

*A Bill Supplement to the Zanzibar Government Gazette
Vol. No. CXXVII No 6710 of 27th June, 2018*

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NOTICE

The Bill following hereunder shall be presented before the House of Representatives for the first reading which will start its session on 9th May, 2018, and is gazetted for the public notice incorporating together with their object and reasons.

ZANZIBAR
10th April, 2018

(Dr. ABDULHAMID Y. MZEE)
*Secretary to the Revolutionary
Council and Chief Secretary*

A BILL

for

**AN ACT TO ESTABLISH THE OFFICE OF THE CHIEF
INSPECTOR OF EDUCATION AND TO MAKE
PROVISIONS OF EDUCATION INSPECTION AND OTHER
MATTERS RELATED THERETO**

ENACTED by the House of the Representatives of Zanzibar.

PART ONE
PRELIMINARY PROVISIONS

Short title
and
Commencement.

1. This Act may be cited as the Office of the Chief Inspector of Education Act, of 2018 and shall come into operation immediately upon being assented to by the President.

Application.

2. This Act shall apply to:

- (a) all schools offering Pre-Primary, Primary and Secondary Education;
- (b) any institution offering Teacher Training;
- (c) Alternative Learning and Adult Education Centres; and
- (d) Registered Education Institutions besides the formal education system.

Interpretation.

3. In this Act, Unless the context otherwise requires:

“Board” means the Board established under section 10 of this Act;

“Chief Inspector” means the Chief Inspector appointed under section 13 of this Act;

“Deputy Chief Inspector” means the Deputy Chief Inspector appointed under section 16 of this Act;

“Document” includes but not limited to document of: scheme of work, lesson plan, assessment records, daily records and other material belonging to the school that the education inspector may reasonably require for the purpose of inspection;

“Education Inspection” means the process of having regular visits to schools to ensure that they comply with

the Education Act, Education Policy, this Act and other Education Guidelines to improve school performance;

“Education Inspector” means the Education Inspector appointed under section 21 of this Act;

“Formal education” is an organized educational setup with defined formal curriculum;

“Head Regional Inspector” means the Head Regional Inspector appointed under section 19 of this Act;

“Inspection Framework” means an operational guidelines of Education inspection in Zanzibar;

“Manager” means any person responsible for the management and conduct of a school;

“Minister” means the Minister responsible for Education;

“Ministry” means the Ministry responsible for Education;

“Office” means the Office of the Chief Inspector of Education established under section 4 of this Act;

“President” means the President of Zanzibar and Chairman of the Revolutionary Council;

“Private school” means any school wholly owned and maintained by a person or body of persons other than the Government;

“Quality assurance” means a process of assessing and reporting on schools to ensure that quality education takes place based on prescribed standards of education through teaching and learning process;

“Regional Inspection” refers to a system of education inspection which takes place in a particular Region in Zanzibar.

“School” means all schools offering Pre-Primary, Primary and Secondary Education, or any institution offering Teacher Training and Alternative Learning and Adult Education Centres where formal and non formal education is provided and legally registered;

“Standards” means the level of quality attained in school by examining the performance of education standards and its indicators as prescribed in the Inspection Framework;

PART TWO

ESTABLISHMENT AND MANAGEMENT OF THE OFFICE

Establishment of the Office.

4.-(1) There is established a Government Agency to be known as the Office of the Chief Inspector of Education and in its acronyms “OCIE”.

(2) The Office shall, subject to the approval of the Minister, have power to:

- (a) acquire, hold, purchase or dispose any movable and immovable property;
- (b) enter into any contract or transaction subject to the laws; and
- (c) perform or do any other act or thing which an Agency of its nature may by law, entitled to perform.

Seal and Logo of the Office.

5.-(1) There shall be a common seal and logo of the Office in a shape and size as may be determined by the Board.

(2) The application of the seal of the Office on any document shall

be authenticated by the signature of the Chief Inspector of Education or any other Officer of the Office authorized by the Chief Inspector of Education.

(3) Every document purporting to be an instrument issued by the Office, sealed with the seal of the Office and authenticated in accordance with sub section (2) of this section, shall be deemed to be an instrument of the Office.

