



# LEGAL AND HUMAN RIGHTS CENTRE

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## Case updates!!!

### **Constitutional case challenging Local Government Regulations GN. 385, 2002 which contradict provision the Constitution of the United Republic of Tanzania, 1977**

#### **A. Full citation of the case**

*Meczedeck Maganya vs The Minister, Prime Minister's Office, Regional Administration and Local Government & 4 Others, Misc. Civil Cause No. 9403/2026, High Court (Main Registry) at Dodoma.*

#### **B. Background of the case**

In the year 2002, the Mayor of Kinondoni Municipality together with the Director of the Municipality created the Sheria Ndogo za Halmasahuri ya Manispaa ya Kinondoni (Ulinzi wa Umma) 2002 (G.N No. 385 of 2002). The Regulations were approved by the Minister responsible for local government. Under the Regulations, every person should participate in community policing directly in the policing process, through monetary contribution at a rate prescribed by the local leadership or by hiring a security company or purchasing tools for facilitating others to undertake community policing.

Community policing groups are to be formed in every street, village or hamlet within a municipality. The commander of each community policing group would have names of all the local residents eligible to participate in community policing. It is an offence not to participate in community policing or assisting any others to avoid participating. The punishment for such an offence is a fine of 50,000/= Tanzanian Shillings or imprisonment for a period of three months or both.

The Petitioner, Meczedeck Maganya, being a resident of Kinondoni Municipality, refused to participate in accordance with the Regulations of community policing. To him, it amounts to forced labour where he is to either work in community policing with no training or expertise in security matters and putting his well-being at risk. Where he could not contribute financially,

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then he would be subjected to criminal sanctions. He further is a taxpayer whose taxes are apportioned to him being protected by the police who are remunerated for that work and are properly trained.

### **C. Key issues of the petition**

On the 13<sup>th</sup> of April 2026, the Petitioner filed a case challenging Regulations 3, 4, 7, 9 and 10 or violating his right to be heard, right to privacy and freedom from forced labour. The Respondents filed a reply, that the Regulations were made for maintaining peace and order, protecting properties, and suppressing crimes in Kinondoni Municipal Council.

The Regulations do not occasion forced labour, there is an option to participate through monetary contribution. Further, the public was invited to give their opinion when the Regulations were being drafted, thus, the claims on the right to be heard cannot stand.

The Respondents further raised a preliminary objection on two grounds, that the Petitioner failed to exhaust alternative remedies and that the petition is time barred.

### **D. Issues in contest are explained below;**

1. The Petitioner contends that Regulations 3 and 4 are unconstitutional because they compel residents to contribute financially and physically to community policing activities without providing an opportunity to be heard, contrary to Article 13(6)(a) of the Constitution.
2. The provisions are further alleged to violate Article 16(1) of the Constitution by interfering with the protection of personal life, family life, and residence. Additionally, the mandatory participation and contributions imposed by the regulations are said to amount to forced labor prohibited under Article 25(2) of the Constitution.
3. The challenge against Regulation 7 is based on allegations that it violates the constitutional right to privacy. According to the Petitioners, the regulation authorizes intrusive practices that interfere with individuals' private information and personal affairs, thereby offending Article 16(1) and Article 28(2) of the Constitution.
4. With respect to Regulation 9, the Petitioners argue that the provision criminalizes refusal to participate in community policing initiatives and penalizes individuals who object to mandatory contributions or participation.

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5. It is alleged that the regulation violates the right to a fair hearing under Article 13(6)(a) of the Constitution as individuals are punished without adequate procedural safeguards. The Petitioners further argue that the regulation infringes Article 18(a), (b), (c), and (d) of the Constitution by limiting freedom of opinion, expression, communication, and the right to seek and disseminate information. They also maintain that penalizing refusal to engage in community policing amounts to indirect enforcement of forced labour contrary to Article 25(2) of the Constitution.
6. The Petitioner further challenge Regulation 10 on the ground that it imposes punitive measures against individuals who refuse to participate in or financially support community policing programs.

Henceforth, such penalties promote compulsory labour arrangements and therefore offend constitutional guarantees against coercion and forced labour. The Petitioners also maintain that the enforcement mechanisms under the regulation are inconsistent with constitutional safeguards relating to lawful administrative action and procedural fairness.

#### **E. Court Schedule**

- On 12<sup>th</sup> May 2026, the case was brought before court for necessary orders.
- On 26<sup>th</sup> May 2026, the respondents should file submission in chief.
- On 09<sup>th</sup> June 2026 petitioner should lodge reply to the written submissions.
- On 16<sup>th</sup> June 2026 respondents should lodge their rejoinder submission if any.
- Next mention of the case will be on 18<sup>th</sup> June 2026.

#### **Significance of the case**

The case raises constitutional questions concerning compulsory community policing and protection of individual's fundamental rights. Although the Government has authority to make subsidiary legislation, they should not contravene the Constitution by forcing individuals to participate in community policing against their will under threat of being punished.

**Issued on 13<sup>th</sup> May 2026**

**Legal and Human Rights Centre (LHRC)**

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