la marekebisho hayo ni kutambua jukumu ambalo Idara imekuwa ikitekeleza kama mojawapo ya Vyombo vya Ulinzi na Usalama Nchini. Inapendekezwa sheria ifanyiwe marekebisho katika kifungu cha 5 kwa lengo la kuipa Idara majukumu ya

msingi na muhimu ya usalama inayoyatekeleza kwa sasa. Majukumu hayo ni pamoja na ulinzi binafsi wa Viongozi wa Ngazi za Juu wa Kitaifa na Kimataifa, ulinzi wa Vituo Muhimu, mamlaka ya upekuzi wa kiusalama wa Viongozi na udhibiti wa matishio ya kiusalama dhidi ya Jamhuri ya Muungano.

Kifungu kipya cha 5A kinapendekezwa kuongezwa ili kujumuisha wajibu wa Waziri katika Sheria. Lengo la marekebisho haya ni kuwezesha masuala ya kisera ya Idara yanayotekelezwa na Waziri.

Inapendekeza kifungu cha 6 cha Sheria kifanyiwe marekebisho ili kuweka sifa za uteuzi wa Mkurugenzi Mkuu na kuweka masharti kuhusu nafasi hiyo baada ya utumishi. Lengo ni kupata mtendaji mwenye uwezo, sifa na weledi na kulinda maslahi ya kiusalama kwa watu ambao wamewahi kutumikia nafasi ya Mkurugenzi Mkuu.

Ili kuboresha utendaji kazi wa Idara, inapendekezwa kuongeza vifungu 6A na 6B katika Sheria ili kuweka masharti kuhusu nafasi za Naibu Wakurugenzi Wakuu kwa Tanzania Bara na Zanzibar pamoja na nafasi ya Wakurugenzi wengine katika Idara watakaoteuliwa na Rais. Pia inapendekezwa kuweka masharti kuhusu sifa za uteuzi katika nafasi hizo tajwa.

Ili kuboresha utendaji kazi wa Idara, inapendekezwa kifungu cha 7 cha Sheria kirekebishwe kwa kuweka masharti kuhusu vigezo vya ajira kwa Watumishi wa Idara. Vilevile, kifungu kinaweka sharti la matumizi ya silaha wakati wa utekelezaji wa majukumu yao kwa lengo la kutambua matumizi ya silaha na kuweka utaratibu wa nidhamu ya umiliki na matumizi ya silaha hizo.

Inapendekezwa Kifungu cha 10 cha Sheria kifanyiwe marekebisho ili kumtambua Mkurugenzi Mkuu kama Mshauri Mkuu wa Rais na Serikali katika masuala ya usalama wa Taifa. Lengo ni kutambua wajibu wa Idara katika usimamizi na udhibiti wa Usalama wa Taifa. Vilevile, kwa kuwa Mkurugenzi Mkuu ndiye Mtendaji Mkuu wa Idara, Sheria inarekebishwa kwa kumpa Mkurugenzi Mkuu mamlaka ya nidhamu kwa watumishi walio chini yake.

Kifungu cha 10A kinapendekezwa kuongezwa ili kuweka masharti yatakayo muwezesha Katibu Mkuu Kiongozi kuratibu na kuwa kiungo

baina ya Rais na Idara katika utekelezaji wa masuala ya kisera na utumishi wa umma.

Sheria inapendekezwa kufanyiwa marekebisho katika kifungu cha 13 ili kuweka utaratibu wa kuapishwa kwa Mkurugenzi Mkuu, Naibu Wakurugenzi Wakuu, Wakurugenzi na Maafisa wa Idara.

Inapendekezwa kifungu cha 16 kifanyiwe marekebisho ili kuzuia ufichuaji wa utambulisho wa watu wanaofanya kazi katika Idara au watu wengine wanaoshirikiana na Idara na kumpa Mkurugenzi Mkuu mamlaka ya udhibiti wa watu hao. Lengo la marekebisho ni kuwalinda maafisa na watu hao kutokana na utendaji wao wa kazi za kiusalama.

Kifungu cha 19 kinapendekezwa kurekebisha ili kuongeza kinga ya makosa ya jinai kwa Maafisa wa Idara tofauti na ilivyo sasa ambapo kinga imetolewa katika mashauri ya madai pekee dhidi ya Maafisa hao. Lengo la marekebisho ni kuweka kinga dhidi ya makosa yanayoweza kutendeka wakati wa utekelezaji wa majukumu yao kwa uaminifu.

Vifungu vya 16(3), 17(3), 20(2) na 23 vinapendekezwa kurekebisha ili kuongeza viwango vya adhabu kwa makosa mbalimbali kutegemeana na uzito wa kosa. Lengo la marekebisho hayo ni kuhakikisha viwango hivyo vya adhabu vinaendana na mazingira ya sasa.

Muswada unapendekezwa kuongeza vifungu vipya vya 24, 25 na 26 vitakavyoweka masharti mbalimbali ikiwemo, udhibiti wa Maafisa kutoa taarifa pindi wanapostaafu au kumaliza vipindi vya ajira, kuzuia uingiaji katika maeneo ya Idara bila idhini na masharti kuhusu vitendo vya uvunjifu wa Sheria nje ya mipaka ya Nchi.

Inapendekezwa Jedwali lifanyiwe marekebisho kwa kuongeza kiapo cha Utii pamoja na kurekebisha kiapo cha utumishi na kiapo cha kutunza siri kwa lengo la kuimarisha ulinzi wa taarifa na ufanisi katika utekelezaji wa majukumu ya Idara.

Dodoma,
8 Mei, 2023

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