6. Objectives of the Office of the Chief Inspector of Education are to: Objectives
of the
Office.

- (a) to ensure that the education is provided in accordance with the policy, laws and government guidelines;
- (b) to ensure that all institutions provides education in accordance with the approved curricula for respective level;
- (c) to ensure that teacher's ethics and code of conducts are observed; and
- (d) to advise on high quality standards of teaching and learning, leadership and management, students' support and learning outcome ; and
- (e) ensure education standards and quality assurance are observed at all school levels and compliance with the Ministry's guidelines.

7.-(1) There shall be established the Education Inspection Framework which shall be approved by the Board and shall be the principal guideline for inspection and shall consist the following: Education
Inspection
Framework.

- (a) types of inspection and its procedures which are:
 - (i) standard inspection to be conducted in each school by observing standards of teaching and

learning, leadership and management, students' support and learning outcome

- (ii) follow up inspection to be conducted for monitoring the implementation of the advice and recommendation provided in the previous inspection;
- (iii) subjects inspection to be conducted by inspecting respective subject teacher in each school; and
- (iv) Incidental inspection to be conducted for implementing the directives as directed by the Principal Secretary of the Ministry.

(b) data collection tools for inspection and report writing;

(c) ethics and code of conduct for inspectors; and

(d) school self evaluation guideline in accordance with the standards prescribed in the Inspection Framework.

(2) Each school regularly shall be inspected once every year.

(3) Without prejudice to the generality of sub section (2) of this section school may be inspected any time as it deem necessary.

Submission
of the
inspe-
ction
report.

8.-(1) Inspection reports will be submitted to school and respective authority based on the type of inspection conducted within two weeks after the inspection.

(2) Education inspection report of the school Inspected, for the Secondary schools shall be submitted to the School and the Principal Secretary of the Ministry, and for the Pre – Primary and Primary School the report shall be submitted to the school and to the Director of the Municipal Council, Town Council or District Council responsible for the respective school.

(3) Inspection reports of the Institutions and other centres prescribed in section (2) (b), (c) and (d) of this Act shall be submitted to the respective Institutions and centres and to the Principal Secretary of the Ministry.

9. The functions of the Office shall be to:

Functions
of
the Office.

- (a) undertake regular inspection of schools and individual teacher as prescribed in the Inspection Framework set by the Office;
- (b) ensure that the appropriate curricula are operational for the efficient delivery of education in schools;
- (c) set inspection standards and performance indicators to maintain school quality on the aspects of leadership and management, teaching and learning, students' support and learning outcomes;
- (d) undertake education inspection for proposed school before it is established and registered, and provide recommendations and advice to respective authorities on the registration and deregistration of schools; and promotion or demotion of teachers and head teachers;
- (e) supervise head teachers and teacher's performance on their responsibilities in the schools as directed to teacher professional standards and conduct, Ministry's guidelines and inspection regulations;
- (f) promote the use of Information and Communication Technology to increase efficiency in the conduct of education inspection;
- (g) direct inspected school on issues pertaining to the improvement of quality education based on provision of the school performance data and inspection report;

- (h) provide annual education inspection reports and provide quality assurance feedback to education stakeholders;
- (i) conduct research based on findings of education inspection reports; and
- (j) carry out any other functions in connection with inspection as the Minister may direct.

Establishment of an Advisory Board.

10.-(1) There shall be an Advisory Board of the Office.

(2) The Advisory Board shall consist of the following members:

- (a) Chairperson who shall be appointed by the President;
- (b) Chief Inspector of Education;
- (c) Representative from the Ministry responsible for Education;
- (d) Representative from the Ministry responsible for Local Government;
- (e) A female educationist with a broad experience in teaching;
- (f) Educationist representative with broad experience in education matters from one of the institutions or University offering teacher training courses in Zanzibar; and
- (g) Educationist representative with broad experience in education matters from private institutions or schools in Zanzibar.

(3) Save for ex-officio members, other members shall be appointed by the Minister upon consultation with the respective institution.

(4) Procedure of the Board shall be as prescribed in the Schedule of this Act.

- 11.** A person shall qualify to be appointed as Chairperson if he: Qualifications of Chairperson.
- (a) is a Zanzibari;
 - (b) holds at least first degree in Education from a recognized University;
 - (c) has at least ten years working experience on education matters; and
 - (d) has personal integrity.

