IN THE HIGH COURT OF TANZANIA

(MAIN REGISTRY)

AT DAR ES SALAAM

MISCELLENEOUS CIVIL CAUSE NO. 14 OF 2022

MARY BARNABA MUSHI.....PETITIONER

VERSUS

ATTORNEY GENERAL .....RESPONDENT

JUDGMENT

24th, April 2023 &14th June, 2023

MZUNA, J.:

The petitioner **MARY BARNABA MUSHI** by way of originating summons moved this Court under Article 108 (2) of the Constitution of the United Republic of Tanzania **(the Constitution)** read together with Section 5 of the Judicature and Application of Laws Act, Cap 358 RE 2019 **(JALA)** to declare that the minimum age of marriage for a child is 18 years. The petition is supported by the affidavit sworn by the petitioner. The petitioner advanced four grounds namely;

1. *That following the decision of the Court of Appeal in **Attorney General vs Rebecca Gyumi** [2019] TZCA 348, the minimum age of marriage for a girl child is 18 years and there is no legal confusion relating to it.*
2. *That consequent to the aforestated decision, the ongoing nationwide consultation by the Government on assumption that there is a confusion in relation to minimum age of marriage is misconceived, unwarranted*

and intends to ridicule the authority and stature of the Judiciary of Tanzania.

3. *That section 13 and 17 of the Law of Marriage Act were by operation of law and automatically deleted from statute book as at 07/06/2017 and as of that date ceased to have legal effect.*
4. *That the retention of section 13 and 17 of the Law of Marriage Act Cap 29 RE 2019 was in contempt of orders of the Court of Appeal of Tanzania.*

Brief facts of this petition can be easily deduced from the petitioner's affidavit. It was prompted by the Minister of Constitutional and Legal Affairs press release issued on 28th September 2022 seeking public opinion on the minimum age of marriage on the ground of confusion caused by the decision of the High Court of Tanzania in **Rebeca Gyumi vs Attorney General** [2016] TZHC 2023 upheld by the Court of Appeal in **AG vs Rebeca Gyumi** (Supra) where the Court declared the minimum age of marriage of a girl child to be 18 years. That, the said provisions of the Law of Marriage Act are unconstitutional. They are no longer part of the laws of Tanzania following a lapse of one year delay for their amendment. The petitioner faults the press release for undermining the Judiciary as the final interpreter of the Constitution and laws of Tanzania and that a retention of section 13 & 17 of the Law of Marriage Act which are included in the Revised Edition of 2019 of Laws of Tanzania was in contempt of orders of the Court of Appeal of Tanzania.

Aggrieved the Petitioner seeks the indulgence of this Court to provide guidance to the Respondent and public on the implication of **Attorney General vs Rebeca Gyumi** (Supra).

Hearing of the petition proceeded by way of written submissions. Both parties had representation. Mr. John Seka, the learned Advocate appeared for the petitioner whereas Ms. Lucy Kimario, the learned State Attorney represented the respondent.

Issues for determination in this petition are as follows;

i. *Whether in view of the High Court decision in **Rebeca Gyumi vs Attorney General** (supra) and its subsequent affirmation before the Court of Appeal of Tanzania in **Attorney General vs Rebeca Gyumi** (supra) exist any confusion as to the minimum age of marriage for girl children.*
ii. *Whether the ongoing nationwide consultations that seeks to scrutinize the above- mentioned decisions of the Court is a correct approach to take.*
iii. *Whether Section 13 and 17 of the Law of Marriage Act which were declared unconstitutional by the High Court still exist in the statute books following lapse of one year moratorium on 7th June 2017*
iv. *Whether the actions of the executive branch of Government undermine the role and functions of the Judiciary and can actually be regarded as contemptuous and;*
v. *To what reliefs parties are entitled thereto.*

Before I determine the 1st issue, I wish to quote the decision of **Rebeca Gyumi vs Attorney General, Misc. Civil Cause No 5 of 2016 TZHC 2023 at page 26.**

