

LEGAL CHALLENGES FACING LAND DISPUTE MACHINERY IN RESOLVING LAND DISPUTE BY USING ALTERNATIVE DISPUTE RESOLUTION IN TANZANIA: AN ANALYSIS OF LAWS AND PRACTICES

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ABSTRACT

This article focuses on addressing problems and challenges facing land dispute machinery in resolving land dispute by using Alternative Dispute Resolution (ADR) in Tanzania. The article reveals that disputes over the land are inevitable because land is the principal means of production. Long-drawn-out land disputes undermine effective land utilization and sustainable development. The competing interests over land have necessitated the need to have specialized machinery for land dispute settlement in the country. Nonetheless, it has never been a simple task to establish ideal land dispute machinery that strikes the balance between competing interests while maintaining peace, security and social order. Effective implementation of any dispute resolution approach mainly depends on the legal framework of a particular country where it is subjected. The institutional framework also plays a great role in considering what the system can deliver to its stakeholders. In most developing countries like Tanzania, ADR techniques are lowly used in resolving land disputes despite of ADR being incorporated into National laws. Motivations for the use of ADR included relationship building, perception of fairness and justice, and relatively cheaper and quicker processes of adjudication compared to traditional court system.

The article concludes that ADR is an effective machinery for solving land disputes but it is not effectively used due to legal challenges facing land dispute machineries in enforcement of ADR.

INTRODUCTION

ADR is increasingly becoming a major component of effective dispute resolution in East African countries as it encourages relationship building, perception of fairness and justice, and relatively cheaper and quicker processes of adjudication compared to traditional court system. One can take cognizance that the effective implementation of any dispute resolution approach mainly depends on the legal framework of a particular country where it is subjected. Apart from having the laws to govern and promotes ADR, the institutional framework which are in place also play a great role in considering what the system can deliver to its stakeholders.ⁱ However there is still an increase of land disputes as ADR is not effectively used by the courts which calls the need to identify and examine the legal and practical challenges hindering effective use of ADR by land dispute machineries.

BACKGROUND OF ALTERNATIVE DISPUTE RESOLUTION

The history of Alternative Disputes Resolution (ADR) as a method of dispute resolution can be traced back to the Middle Ages when the King was the judge or the one to resolve the disputes and, duels or trial by combat were regarded as judgement from God and was commonly used by noblemen.ⁱⁱ For common people other forms of solving disputes were available including placing burning iron into the hands of disputants. Later the Arbitration was introduced and become widely used by many European cities especially by merchants. The use of arbitration by merchants was due to the fact that in commercial transactions mutual, fairness and reciprocity were gainful to both sides.ⁱⁱⁱ The ADR system was introduced into the legal systems of African countries during the 1980s and 1990s.^{iv} The aforementioned outcome can be attributed to the process of liberalizing the economies in Africa.^v

Before the advent of colonialism most of African countries have their own ways of solving their disputes but they did not have a formally structured mode of dispute resolution and thus when conflicts arose, negotiations could be done by the disputants.^{vi} Most commonly disputants would be reconciled peacefully and amicably in order to enable harmonious co-existence in society. The societies had indigenous methods of dispute resolution.^{vii} Most ethnic communities had grown sophisticated dispute resolution machineries including mediation and

arbitration though not described in such majestic terms.^{viii} Mediation and arbitration were preferred modes of dispute resolution because of their capacity to promote unity even after disruptive disputes. The traditional African society was obsessed with the restoration of the pre-dispute pleasantness and status quo. This was founded on the principle that everyone was his brother's keeper typified in the South African philosophy of *Ubuntu* which is translated in Swahili as *Utu* or *Umtu*.^{ix}