- 12.-(1)** The functions of the Advisory Board shall be to: Functions of the Advisory Board.
- (a) approve action plans, budgets and schedules of the Office;
 - (b) submit an annual inspection report and minutes of the meeting of the Board by the third month of the year following the end of calendar year to the Minister and inform him on the performance of education in Zanzibar and advise on its implementation as recommended in inspection findings;
 - (c) review operational, financial audit and inspectoral quarterly report of the Office;
 - (d) recommend disciplinary action and promotion of the staff of the Office;
 - (e) recommend on appointment of the education inspectors to the Minister;
 - (f) recommend to the Minister the closing or opening of any school; and

- (g) advice on quality of education delivered, education inspection, education inspection reports, and recommend strategies for improvement.

Appointment
of the Chief
Inspector of
Education.

13.-(1) There shall be a Chief Inspector of Education who shall be appointed by the President.

(2) A person shall qualify to be appointed as the Chief Inspector of Education if he:

- (a) is a Zanzibari;
- (b) is a holder of at least a Master's degree in Education or its equivalent from a recognized University;
- (c) has at least ten years working experience in teaching or education leadership; and
- (d) has personal Integrity.

Functions
of the Chief
Inspector of
Education.

14. The Chief Inspector of Education shall be the Chief Executive Officer of the Office shall have the following functions: to

- (a) manage the affairs of the office in an efficient manner;
- (b) oversee achievement of high standards and quality of education at schools and ensure compliance with the provision of this Act;
- (c) submit to the Board any proposed document which aims to improve the inspection system for deliberations;
- (d) recommend disciplinary actions to be taken against individual teacher or head teacher to the respective authority based on the inspection reports;

- (e) collate, analyze and report the findings of the quarterly education inspection report and its recommendations to the Board;
- (f) recommend research areas based on findings of education inspection reports;
- (g) liaise with the Government departments, other stakeholders and development partners on education inspection;
- (h) recommend recruitment of the staff of the Office in accordance with Public Service Act;
- (i) prepare the annual and quarterly reports, work plans and budgets and submit to the meetings of the Board;
- (j) monitor the effectiveness of teacher training and advice on the priorities and requirements for training of teachers;
- (k) appraise the performance of school manager; and
- (l) carry out any other functions in connection with education as the Minister may direct.

15.-(1) The Chief Inspector of Education shall have powers to:

- (a) direct every school to be inspected by one or more inspectors for the purposes of ensuring that, the school complies with the provisions of this Act and ascertaining whether that school is being properly inspected;
- (b) enter any school premises in the course of discharging of his duties;

Powers of
the Chief
Inspector of
Education.

- (c) require any head teacher, manager, or teacher, to produce any document, to furnish any information in the form of hard or soft copies related to administration, management, teaching or learning;
- (d) take a copy of a document or order it to be delivered to the Regional Inspection Office or to the Office for inspection; and
- (e) recommend to the responsible authority on rewards to be awarded or sanctions against any teacher or head teacher in accordance with the Public Service Act and its Regulations, the Office of the Chief inspector of education Act and its regulations and other respective labor laws.

(2) The Chief Inspector of Education may authorize Regional Inspectors to exercise his power mentioned in sub section (1) (a) of this section for proper administration of this Act.

Appointment
of Deputy
Chief
Inspector.

16.-(1) The President may appoint qualified person to be Deputy Chief Inspector of Education for the purpose of execution of the provisions of this Act.

(2) A person shall qualify to be appointed as the Deputy Chief Inspector of Education if he:

- (a) is a Zanzibari;
- (b) is holder of at least a First Degree in Education or its equivalent from a recognized University;
- (c) has at least ten years working experience in teaching or in education leadership; and
- (d) has person integrity.

17. The Deputy Chief Inspector shall be the Principal Assistant to the Chief Inspector, shall perform all the functions and exercise all the powers of the Chief Inspector, and shall perform any other function that may be assigned to him from time to time by the Chief Inspector of Education.

Functions of the Deputy Chief Inspector.

18. There shall be established Regional Inspection Offices in all Zanzibar regions.

Establishment of the Regional Inspection Offices.

19.-(1) There shall be a Head Regional Inspector who shall be appointed by the Minister upon the recommendation of the Board.

Appointment of a Head Regional Inspector.