> *"From the wording of the above provisions, it is clear that this court has powers to give directions for correcting the impugned provisions. Having found as we have found herein above that the impugned provisions have lost their usefulness, we have no option but to find that the two provisions i.e. sections 13 and 17 of the Law of Marriage Act, Cap 29 RE 2002 are unconstitutional to the extent explained herein above. Consequently, exercising the powers vested in this court by Articles 30(5) and 13(2) of the Constitution and the Basic Rights and Duties Enforcement Act respectively, we direct the Government through the Attorney General within a period of one (1) year from the date of this order to correct the complained anomalies within the provisions of section 13 and 17 of the Law of Marriage Act and in lieu thereof put 18 years as the eligible age for marriage in respect of both boys and girls. Consequently, this petition is allowed and it succeeds to the extent discussed herein above."*

The decision of the Court of Appeal in **The Attorney General vs Rebeca Gyumi**, Civil Appeal No. 207 of 2017, P. 32-33 reads:-

> *Firstly, the impugned provisions have failed to uphold and appreciate the true intentions of the respective international, regional and sub regional instruments. The bottom line of the Conventions on the rights of a child is that no marriage can be contracted with person or persons who have not attained the age of majority. This principle is envisaged under the Law of the Child Act, 2009 (the LCA). Thus, the existence of section 13 and 17 of*

the LMA do not only violate the international law with which Tanzania is a member and has signed and ratified, but also it offends the salutary principles of law of contract which call for competency of the parties who enter into the contract, particularly, in a marriage as a contract. We need to note that the Convention of the Rights of the Child, 1989 (the CRC) came after the enactment of the LMA, 1971. In 2009 Tanzania enacted the Law of the Child Act to reflect the rights protected by the CRC without amending the impugned provisions of the LMA to reflect the age and rights protected in the LCA. In our respective views, we think that, amendment of the said provisions was necessary. Thus, with the legislative development under the LCA, the amendment of the Education Act, Cap 353 vide the Written Law (Miscellaneous Amendment) Act and the amendment of the Penal Code through the Sextual Offence Special Provisions Act, (SOSPA), which are geared at protecting rights of children, in our considered opinion, we do not think that the development in the above laws are to be treated in isolation with the LMA when it comes to matters touching on the rights of children and in particular rights against discrimination.

Secondly..."

On account of the above holding of the Court of Appeal, the petitioner challenges the public notice issued by the Minister of Constitutional and Legal Affairs pertaining to public opinion on the minimum age of marriage of girl children provided in various laws. It reads in part:-

"Ndugu Wananchi,

Mkanganyiko wa tafsiri ya kisheria wa umri wa mtoto ulipelekea ***Mahakama kuielekeza Serikali kufanyia marekebisho vifungu hivyo ili umri wa kuoa au kuolewa uwe ni miaka 18*** *ambapo Serikali [Wizara ya Katiba na Sheria] tangu kutolewa amri hiyo imeendelea na utekelezaji wake. Hatua zifuatazo zimechukuliwa:*

Wizara iliwasilisha Bungeni mapendekezo ya Marekebisho ya Sheria ya Ndoa kwa kuweka masharti ya kusawazisha umri wa kuoa/kuolewa na kuwa miaka 18. Hata hivyo, umri wa chini wa kuolewa ilipendekezwa kuwa miaka 15 endapo masuala yafuatayo yatazingatiwa:-

i. Mtoto husika haangukii kwenye masharti ya Sheria ya Elimu.
ii. Wazazi wameridhia kwa kiapo kuwa mtoto aolewe.
iii. Kamishna wa Ustawi wa Jamii ametoa kibali cha mtoto husika kuolewa.
iv. Msajili wa Vizazi na Vifo amethibitisha umri wa mtoto.
v. Daktari amethibitisha kuwa mtoto ana uwezo wa kuingia kwenye ndoa na
vi. Viongozi wa kidini wameridhia uwepo wa ndoa ya chini ya miaka 18."

In the 1st issue, the question to ask is, is there confusion as to the minimum age of marriage for girl children after the decisions of the High Court and Court of Appeal cited above?

Mr. Seka submitted that, there is no confusion pursuant to the two decisions, the minimum age of marriage for girl children is 18 years. It is Mr. Seka's averments that public consultations on the minimum age of

marriage delays the implementation of the Court of Appeal decision to amend the Law of Marriage Act.