The history of ADR in Tanzania can be traced back from time of His Lordship Nyalali who was the former Chief Justice of Tanzania when visited the United State of America where he got a chance to come across the mechanisms of Alternative Dispute Resolution in the superior court of the district of Colombia, Washington.^x The ADR system attracted him and when he came back to Tanzania he thought seriously about introducing it into Tanzanian legal system, in 1994 few selected magistrates went to Washington to study mediation for a month and when they came back they trained other judicial officers including the judges and resident magistrates in the Dar-es-salaam, Mwanza and Arusha zone.^{xi} After much consultation within the judiciary and the Tanzanian government it was reached that the ADR system be introduced into Tanzanian court civil justice process, but as it will show presently that decision was implemented piece wise.^{xii}

The system was enshrined and incorporated in the Constitution in 2000, following the 13th amendment of the Constitution of the United Republic of Tanzania, 1977.^{xiii} However, the mediation or ADR process does not apply to some categories of cases like injunctive reliefs, judicial review, constitutional rights and cases for declaratory judgments and it is also inapplicable in the Court of Appeal of Tanzania.

LAND DISPUTE

There is no law or enactment in Tanzania which has defined the term "land dispute", it is only definition of land which have been provided under section 2 of the Land Act of 1999^{xiv} and section 4 of Interpretation of Laws Act of 2004.^{xv} On the other hand the term "Dispute" has been defined under section 2 of Land Disputes Courts Act of 2002^{xvi} to includes any case where a person complains of and is aggrieved by the actions of another person, or any case in which

a complaint is made in an official capacity or is a complaint against an official act, hence due to that lacuna one can buy definition of “land dispute” from the definition of dispute and definition of land as defined by the respective Acts.

In the case of Charles Rick Mulaki Vs Willium Jackson Magero^{xvii} at page 10 the court defined land disputes from section 167(1) of the Land Act and section 3(1) and 4 of Land Disputes Courts Act that:-

In my view therefore, the phrase “any matter under the land” in the context, should be given narrow interpretation to mean a dispute pertaining to a right on land or interest thereon.

In other jurisdictions land Disputes can be understood as a misuse, restriction or dispute over property rights to land and thus land disputes in developing countries like Tanzania and the nature of such disputes varies depending on the interest as land continues to constitute the key resource of livelihood, security and status.^{xviii}

MODES OF ALTERNATIVE DISPUTE RESOLUTION

Alternative dispute resolution mechanisms or methods are considered to be alternatives to traditional court system because they are not adjudicatory or judicial in nature. It is therefore argued that in ADR attempts to help the parties to reach into amicable agreement through persuasion, convincing and telling both parties the strengths and weaknesses in their respective approaches. This strategy makes stakeholders responsible for the resolution of their own conflicts.^{xix} ADR modes includes negotiation, conciliation, mediation and arbitration. Starting with **Negotiation** is described as “a conflict resolution method freely chosen by the stakeholders, in which they manage to meet and personally find a joint solution to their conflict”.^{xx} Thus, Negotiation is done directly between the parties with or more often without a facilitator. Negotiations are typically private and controlled by the parties themselves.

Conciliation on the other hand is where a neutral party tries to engage the stakeholders separately in a network to promote communication and help them to jointly choose a conflict

resolution method. In conciliation the number of conciliators is not limited. They can be one or more since they do not give any decision but only try to resolve the dispute by mutual consent and agreement between the parties.^{xxi}

Mediation is defined as “a process that employs a neutral or impartial person or persons to facilitate negotiation between parties to a dispute in an effort to reach a mutually accepted resolution”.^{xxii} Mediation can be said to be a process which is similar to negotiation and facilitation. It actually builds on these processes.^{xxiii} Mediators are usually hired, appointed or volunteer to help in managing the process. They should have no power to render a decision. They only have control over the process but not over its outcome. The mediator has multiple role and these include helping the parties think in new and innovative ways, to avoid the pitfalls of adopting rigid positions instead of looking after their interests, to smooth discussions when animosity between the parties render the discussions futile and in general to steer the process away from negative outcomes and possible breakdown towards joint gains^{xxiv}.