(2) A person shall qualify to be appointed as the Head Regional Inspector if he:

- (a) is a Zanzibari;
- (b) is a holder of at least First Degree in Education or its equivalent from a recognized University;
- (c) has at least ten years teaching experience and five years working experience in education inspection; and
- (d) has personal Integrity.

20. The functions and duties of the Head Regional inspector shall be to:

Functions of the Head Regional Inspector.

- (a) prepare an education inspection plan for inspection of schools in region;
- (b) recommend training programs to improve the quality of teaching in the respective region;
- (c) submit a copy of inspection reports of his Region to the Office and Regional and District Commissioners Office;

- (d) submit inspection reports to the respective authority as prescribed in section (8) of this Act;
- (e) conduct research for issues pertaining to Education Inspection;
- (f) analyse and submit quarterly inspection reports findings to the Chief Inspector of Education; and
- (g) perform any other function that may be assigned to him from time to time by the Chief Inspector of Education.

Appointment
of Education
Inspector.

21.-(1) There shall be an Education Inspector who shall be appointed by the Minister upon advice of the Board.

(2) A person shall qualify to be appointed as the Education Inspector if he:

- (a) is a Zanzibari;
- (b) is the holder of at least a Diploma in Education from a recognized University or Teacher Training Institution;
- (c) has at least ten years working experience in teaching; and
- (d) has personal Integrity.

(3) The Minister may, upon advice of the Board, suspend or revoke any appointment under sub section (1) of this section if in doing so is for Public interest.

Functions
of Education
Inspector.

22. The functions of Education Inspector shall be to:

- (a) Conduct inspection to any school and teacher for the purpose of providing professional assistance on

compliance with standards of school leadership and management, teaching and learning, students' support and learning outcome in accordance with Inspection Frame Work as set by the Office;

- (b) supervise curriculum implementation and its delivery in schools;
- (c) write and provide feedback of inspection to the school and individual teacher and submit a copy of the inspection report to the Head Regional Inspector;
- (d) perform any other function that may be assigned to him from time to time by the Head of Regional Inspection; and
- (e) conduct inspection at any educational institution for the purpose of vetting or approving the registration.

23. The Education Inspector shall have the following power:

Powers of
Education
Inspector.

- (a) enter any school premises in the course of discharging of his duties;
- (b) require any head teacher, manager, or teacher, to produce any document, to furnish any information in the form of hard or soft copies related to administration, management, teaching or learning; and
- (c) take a copy of a document or order it to be delivered to the Regional Inspection Office for inspection;

24.-(1) An Inspector shall not publish or disclose to any person the details of any teacher or school, or any information concerning inspection, which may come to his knowledge except in the course of discharging of his duties to the relevant authority.

Non
disclosure
of informa-
tion.

(2) An inspector who contravenes the provisions of sub section (1) of this section commit an offence and upon conviction shall be liable to a fine of not less than five hundred thousand Tanzania Shillings but not more than five million Tanzania Shillings or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

Obligation of Head Teacher or Manager and Teacher.

25.-(1) Head teacher or manager shall have the obligation to conduct internal inspection, teaching and perform all administrative responsibilities as prescribed in the Ministry guidelines.

(2) Head teacher or manager and teacher shall have the obligation to be ready to be inspected at any time.

(3) Head teacher or manager and teacher shall act on the advice and directives of the inspection reports.

(4) A teacher shall have the obligation to make teaching preparations by having scheme of work, lesson plan, student's progress report, daily records and other teaching materials.

PART THREE FINANCIAL PROVISIONS

Fund and resources.

26. Funds and resources of the Office shall include:

- (a) such sums as may be appropriated by the House of Representatives of Zanzibar; and
- (b) any other monies that may be vested or legally acquired by the Office.

Application of Public Finance Management Act.

27. The Public Finance Management Act and other laws relating to public funds, shall apply in all financial transactions and affairs of the Office.

Account and Audit.

28.-(1) The account of the Chief Inspector's Office shall be audited by the Controller and Auditor General or by any other Auditor approved by the Controller and Auditor General.

(2) The Chief Inspector shall submit the audited financial accounts including the financial statements of his office to the Advisory Board within two months after the closure of every financial year.

29. The Office of Chief Inspector shall prepare an annual budget before the beginning of each financial year. Budget.

PART FOUR OFFENCES AND PENALTIES.

