

26 September 2025



CJ Issues Constitutional Petition Procedure Rules

- Manner for filing petitions prescribed
- Contents of petitions stipulated
- Guidance on service, replies and consolidation of petitions provided
- Empanelment of the bench stated
- Provide timeframe for determining petitions
- Principles in awarding costs articulated

Following the procedural uncertainties in relation to constitutional petitions other than the ones covered under the provisions of the Basic Rights and Duties Enforcement Act (the Act), on 5 September the Chief Justice issued the Judicature and Application of Laws (Constitutional Petitions) (Practice and Procedure) Rules (the Rules) vide GN No. 540 of 2025. These Rules provide guidance on the contents, procedure for filing, service and replies to constitutional petitions.

Further to the above, the Rules apply to all proceedings brought under Article 108(2) of the Constitution of the United Republic of Tanzania, which deal with the enforcement of constitutional provisions not falling under the jurisdiction of the Act. According to the Rules, a petition must be filed by way of originating summons and must clearly state the names and addresses of the petitioner and respondents, the constitutional provisions relied upon, grounds for redress, material facts (excluding evidence), and the nature of the relief sought.

Once filed, the petitioner is required to serve a copy of the petition to the respondent within 7 days and file an affidavit of service no later than 3 days before the hearing. Respondents must file their replies and counter-affidavits within 14 days of service. Failure to do so may result in the matter proceeding ex-parte. The Rules further empower the Court to consolidate related petitions, permit amici curiae (friends of the court), and allow the joinder of interested parties.

Moreover, the Rules provide that petitions are to be heard and determined by a panel of three High Court Judges assigned by the Jaji Kiongozi (Principal Judge), and must be resolved within 90 days from the date of institution. Also, an extension of up to 45 days may be granted in exceptional circumstances. On top of that, the Court has discretion to receive evidence via affidavits, and where necessary, to call and examine witnesses to aid in delivering a just decision.

Rule 11 stipulates that withdrawal of a petition is subject to leave of the Court, which will assess the implications of such withdrawal. Further, the Court also retains discretion to award costs, with a guiding principle that access to constitutional justice should not be unduly hindered. It is worth noting that for matters not provided for by these Rules, the practice and procedure applicable to the High Court to petitions under the Act or general practice and procedure applicable to the Court will apply mutatis mutandis.

These Rules are a significant milestone as they mark a critical development in streamlining the procedural framework for constitutional petitions, offering much-needed clarity and consistency for litigants and practitioners navigating constitutional litigation outside the human rights enforcement context.

To read the Rules [click here](#)

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