Mediation, conciliation and negotiation have the advantage of being flexible, informal, confidential, non-binding in nature, makes savings on resources and ensures maintenance and often improvement of the relationship.^{xxv}

On the other **Arbitration** is one of the most commonly adopted methods for the resolution of disputes. It can be adopted in simple as well as complex cases. Arbitration is a very informal procedure for the resolution of disputes but in some cases can also be a rigid, cumbersome and lengthy procedure.^{xxvi} In arbitration the adjudicator, called arbitrator(s) hears the parties and gives his decision on the dispute. Arbitration as one of the methods of ADR has all the advantages of ADR as it renders justice very fast. The parties need not waste a lot of time, energy and man hours. Again, Arbitration is less expensive and flexible in the sense that the parties have a choice in the selection and appointment of the arbitrator and can also hold the hearing at any place convenient to them.^{xxvii}

LAND DISPUTES MACHINERIES IN TANZANIA ON ENFORCEMENT OF ADR

The Village Land Council

The Village land councils are established under section 60 of the Village Land Act,^{xxviii} the function of the Council is to mediate and help parties to arrive at a mutually acceptable solution. The aim of powers only mediate the parties so that they can reach at a mutual solution acceptable by the parties.^{xxix} This mode of ADR inserted carries the traditional methods of disputed settlement where the winner does not take all but wins a little and loses a little as the aim is to end land disputes.

Section 60(2) Village Land Act,^{xxx} set out the composition of the land Council should be as it must consist of seven persons of which three must be women.^{xxxi} The Council is required to exercise its function in accordance with customary principles of mediation, principles of natural justice (c) any principles and practices of mediation in which the members may have received any training^{xxxii} The rules of natural justice includes rule against bias, right to be heard, a member of the council not to be an interested party in the case and the right to be given reasons for a decision.^{xxxiii}

The Ward Tribunal

The Ward Tribunals in Tanzania are established by Section 3 of the Ward Tribunals Act,^{xxxiv} these tribunals have been treated as courts for the purposes of settlement of land disputes and they are mandated with the geographical jurisdiction and powers in relation to the ward or area in which they are established.^{xxxv} Each tribunal must consist of not less than four and not more than eight members of whom three are women elected by the ward committee.^{xxxvi}

Section 5 of the Act provide specific qualification of the member of the Ward Tribunal, however provision among others excludes a legally qualified person or any person who is employed in the Judiciary from being a member of the tribunal.

The jurisdiction of the ward tribunals over land matters is now limited to mediation and that has all along been the primary function of the ward tribunals. The functions of the Ward Tribunal are secure peace and harmony in the area for which it is established by mediating the

parties to arrive at a mutually acceptable solution. However, the power of the ward tribunals to hear and decide land disputes was removed through amendment made to Section 13(2) of the Land Disputes Courts Act^{xxxvii} by Section 45(a) of the Written Laws (Miscellaneous Amendments) (No. 3) Act, 2021

Before this amendment, ward tribunals had the power to hear and decide land disputes provided the value of the disputed land did not exceed TZS 3,000,000.^{xxxviii} Following the amendment, ward tribunals have only retained their primary function to secure peace and harmony by attempting to mediate land disputes referred to them by the parties. And if mediation fail in Ward Tribunal any of the party may with the Certificate of non-settlement institute the matter to the District Land and Housing Tribunal for adjudication.^{xxxix}

The District Land and Housing Tribunals

The District Land and Housing Tribunals are established under section 22 (1) of the Land Disputes Courts Act,^{xl} which is subject to Section 167(1)(c) of the Land Act^{xli} and Section 62(2)(c) of the Village Land Act,^{xlii} and it mandated the minister responsible with the power to establish in each district, region or zone, as the case may be, a court to be known as the District Land and Housing Tribunal.^{xliii} It is the dictates of Section 22(2) of the Land Disputes Courts Act^{xliv} that those tribunals shall have and exercise their jurisdiction within the district, region or zone in which they are established, however, it has been noted that, some of the established tribunals prove to be more expensive for some villagers to access them due to geographical distance and not all the districts have those tribunals. The composition of the District Land Housing Tanzania is of at least a chairperson and not less than two assessors.^{xlv}