Ms. Kimario submitted that the implementation of the order of the Court of Appeal commenced in 2019 when the Minister for Constitutional and Legal Affairs prepared a bill and tabled it to the Parliament for all laws protecting children including section 13 and 17 of the Law of Marriage Act. Ms. Kimario submitted further that the confusion referred in the public notice was in respect of a confusion on various laws protecting children in regard to the age of the child. Reference was made to the Law of the Contract Act, Cap 345 RE 2019, The Penal Code, Cap 16 RE 2019 and the Law of the Child Act No 10 of 2009. Therefore, the ongoing consultations is a requirement of the law provided for under Order 97 (2) of the Parliamentary Standing Orders of 2020.

As a matter of fact, the Government was given directives by the Court to amend section 13 and 17 of the Law of Marriage Act. I am aware that the amendment of law is a legal process stipulated under the Parliamentary Standing Orders (supra). It is a trite law in our country that the mandate to make laws is vested to the Parliament pursuant to **Article 64 (1)** of the Constitution, Chapter 2 of 2005;

"Legislative power in relation to all Union Matters and also in relation to all other matters concerning Mainland Tanzania is hereby vested in Parliament."

Part II of the Parliamentary Standing Orders deals with the procedure of making laws. Order 93 (1) & (2) reads:-

1. *Kila Muswada wa Sheria utatangazwa kwenye Gazeti.*
2. *Tangazo la Muswada wa Sheria litatolewa na kumfikia Katibu katika muda usiopungua siku ishirini na moja kabla ya Muswada huo kusomwa Bungeni kwa Mara ya Kwanza, na litaonesha Muswada mzima, ikiwa ni pamoja na maelezo kuhusu sababu na madhumuni ya Muswada husika yaliyotiwa saini na Waziri au Mwanasheria Mkuu wa Serikali*

95-*(1) Muswada wa Sheria wa Serikali utawasilishwa Bungeni na Waziri au Mwanasheria Mkuu wa Serikali.*

97.-(1) Spika atapeleka Muswada wa Sheria kwenye Kamati inayohusika na Kamati itaanza kuujadili Muswada huo mapema iwezekanavyo.

2. Kamati iliyopelekewa Muswada itatoa matangazo au itatoa barua ya mwaliko kumwalika mtu yeyote afike kutoa maoni yake mbele ya Kamati hiyo kwa lengo la kuisaidia katika uchambuzi wa Muswada huo

(Underscoring mine).

Based on the above quoted provision, it is argued that such powers to register opinion is vested to the Committee responsible for Legal Affairs not the Minister.

That apart, power to interpret laws is a domain of the court as per Article 107 A (1) of **the Constitution**. The Court of Appeal of Tanzania is the apex court in the hierarchy of all courts in Tanzania pursuant to Article 107 A (1) of **the Constitution**. That provision reads (Swahili version):-

"(1) Mamlaka yenye kauli ya mwisho ya utoaji haki katika Jamhuri ya Muungano itakuwa ni Mahakama".

By literal interpretation it means, "The Judiciary shall be the authority with final decision making in dispensation of justice within the United Republic."

Connected to that, under the Common law principle of precedent, decision of the Court of Appeal binds the lower courts. However, this mandate does not take away the Parliament's powers to make laws. It is crystal clear that from the Court of Appeal decision, the Government through the Attorney General, was given directives to amend section 13 and 17 of the Law of Marriage Act within the period of one year from the date of the decision. To ensure that the rule of law prevail, the Court of Appeal affirmed the High Court decision to amend the law. In **Mwalimu Paul Mhozya vs Attorney General,** [1996] TLR 130; The Court held that;

"The principle that the functions of one branch of government should not encroach on the functions of another branch is an important one to ensure that the governing of a state is executed smoothly and peacefully..."

Looking at the decisions of the High Court and the Court of Appeal (partly reproduced above), which I dare say were in very clear terms, the Minister came up with what he considered as proposed age of marriage to be 15 years subject to consent and or approval of parents (by affidavit) or Commissioner for Social Welfare and Religious leaders upon confirmation of age by the Doctor.

The above abstract from the Minister, presupposes that the Parliament was well informed on the proposed age for marriage, as per the Court decisions, to be 18 years. The so called: ***""Hata hivyo, umri wa chini wa kuolewa ilipendekezwa kuwa miaka 15 endapo masuala yafuatayo yatazingatiwa:-..."*** Is what has necessitated the present petition. Arguably, if matters sought for public opinion were fully conversed in court and indeed the Attorney General who is the advisor to the Government had his arguments thrown overboard on appeal, no one would have expected him to bless such consultation in a derogative way or having already formed an opinion.