30. A person who provides false or misleading information commit an offence and upon conviction shall be liable to a fine of not less than five hundred thousand Tanzania Shillings but not more than five million Tanzania Shillings or to imprisonment for a term not exceeding one year, or to both fine and imprisonment. Provision of false or misleading information.

31. A person who deliberately reject or delays or obstructs or prevent any education inspector in carrying out his discharging his duties, commit an offence and upon conviction shall be liable to a fine of not less than five hundred thousand Tanzania Shillings but not more than five million Tanzania Shillings or to imprisonment for a term not exceeding one year, or to both fine and imprisonment. Obstruction of Education Inspector.

32.-(1) Where, in respect of inspection, a teacher is found failed to fulfill his obligation as prescribed under section (25) of this Act the manager of the school upon the receipt of the inspection report shall, within three months, take disciplinary action, in accordance with Public Service Act and other relevant labor laws. Failure to discharge the duties.

(2) the manager who contravenes the provisions of sub section (1) of this section commit an offence and upon conviction shall be liable to fine of not less than Two Hundred Thousand and not more than Five Hundred Thousand Tanzania Shillings.

(3) Where, in respect of inspection, a manager is found failed to comply with professional standards, code of ethics, inspection regulations and working guide lines and other relevant guide lines, in

carrying out his or her duties, the respective authority of the school upon the receipt of the report shall, within three months, take action, in accordance with Public Service Act and other relevant Labor Laws.

(4) the respective authority of the school who contravenes the provision of sub section (3) of this section commit an offence and upon conviction shall be liable to fine of not less than Two Hundred Thousand and not more than Five Hundred Thousand Tanzania Shillings.

PART FIVE MISCELLANEOUS PROVISIONS.

Closure of
School
for Public
Interest

33. Where the Minister, upon receipt of Inspection Report, is satisfied that it is not in the public interest he may, by notice published in the Gazette, order the school or part of the school, as the case may be, be closed either temporarily, or permanently and revoke its registration and may order the re-opening of such school

Power to
make
regulations.

34.-(1) The Minister may, make regulations for the better carrying out of provisions of this Act.

(2) Subject to subsection (1) of this section and without prejudice to the generality of the provisions of that section, the Minister may, in particular make regulations on:

- (a) duties and responsibilities of employers, managers and teachers in relation to education inspection; and
- (b) measures or actions to be taken by responsible authorities upon receipt of inspection report;

(3) Without prejudice the provisions of sub section (1) of this section, the Board may set guidelines on matters including:

- (a) working guidelines on the conduct of education inspection; and

(b) implementation of education inspection framework;

35.-(1) Part VI of the Education Act, No. 6 of 1982 is hereby repealed. Repeal and saving.

(2) Anything done under the repealed part VI shall be deemed to have been done in accordance with the provisions of this Act.

SCHEDULE
Procedures of the Board
[Made under section 10 (4)]

Tenure of
the Board.

1.-(1) The Chairperson of the Board shall hold office for the term of four years from the date of appointment and may be eligible for re-appointment.

(2) Other members of the Board save for ex-officio members, shall, unless his appointment is terminated or ceases in any other way to be a member, shall hold office for a period of three years and shall be eligible for reappointment.

Vice Chair-
person.

2. The Board shall elect one of its members to be the Vice Chair Person.

Meetings of
the Board.

3.-(1) The Board shall meet ordinarily once in every three months and may meet at any time when the need arises for the discharge of business.

(2) A notice attached to the documents of the meetings of the Board shall be issued to the members not less than seven days before the meeting.

(3) The Chairperson shall preside over meetings of the Board, in the absence of the Chairperson, the Vice Chairperson shall preside over the meeting and in the absence of both the Chair Person and Vice Chairperson, the members present shall elect one amongst them to preside over the meeting.

Cessation
of member-
ship.

4.-(1) A member of the Board shall cease to hold office if he:-

- (a) dies;
- (b) is unable to perform the function of his office;
- (c) commits misbehavior or misconduct;

- (d) is convicted of a criminal offence involving fraud, dishonesty or moral turpitude;
- (e) fails to disclose his interest in an issue discussed in the meeting;
- (f) absents himself from three consecutive meetings without the leave of the Chairperson; or
- (g) resigns by giving written notice to the appointing authority and by giving the reasons for such resignation.