The District Land and Housing Tribunals in Tanzania are vested with original jurisdiction to hear and determine all land matters for the recovery of possession of immovable property in which the value of the property does not exceed three hundred million shillings and in other proceedings where the subject matter is capable of being estimated at a money value in which the value of the subject matter does not exceed two hundred million shillings.^{xlvi} But after the amendment done by the Written Laws (Miscellaneous Amendments) (No.3) Act of 2021 the DLHT have remained only with the jurisdiction over land matters after mediation marked failed in Ward Tribunal. Therefore, even complex cases such as mortgage cases have to go to Ward Tribunal for Mediation first.

The High Court

The High Court of United Republic of Tanzania is established under Article 108(1) of Constitution.^{xlvii} The jurisdiction of the High Court in relation to land matters is provided under Section 3 of Land Disputes Courts Act^{xlviii} which is in line with the provision of section 167 of the Land Act^{xlix} and section 62 of the Village Land Act^l. The provision of section 37 (1) (a) and (b) of the Land Disputes Courts Act^{li} vest the High Court with the original jurisdiction to entertain the matter which are *first*, in proceedings for the recovery of possession of immovable property in which the value of the property exceeds three hundred million shillings; *second*, in other proceedings where the subject matter capable of being estimated at a money value in which the value of the subject matter exceeds two hundred million shillings. It is provided further that the High court has also appellate jurisdiction to hear and determine land appeals from District land and Housing Tribunal provided it is lodged within 45 days^{lii} The High Court in exercise of its appellate has also revisionary power over District Land and Housing Tribunal.^{liii} The law allows anyone who is aggrieved by decision of the High Court to appeal to the Court of Appeal of Tanzania in accordance with the provisions of the Appellate Jurisdiction Act.^{liv} It is the requirement of the law that civil case before the High Court when exercising its original jurisdiction will not go for trial unless the parties have been referred for mediation, negotiation, reconciliation or arbitration.^{lv}

The Court of Appeal of Tanzania

The Court of Appeal of Tanzania is established by the provision of Article 117(1) of the Constitution^{lvi} which again provide for the functions of the Court of Appeal as to hear and determine every appeals from the High Court and Magistrates with extended jurisdiction.^{lvii} The jurisdiction of the Court of Appeal in relation to land matters is given under Section 48 of the Land Dispute Courts Act^{lviii} on which it is provided that subject to Land Act and Village Land Act the Court of Appeal shall have jurisdiction to hear and determine the appeals from the decision of the High Court in accordance with Appellate Jurisdiction Act.^{lix} The provisions of section 47 (1) and 47(2) of the Land Disputes Courts Act,^{lx} provide on the modality of the appealing to the Court of Appeal.

THE LEGAL CHALLENGES FACING LAND DISPUTE MACHINERY IN RESOLVING LAND DISPUTES IN BY USING ALTERNATIVE DISPUTE RESOLUTION IN TANZANIA

The In-applicability of ADR in District Land and Housing Tribunals

The laws, rules and regulations governing the use of ADR in resolving land disputes in Tanzania do provide for the applicability of ADR in courts and tribunals. While the High Court which is the third machinery in the land disputes settlement system is vested with the power to use ADR in the form of Court annexed mediation as provided under the Civil Procedure Code,^{lxi} under Order VIII Part C which mandates the court on using ADR in resolving disputes filed before the court of law.^{lxii} There is no effective use of ADR in DLHT as the law does not provide on the use of ADR before the District Land and Housing Tribunal in resolving land disputes in Tanzania which is also a challenge on the effective of the use of ADR in the civil legal regime in Tanzania. If a party obtains the certificate of failure for mediation from the Ward tribunal then the room for mediation is closed to the parties when they go to DLHT thus they have to invoke into resolving their disputes through adversarial means which leaves the parties to either lose all or win all.