May be for emphasis, I deem it proper to reproduce the challenged sections in the **Rebecca Gyumi** cases, supra. Section 13 of the Law of Marriage Act, Cap 29 which has been adopted in the Revised edition of 2019 reads:-

> *"(1) No person shall marry who, being male, has not attained the apparent age of eighteen years or, being female, has not attained the apparent age of fifteen years.*
>
> *(2) Notwithstanding the provisions of subsection (1), the court shall, in its discretion, have power, on application, to give leave for a marriage where the parties are, or either of them is, below the ages prescribed in subsection (1) if–*
>
> *(a) each party has attained the age of fourteen years; and*
>
> *(b) the court is satisfied that there are special circumstances which make the proposed marriage desirable.*
>
> *(3) A person who has not attained the apparent age of eighteen years or fifteen years, as the case may be, and in respect of whom the leave of the court has not been obtained under subsection (2), shall be said to be below the minimum age for marriage."*

Section 17 deals with requirement of consent for a female who has not attained the apparent age of eighteen years. Among the points which the Court of Appeal conversed was a need to have the law which has a uniform standard for both boys and girls not a unilateral one as it appears both in the Minister's alleged public notice and the law, as it were before the Court of Appeal Decision. That, there cannot be consent in a contract

like marriage, for someone who has not attained the age of majority, which is 18 years. That being the case, I find no confusion on the minimum age of marriage in the two decisions of this Court and that of the Court of Appeal relevant for the 1st issue.

I revert to the second issue as to whether the ongoing Nationwide Consultations that seeks to scrutinize decisions of the court is the correct approach to take?

Mr. Seka submitted, the approach is contemptuous and undermine the powers of the Judiciary. That, the ongoing consultation is unwarranted as it is the public interrogation of the wisdom of the Judges in the High Court and the Court of Appeal. The petitioner disputes the statement on the press release that there is a confusion on the age of marriage as the Court of Appeal had cleared the confusion and declared the age of marriage for a girl child to be 18 years. That, the proper approach was amendment of the impugned provisions of the Law of Marriage Act. That, The Attorney General had to advice the Government accordingly to reflect the decisions of the Court.

The respondent argued that the press release subjecting the decision of the High Court and the Court of Appeal to the public is an express direction from the Parliament of the United Republic of Tanzania.

Ms. Kimario submitted that the ongoing nationwide consultations seeking to scrutinize the above- mentioned decisions of the Court is a correct approach to take. That, the ongoing consultation do not entail to public scrutiny of Court Orders but a requirement of the Parliamentary Standing Orders which requires public consultation before the law is amended.

It is submitted further that the press release does not include only the amendment of section 13 and 17 of the Law of Marriage Act, it also includes amendment of other laws. To support her submission, she cited the case of **Paul Revocatus Kaunda vs The Attorney General,** Miscellaneous Civil Cause No. 33 of 2019 TZHC 4758 at page 37 where the Court stated that;

> *"We are satisfied that the position emerging from the above authorities leans heavily towards refraining from interference with the legislative process. We are of the view that when the statements of principles emerging from afore mentioned cases are put together, we may comfortably say that the position in our jurisdiction is one that supports the impugned provision whose essence is to, forestall proceedings challenging the constitutionality of a bill, and allow the legislation process to be accomplished before the law resulting from the Bill constitutionally scrutinized as to its validity."*

During his rejoinder submission, Mr. Seka argued that there is no proof by an affidavit that what has been published, is an express direction from the Parliament of the United Republic of Tanzania.

Having considered the contending arguments from both parties, I have the following observation to make. The Judiciary as one arm of the Government ably carried out its constitutional duty of dispensing justice through the two decisions in **Rebeca Gyumi vs The Attorney General** and **The Attorney General vs Rebeca Gyumi** by the High Court and the Court of Appeal respectively. The petitioner was correct to bring to the attention of the court on what the Minister did. The Court of Appeal in the case of **Julius Ishengoma Francis Ndyanabo vs Attorney General** [2004] TLR 1 cited with approval the case of **Farooque v Secretary of the Ministry of Irrigation, Water Resources & Food Control (Bangladesh) and others [2000] 1 LRC**_1 at page 28 where Rahman, J. held that;

> *"...Where there is a written Constitution and an independent judiciary and the wrongs suffered by any section of the people are capable of being raised and ventilated publicly in a court of law there is bound to be greater respect for the rule of law."*

This court is therefore mandated to adjudicate on the matter.

