IMPORTANCE OF CONSTITUTION

Constitution has many significance that is why modern democracy requires every state or country to have its own constitution. Therefore, the following are the sum of importance of constitution.

1. **Constitution allocates the functions of each organs of the state i.e. every state has three organs which are executive, legislature and judicially.**

The constitution provides the powers and limitations of those powers of each organs of the state. It is through such prescription of the powers and limitation of powers of the powers of each organs of the state where the doctrine of separation of powers is realized. The doctrine of separation of powers is one of the doctrines of modern democracy. *Refer Article 4 of the Constitution of the United Republic of Tanzania, 1977.*

2. **Constitution provides for the guiding principles of the government**

People or citizen of the country need to know the principles which their government follows in ruling them. It is the constitution which tells people the principles which the government follows in ruling the people. Therefore constitution is important as it provides for definitive words, exact words, and precise word as the principles of the government.

3. **Constitution is a political manifesto**

It shows the principles of the government and type of government in power, type of government in power is known through the way the government entered into power. A government in power may be a democratic government or dictatorial government. If the government entered into power according to the constitution of the country then it is regarded as democratic government.

But if the government enters into power contrary to the constitution of a particular country then it is undemocratic or dictatorial government. Likewise the constitution will provides the powers of the organs of the state and if the constitution provides for excessive powers to the executive then that government may be undemocratic government but if the constitution balances powers among the three organs of the state then the government will be democratic government.

A constitution acts as a political manifesto of any government in power. By being the political manifesto the constitution states the kind of government that is in power and its political ideology. For example the *Constitution of the United Republic of Tanzania, 1977* states in the preamble that…KWA HIYO, BASI, KATIBA HII IMETUNGWA NA BUNGE MAALUM LA JAMHURI YA MUUNGANO WA TANZANIA, kwa niaba ya Wananchi, kwa madhumuni ya kujenga jamii kama hiyo, na pia kwa ajili ya kuhakikisha kwamba Tanzania inaongozwa na Serikali yenye kufuata misingi ya demokrasia, ujamaa na kujitegemea na isiyokuwa na dini.

4. Constitution is a doctrine or mechanism which people use to control the government

The constitution provides for the procedures in which the state organs operates and at the same time provides for the ways on how people may discipline the government. One of the common ways which the people may discipline the government is through the general election however there are other ways which the constitution of the country provide to discipline either the executive, legislature or the judiciary. For example *Article 46A of the Constitution of the United Republic of Tanzania, 1977* provides the ways to disciple the head of the state that is the president and such way is known as *Impeachment of the president* and is done through legislature on behalf of the citizens.

5. Constitution is the point of reference to the citizens or people's rights

It is possible that the government or government agency functions may infringe rights of the people or citizens and without constitution people will not have a ground to claim for their infringed rights. But if there is constitution and the constitution provides for those rights then it will be easy and possible for citizens whose rights have been violated to claim it or them by making reference to a certain provision of the constitution.

Example 1:

The President may acquire any land from any person for public interest as per *section 3 of the Land Acquisition Act [CAP 118 R.E. 2002]*. However *Article 24(1) of the Constitution of the United Republic of Tanzania, 1977* provides for right to own property. Land being a property, any person whose land has been acquired is entitled to fair and adequate compensation from the government as required by *Article 24(1) of the Constitution of the United Republic of Tanzania, 1977*.

Example 2:

- *Article 17 of the Constitution of the United Republic of Tanzania, 1977* CURT, 1977 provides for the freedom of movement. So if there is any government agency or institution which curtails freedom of movement then people may claim this rights making reference to the constitution.

ASSIGNMENT:

By using relevant statutory provisions of the law and decided case laws explain seven (7) importance of constitution.