Lack of Qualified Ward Tribunal Officials Who are Mandated with the Power to Conduct ADR

Qualification of the members of the Ward Tribunal are provided under Section 5 of The Ward Tribunals Act 1985^{lxiii} which provides that a person with the legal knowledge cannot be appointed or qualify as the member of the ward tribunal which poses great challenge in resolving land disputes in Tanzania as most of the members of the ward tribunal has no knowledge on legal issues such mortgage and other issues which requires legal knowledge to understand.

Non-establishment of Special Department/Centers which deals with ADR within courts and tribunals in Tanzania

Another challenge land disputes machinery in Tanzania is lack of special department or institution which is responsible for settling disputes through ADR. Judges of the High Court

are overloaded with large numbers of cases on hearing stage with many witnesses, and busy with writing judgment and ruling to be completed within time specified. This make them not to have enough time, patience and concentration on helping parties to reach into amicable settlement through court-annexed mediation and other modes of ADR. Only one department/center for ADR at High Court Dar es salaam has been established. This calls for a need of establishing special department within each High Court and DLHT with well-trained personnel which will solely solve the disputes including land disputes through ADR. The example drawing from Nigeria where the parties to the dispute on the view of the judge or magistrate can resolve their matter amicably by refer their matter to the board responsible for invoking ADR in resolving land disputes.

Lack of Procedural Law Governing the Use of ADR

There is lack of procedural law governing the use of modes of ADR especially Mediation, conciliation and negotiation. Apart from Order VIII, Part C of Civil Procedure Code^{lxiv} and Arbitration Act^{lxv} and its rule there is no any standard procedure for ADR. Currently in case of mediation Judges and Magistrates are just using Training Manual which was prepared by judges and magistrates who went on mediation training in America. This hinders effective use of ADR by the courts or tribunals as there is no uniform procedure to be followed during the process.

In executable ADR Agreements Outside the Court

The law governing ADR Is not effective as there is no avenue where the disputant can use ADR modes like mediation, conciliation and negotiation and such settlement agreement to become binding and being capable of being executed in the court without instituting the case in the court or tribunal. Civil Procedure Code^{lxvi} only allows the use of ADR especially Court annexed mediation after the institution of the case whereby if the dispute is settled amicably the court enters Consent-Decree and such decree is binding and executable.

In executable settlement in Ward Tribunal

Another setback faces of ADR in solving land disputes in Tanzania is the fact that the settlement reached in Ward Tribunal through mediation is not binding between the parties as it

is not executable. The law is silent as to whether that settlement agreement must be in writing and how it should enforce or executed.

Lack of Knowledge/Awareness on Alternative Dispute Resolution (ADR) to the stake holders.

There is ignorance and gape of knowledge on the forms and procedures of the ADR among the stakeholders including members of the public particularly disputants and even among the officials/staffs responsible to implement the system. The majority members of the public particularly disputants are partly or totally not aware of the ADR procedures and modes especially negotiation, arbitration and conciliation as the mostly commonly used mode of ADR is Mediation through court-annexed mediation.

CONCLUSION

The legal challenges facing the land dispute machinery in solving the land dispute in Tanzania includes the in-applicability of ADR in District Land and Housing Tribunals, lack of qualified ward tribunal officials who are mandated with the power to conduct ADR, the absence of special department or institution which deals with ADR in Tanzania, lack of procedural law governing the use of ADR, un-enforceable ADR agreements outside the court, un-enforceable settlement agreements in Ward Tribunal and lack of knowledge or awareness on Alternative Dispute Resolution (ADR) to the stake holders. Thus, the highlighted challenges pose difficulties in the effective applicability of alternative dispute resolution in solving land disputes in Tanzania which can be cured by the amendment of the laws or enacting another piece of legislation which will fully cover the issues and facilitate the effective use of alternative disputes resolution in solving land disputes in Tanzania.