The other arm of the Government through the Attorney General failed to effect the alleged amendment in line with the decisions of the Court of Appeal. There was no move to review its decision either. What the Minister is trying to employ, without mincing words, is derogation of the powers vested to this Court and the Court of Appeal or the Judiciary, to be more specific. The Minister let alone the general public, I am worried, cannot circumvent the clear wording of the two judgments, above cited. I am of the settled view that public consultation is in total defiance of the spirit of the constitution which he was appointed and swore oath to abide to it. There cannot be amendment of section 13 and 17 of the Law of Marriage Act under the pretext that it is not in harmony with other provisions of the law. Similarly, the cited case of **Paul Revocatus Kaunda vs The Attorney General** (supra), is distinguishable because what was challenged is a bill before it was enacted to become a law. In our case there is already a challenged law which the Government through the directions of the Hon Attorney General ought to have effected amendments within the given period of one year. There was no application for extension of time either. The decision of the Court of Appeal in the case of **Attorney General v. Rebeca Z. Gyumi** (supra) at page 51 reads:-

"The appellant was supposed to abide by the order of the High Court to cause the amendment of the LMA as directed."

From the above findings, one can deduce the following observation that, failure to abide to such Court decision, impliedly the said provisions which were declared unconstitutional, became redundant. That is the position of the law as it stands.

So, the ongoing nationwide consultations which seeks to debate on the already adjudicated matter and more seriously in a more diverse way or reopening it, worse still after a lapse of a given time, seems to downgrade the judiciary as the final authority for dispensation of justice well covered under paragraph 6 of the petitioner's affidavit. I am therefore convinced, it is not a correct approach to take. That may be true so far as definition of a child is concerned but not in relation to the minimum age for marriage. The second issue is resolved in favour of the petitioner.

In the 3rd issue, the question is, whether Sections 13 and 17 of the Law of Marriage Act exist in the statute books upon lapse of one year moratorium on 7th June 2017?

Mr. Seka submitted that, the petitioner prays for this court to declare that section 13 and 17 of the Law of Marriage Act are no longer

part of the Laws of Tanzania following the lapse one year, given to Government. The High Court in **Rebeca Z. Gyumi vs AG** (supra) exercising its powers conferred to it under Article 30(5) of the Constitution and Section 13(2) of the Basic Rights and Duties Enforcement Act, Cap 3 RE 2019 directed the Government through the Attorney General within a period of one year from the date of the order to correct the complained anomalies. Moreover, when the matter was before the Court of Appeal in **AG vs Rebeca Z. Gyumi** (supra) at page 50 and 51 the Court pointed out that the High Court having considered all arguments for and against the petition directed the Government to rectify the anomalies of section 13 and 17 of the Law of Marriage Act.

It is submitted further that the afore-quoted decision entailed that if the respondent had an intention to retain the section 13 and 17 of LMA in the statute they would have opted amendment of the LMA within one year. However, the respondent vide paragraph 7 of the affidavit maintains that the two provisions form part of the law, 6 years after it was declared void and with no effect.

Ms. Kimario sternly objected Mr. Seka's submissions that section 13 and 17 of LMA were declared null and void.

Before I determine this issue, I should make it clear that the said provisions were not declared void by the High Court as argued by Mr. Seka. It was clearly stated by the Court of Appeal at page 50,51 that:-

> *"...It should be noted that, the said provisions of the LMA were not declared null and void by the High Court as the appellant would wish us to consider. That is why having found the said provisions unconstitutional, the High court gave the Government a period of one year to cause the amendment of the LMA..."*

That means, section 13 and 17 of LMA were not declared null and void by the High Court. This however does not negate the fact that after lapse of the given time to effect the amendment, by necessary implication, the same are redundant. Therefore, Mr. Seka's argument as of now, has merit. I sustain it.

In regard to the issue of contempt of orders of Court, as the fourth issue, it is submitted that the Court of Appeal order in regard to the minimum age of marriage for a girl child is final. Therefore, the respondent is as well bound by such orders. It is further submitted that failure to comply should be dealt with as the contempt. The case of **Khamis Hamisi Manywele vs Republic**, Criminal Appeal No. No 39 of 1990 cited with approval in **Chris Maina, Human Rights in Tanzania Selected Cases and Materials** at page 366 was cited in support.