(2) If a member of the Board, save for ex-officio members, ceases to be a member for any reason provided under sub section (1) of this section, before the expiration of his term of office, the appointing authority shall appoint another person in his place, and the person so appointed shall hold office for the remaining term of office of his predecessor.

5. More than half of the total number of members shall constitute a quorum at any meeting of the Board. Quorum of meeting.

6.-(1) The decisions of the Board shall be determined by consensus, and in the event of disagreement, the decision shall be reached by majority of members present and voting and in case of equality of votes, the Chairperson or the person presiding over the meeting, shall have a casting vote. Decisions of the Board.

(2) Notwithstanding sub paragraph (1) of this paragraph, decisions may be made by the Board by circulation of papers to the members whereby each member shall express his views in writing, provided that, any member may require that any such decisions be deferred for discussion at a full meeting.

(3) A resolution in writing by circular, signed by all members for the time being in Zanzibar but who shall not be less than five members, shall be as effectual as a decision made at a meeting.

Co-opting
of person.

7. The Board may co-opt any person or persons at any of its meeting but a person so co-opted shall not be entitled to vote at the meeting on any matter for decision by the Board.

Secretary of
the Board.

8.-(1) The Board shall appoint an experience legal officer of the Office to be the Secretary to the Board.

(2) The Secretary shall not be entitled to vote on any resolution.

(3) The Secretary of the Board shall be responsible to take and keep minutes of the proceedings of the Board.

(4) The Minutes of all proceedings of each meeting of the Board shall be read and confirmed by the Board at its next meeting and signed by the Chairperson and the Secretary of the Board.

Procedures
of meetings.

9. Subject to the provision of this Schedule, the Board shall have power to regulate its own procedure s in respect of the meetings.

Disclaimer
of interest
of member.

10. A member who directly or indirectly has interest in an issue to be discussed at the meeting of the Board, shall declare the nature of his interest to the Board and shall refrain from participating in the deliberations of the matter at issue.

Establish-
ment of
committees
and units.

11.-(1) The Board may, for the purpose of implementing its activities, establish such committees or units to perform specific functions as assigned by the Board.

(2) The proceedings, terms and other matters relating to such committee or units established, shall be as prescribed by the Board.

Allowance
for
members.

12. The Chairperson and other members of the Board, Committees and Units shall be entitled to be paid such allowances and fees in such rates as may be determined and approved by Public Service Commission.

OBJECTS AND REASONS

The main object of this Bill is to establish the Agency of the Government which shall be known as the Office of the Chief Inspector of Education for the supervision of the provision of quality education in Zanzibar in all schools offering Pre- Primary, Primary and Secondary Education, any Institution offering Teacher Training, Alternative Learning and Adult education centers and registered education institutions besides the formal education system.

The proposed Bill is intended to ensure that the education which is provided in Zanzibar is in accordance with the policy, laws and various government guidelines, and ensure education standards and quality assurance are observed at all school levels and compliance with the Ministry's guidelines.

The Bill is divided into Five Parts:

Part One provide for the preliminary provisions including short title and commencement, application and interpretation of words used in the Bill.

Part two deals with the provisions relating to establishment of the Office, seal and logo of the Office, objectives of the Office, education inspection framework, submission of the inspection report, functions of the Office, establishment of an Advisory Board, qualifications of Chairperson, functions of the Advisory Board, appointment of the chief inspector of education, functions of the chief inspector of education, powers of the chief inspector of education, appointment of deputy chief inspector, functions of the deputy chief inspector, establishment of the regional inspection offices, appointment of a head regional inspector, functions of the head regional inspector, appointment of education inspector, functions of education inspector, powers of education inspector, Non-disclosure of information and obligation of head teacher or manager and teacher.

Part three elaborates the matters pertaining to financial provisions that includes Fund and resources, application of public finance management Act, account and audit, and budget.

Part four is about offences and penalties, this part setup offences for the Provision of false or misleading information, obstruction of education inspector and failure to discharge the duties.

Part five deals with miscellaneous provisions contain the provisions of the Closure of School for Public Interest, Power to make regulations and Repeal and saving.

The Bill also contains the schedule which elaborates the procedures of the Advisory Board.

ZANZIBAR

10th April, 2018

(RIZIKI PEMBE JUMA)
**MINISTER OF EDUCATION AND
VOCATIONAL TRAINING
ZANZIBAR.**