RECOMMENDATIONS

Therefore, it is recommended that Land Disputes Courts Act should be amended to give powers and mandate to the District Land and Housing Tribunal to use the Alternative Dispute Resolution as a mandatory legal procedure in resolving land disputes, enactment of the law

which will specify the procedures for conducting ADR, Section 5 of Ward Tribunal Act should be amended to allow qualified personnel with adequate knowledge on ADR and land laws in Tanzania to become members of the tribunal as they are handling complex cases and special department should be established in each High Court as well as DLHT,

Furthermore, the study recommends the law to be amended to allow the settlement agreed by the parties outside court by using other methods of ADR such as mediation, conciliation and arbitration without instituting a case to be binding and executable like *arbitral awards*. Finally, the law should be amended to allow settlement reached in Ward Tribunal through mediation to be binding and mostly being capable of being executed in court/tribunal.

ENDNOTES

ⁱ Olotu M.T, (2005) *A Comparative Study of Dispute Settlement and Resolution in South Africa and Tanzania* "Overview of Arbitration and Mediation in Kenya, A Paper Presented at a Stakeholder's Forum on Establishment of Alternative Dispute Resolution (ADR). P 43

ⁱⁱ BARRET, J, et al., (2004), *A History of Alternative Dispute Resolution: The Story of a Political, Cultural, and Social Movement*, San Francisco, CA: Jossey-Bass.

ⁱⁱⁱ *Ibid.*

^{iv} *Ibid.*

^v *Ibid.*

^{vi} *ibid*

^{vii} GAKERI, J.K., (2011) *Placing Kenya on the Global Platform: An Evaluation of the Legal Framework on Arbitration and ADR*, 1:8 International Journal of Humanities and Social Sciences, p.221.

^{viii} *ibid.*

^{ix} CHUKWUEMERIE, A., (2006) *The Internationalization of African Customary Law of Arbitration*, 14 African Journal of International Law, p.143-175.

^x NOLAN, J. M. H., (2008) *Alternative Dispute Resolution in a Nutshell*, Dar es Salaam, Tanzania, p.2.

^{xi} *ibid*

^{xii} The civil procedure code (amendment of schedule) rules, 1994, which were published in the gazette under GN No.422 of 1994 and which came into operation on 1st November 1994. The amendments had reference to the first schedule. Rule 2 orders IV was amended to make it mandatory for a judges or magistrate in charge of a court to cause a suit to be assigned to a specific judges or magistrate for resolution amicably and to do so within four days after the institution of the suit.

^{xiii} Constitution of the United Republic of Tanzania, Cap.2 [R.E 2015], Art. 107A (1) (d).

^{xiv} Act No.4, Cap 113, R.E 2019

^{xv} Cap 1, R.E 2019

^{xvi} Act No.2, Cap 216 R.E 2019

^{xvii} High Court of Tanzania at Mwanza, HC Civil Appeal No. 69 of 2017 (Unreported)

^{xviii} TALUKDAR, M. (2006) *Land acquisition policy of Bangladesh: A Case Study on the Land Acquisition activities of Tangail district*. dhaka: BRAC.

^{xix} John A. F., (2015) *Analysis of the Theory and Principles of Alternative Dispute Resolution in Tanzania*, Thesis submitted for the degree of Doctor of Laws, University of South Africa. P 36

^{xx} NOLAN, J. M. H., (2008) *Alternative Dispute Resolution in a Nutshell*, Dar es Salaam, Tanzania, at pg 2.