Ms. Kimario submitted that the role of Executive in the law-making process is to prepare the bill but the primary duty is on the Parliament. The legislative process is covered under Order 96 and 97 of the Parliamentary Standing Orders. The proposed amendment were made through GN No.1 of 2021 Gazetted on the 5th February 2021. The bill is Gazetted and tabled to the Parliament and the Speaker send the bill to a special committee under the Cabinet of the Ministers dealing with parliamentary issues and laws. The Special committee invite the public opinion in regard to the amendment. Therefore, the press release was the implementation of the directives of the special committee.

In the rejoinder, in relation to the respondent's argument that the press release was the requirement of the law made by the Parliament, Mr. Seka submitted that this assertion is hearsay as it is not coupled with any evidence to prove that it is the Parliament which ordered the press release. To emphasize his submission Mr. Seka referred this court to the case of **Sabina Technicks Dar Limited vs Michael J. Luwunzu** [2021] TZCA 108. He urged this court to reject the averment made under paragraph 4, 6 and 8 of the respondent's counter affidavit. It was sternly, disputed that the duty to issue press release lies to the special committee pursuant to Order 97(2) of the Parliamentary Standing Orders. Thus, the

Parliament invite the Public to comment on a particular bill. Therefore, the Minister of Constitutional and Legal Affairs misdirected himself to invite public comments.

On account of the above submissions, the question remains as to whether the public notice issued by the Minister of Constitutional & Legal Affairs amounts to contempt of the Order of the Court by the Court of Appeal in **Attorney General vs Rebeca Gyumi.**

The term Contempt of Court as defined in **Cornel Law School; Legal Information Institute** is the disobedience of an order of a court. Additionally, conduct tending to obstruct or interfere with the orderly administration of justice also qualifies as contempt of court. It is trite law in our country contempt is invoked by contempt proceedings which is to vindicate the rule of law. However, as submitted by Ms Kimario the public notice is the legislative process which the Government had to abide to implement the order of the Court.

However, it is the Common knowledge that the cases under consideration to which the decisions are alleged to have been contravened, dealt with matters of Basic Rights and Duties Enforcement Act (BRADEA) Cap, 3. There is special avenues for applications dealing with prerogative orders be it mandamus, prohibition and certiorari, of

course, leave must be sought first within a specified period of six months. Under the relevant provisions, the High Court has the power to control the decision of the administrative body by way of Judicial review. The petitioner faulted the public notice issued by the Minister, the proper avenue would be Judicial review if he finds there is excess of powers. This is not such an application falling under that category. The Minister being not a party in this application, should receive direction from the Attorney General.

There are other reliefs sought in the originating summons like halting the ongoing consultations in the minimum age on account of undermining the role; position and status of the Judiciary of Tanzania. I am aware that this court under Section 13 (2) of The BRADEA, has powers to make decisions:-

13 (2) Where an application alleges that any law made or action taken by the Government or other authority abolishes or abridges the basic rights, freedoms or duties conferred or imposed by sections 12 to 29 of the Constitution and the High Court is satisfied that the law or action concerned to the extent of the contravention is invalid or unconstitutional, then the High Court shall, instead of declaring the law or action to be invalid or unconstitutional, have the power and the discretion in an appropriate case to allow Parliament or other legislative authority, or the Government or other authority concerned, as the case may be, to correct any defect in the impugned law or action within a specified period, subject

to such conditions as may be specified by it, and the law or action impugned shall until the correction is made or the expiry of the limit set by the High Court, whichever be the shorter, be deemed to be valid..."

Exercising powers conferred on this court under the above provision read together with Article 108 (2) of **the Constitution**, and Section 5 of the **JALA,** and of course mindful of the fact that there was already an order for compliance which has not been abided to, or there is a move purporting to abide to it though in a different way, the Attorney General is once again directed within another **six months from today** to comply with the Court Decisions which should also be reflected by doing away with the declared unconstitutional provisions in the Law of Marriage Act in the Revised Edition of 2019.

The petitioner's prayers sought in the originating summons are partly allowed save for the fourth issue on the contempt declaration order and halting the exercise. Petition partly allowed with no order for costs.

Dated at Dar es Salaam, this 14th Day of June, 2023.

M. G. MZUNA,

JUDGE.