^{xxi} John A. F., (2015) *Analysis of the Theory and Principles of Alternative Dispute Resolution in Tanzania*, Thesis submitted for the degree of Doctor of Laws, University of South Africa. P 38

- xxii NOLAN, J. M. H., (2008) *Alternative Dispute Resolution in a Nutshell*, Dar es Salaam, Tanzania, at pg 2.
- xxiii John A. F., (2015) *Analysis of the Theory and Principles of Alternative Dispute Resolution in Tanzania*, Thesis submitted for the degree of Doctor of Laws, University of South Africa. P 39
- xxiv NOLAN, J. M. H., (2008) *Alternative Dispute Resolution in a Nutshell*, Dar es Salaam, Tanzania, at pg 2.
- xxv NOLAN, J. M. H., (2008) *Alternative Dispute Resolution in a Nutshell*, Dar es Salaam, Tanzania, at pg 2.
- xxvi John A. F., (2015) *Analysis of the Theory and Principles of Alternative Dispute Resolution in Tanzania*, Thesis submitted for the degree of Doctor of Laws, University of South Africa. P 38
- xxvii NOLAN, J. M. H., (2008) *Alternative Dispute Resolution in a Nutshell*, Dar es Salaam, Tanzania, at pg 2.
- xxviii Cap 114 R.E 2019 Read together with section 167 of the Land Act Cap 113 R.E 2019
- xxix Section 8 of the Land Disputes Courts Act, Cap 216 R.E 2019 read together with section 61 of the Village Land Act, Cap 114 R.E 2019
- xxx Cap 114 R.E 2019
- xxxi Village Land Act, Cap 114 R.E 2019, Section 60 (2)
- xxxii Village Land Act, Cap 114 R.E 2019 Section 61
- xxxiii See the case of *Mwanza Restaurant & Catering Association v. Mwanza Municipal Director*, (High Court Mwanza) Misc. Civ. Cause No. 3/1987.
- xxxiv Act No. 7 of 1985
- xxxv Section 62(2)(d) of the Village Land Act, Cap 114, R.E 2019, Section 167(1)(d) of the Land Act, Cap 113, R.R 2019 and section 10 of the Land Disputes Courts Act, Cap 216 R.E 2019
- xxxvi Section 4 of The Ward Tribunals Act, Act No. 7 of 1985 read together with Section 11 The Land Disputes Courts Act, Cap 216 R.E 2019
- xxxvii Cap 216, R.E 2019
- xxxviii Section 15 of The Land Disputes Courts Act, Cap 216, R.E 2019 (Before being repealed by Act No. 5 of 2021
- xxxix Section 13(4) of The Land Disputes Courts Act, Cap 216, R.E 2019 as amended by Section 45(c) of the Written Law (Miscellaneous Amendment) Act (No. 3) No. 5 of 2021
- xl Cap 216 R.E 2019
- xli Cap 113 R.E 2019
- xlii Cap 114 R.E 2019
- xliiii Ibid, Section 22
- xliv Cap 216 R.E 2019
- xlv Section 23(1) of The Land Disputes Courts Act, Cap 216 R.E 2019
- xlvi Section 33(2)(a) of The Land Disputes Courts Act, Cap 216 R.E 2019
- xlvii Constitution of United Republic of Tanzania, 1977, Cap 2
- xlviii Cap 216 R.E 2019
- xlix Cap 113 R.E 2019
- ¹ Cap 114 R.E 2019
- li Cap 216 R.E 2019
- lii Section 41(2) of the Land Disputes Courts Act, Cap 216 R.E 2019
- liii Section 43 of the Land Disputes Courts Act, Cap 216 R.E 2019
- liv Section 47 of the Land Disputes Courts Act, Cap 216 R.E 2019
- lv Rule 24 of Order VIII, part C of the Civil Procedure Code, Cap 33, R.E 2019
- lvi The Constitution of United Republic of Tanzania, 1977, Cap 2 as amended time to time
- lvii Art. 117(3) of the URT Constitution of Tanzania of 1977, Cap 2 as amended from time to time
- lviii Cap 216, R.E 2019
- lix Cap 141, R.E 2019
- lx Ibid
- lxi Cap 33 R.E 2019
- lxii *ibid*
- lxiii Cap 206
- lxiv Cap 33 R.E 2019
- lxv Act No. 2 of 2020
- lxvi Cap 33 R.E 2019