

AN ACT TO ESTABLISH SPECIAL DEPARTMENTS
SERVICE COMMISSION AND TO PROVIDE FOR
ITS FUNCTIONS, POWERS AND FOR OTHER MATTERS
CONNECTED THEREWITH AND INCIDENTAL THERETO.

ARRANGEMENT OF SECTIONS

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ACT NO.7 OF 1986

I ASSENT

Idris Abdul Wakil

IDRIS ABDUL WAKIL
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

30th MAY1986.

AN ACT TO ESTABLISH SPECIAL DEPARTMENTS
SERVICE COMMISSION AND TO PROVIDE FOR
ITS FUNCTIONS, POWERS AND FOR OTHER MATTERS
CONNECTED THEREWITH AND INCIDENTAL THERETO.

ENACTED by the House of Representatives
of Zanzibar.

Short title
and
commencement.

1. This Act may be cited as Special Departments
Service Commission Act, 1986, and shall come into
operation on such date as the Minister may, by notice
in the Gazette, appoint.

Interpretation.

2. In this Act, unless the context otherwise
requires -

"Commission" means the service commission for
Special Departments established by section
121(1) of the Zanzibar Constitution;

"Commander" means Commander or any person of a
rank equivalent to that of a Commander
appointed by the President to head any
department of a Special Department;

"Chairman" means the Chairman of the Commission;

"Minister" means the Minister for the time being
responsible for matters relating to the
Special Departments and includes any
Minister delegated with such functions by
the Minister;

"President" means the President of Zanzibar;

"Special Departments" means the Special Departments established under section 120 of the Zanzibar Constitution;

"Subordinate officer" means any officer below the rank of Assistant Superintendent or of equivalent rank in any department of the Special Departments;

"Superior Officer" means any officer of or above the rank of Assistant Superintendent or of equivalent rank in any department of the Special Departments.

Establishment of the Commission. 3. There is hereby established a Commission to be known as Special Departments Service Commission.

Composition of the Commission. 4. The Commission established under section 3 of this Act shall consist of

- (a) the Minister who shall be the Chairman of the Commission;
- (b) Principal Secretary who shall be the Secretary of the Commission;
- (c) the Commander of each Special Department;
- (d) State Attorney from Attorney-General's Chambers appointed by the Attorney-General.

Functions of the Commission. 5.(1) The functions of the Commission shall be -

- (a) to scrutinize and analyse recommendations made by the Commander of any Special Department for promoting subordinate officers to higher ranks for and on behalf of the President;
- (b) to scrutinize and analyse recommendations made by the Commander of any Special Department for promoting superior officers in the Special Departments, the promotion of which is to be done by the President;

- (c) to recruit a members from the public who are Zanzibaris to join the Special Departments;
- (d) to appoint any member from the public who is a Zanzibari and who is eligible and suitable for appointment in the Special Departments;
- (e) to terminate in accordance with the provisions of a contract, the appointment of any person serving under that contract;
- (f) to do any other thing, which may be given to it by the President.

(2) The Commission may determine the salary scale in respect of any person recruited or appointed under paragraphs (d) and (e) of subsection (1).

Some sections in Special Departments Acts not to have effect and legality of former appointments.

6.(1) After coming into force of this Act, all sections dealing with appointments, recruitments, promotions, demotions, disciplinary measures and other related matters in the relevant laws establishing Jeshi la Kujenga Uchumi, Decree No.5 of 1979; Kikose Maalum cha Kuzuia Magendo, Decree No.13 of 1979 and the Offenders Education Centre Act, No.1 of 1980 and any other laws and or regulations dealing with the same shall cease to have effect and such appointments, recruitments, promotions, demotions, disciplinary measures and other related matters shall be dealt with in accordance with the provisions of this Act.

(2) Notwithstanding the provisions of subsection (1) of this section, all appointments, recruitments, promotions, demotions, disciplinary measures and other related matters taken by or given to any person in accordance with the provisions of any laws mentioned in subsection (1) shall have effect as if such appointments, recruitments, promotions, demotions, disciplinary measures and other related matters taken by or given to any person have been done under the provisions of this Act.

Commission
may require
attendance.

7. The Commission may require any civil servant or any member of the Special Departments to attend and give information before the Commission concerning any matter which is required to be considered in the carrying out of its functions and may require the production of any official documents relating to such matter by any person attending before the Commission.

Right of
certain
persons to
personal
hearing.

8. The Commission shall, from time to time and as it may deem fit have right to hear any complaints from any person.

Establishment
of a
Committee.

9.(1) The Commission shall have power to establish a Special Committee to assist the Commission in carrying out its functions and may appoint to such Committee members of the Commission or other persons or both members and other persons not exceeding five to constitute such a Committee.

(2) The Commission shall determine the procedure to be followed by the Committee established under this Act and shall be subject to such instructions as the President may from time to time direct.

Conduct of
examination.

10. The Commission may, conduct written and or oral examinations and decisions as to appointments promotions and granting of increment may wholly or in part depend upon the result of such examinations.

Meeting and
procedure.

11(1) The Commission shall meet at least four times a year but may at any time if need be, call and convene a meeting.

(2) All meetings shall be chaired by the chairman, and in his absence any person who may be appointed to act as chairman.

(3) The quorum at any meeting of the Commission shall be three-quarters of the members of the Commission.

(4) The Commission shall cause to be recorded and kept details of all business conducted or transacted at its meeting and the minutes of the meeting, shall be read and confirmed or amended and confirmed at next meeting of the Commission and shall be signed by the Chairman.

Correspondence. 12. All correspondence to the Commission shall be made and addressed to the Chairman.

Appeal to
the Chief
Minister.

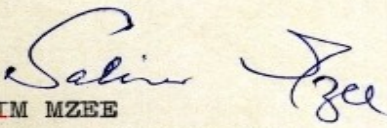
13.(1) An appeal shall lie to the Chief Minister from any decision of the Commission to exercise disciplinary control or to remove from office any such person who is aggrieved of the Commission's decision.

(2) Anything done under the provisions of this Act shall not be subject to any court of law.

Minister
to make
regulations.

14. Subject to approval of the President, the Minister may make regulations for the better carrying out of the provisions of this Act and general guidance of the Special Department and in particular as to any matter which the Commander is authorized to regulate by standing orders and when any such regulations are made they shall prevail over any standing orders made or to be made by the Commander.

Passed in the House of Representatives
on the 2nd day of April, 1986.


SALIM MZEE
ACTING CLERK TO THE HOUSE
OF REPRESENTATIVES.

SHERIA YA KUENZISHA TUME YA UAJIRI
YA IDARA MAALUM PAMOJA NA KUWEKA
KAZI ZAKE NA UWEZO WA MAMBO MENGINE
YANAYOHUSTIANA NA HAYO

KIFUNGU

1. Jina na tarehe ya kuanza kutumika.
2. Ufafamuzi.
3. Kuanzishwa kwa Tume.
4. Muundo wa Tume.
5. Kazi za Tume.
6. Baadhi ya vijifungu vya sheria za zamani kutokutumika na uhalali wa uajiri uliopita.
7. Tume kumtaka mtu ye yote kuhudhuria mbele ya Tume.
8. Haki ya baadhi ya watu kusikilizwa.
9. Kuanzishwa kwa Kamati.
10. Utungaji wa mtihani.
11. Mikutano na utaratibu wa mikutano.
12. Mawasiliano.
13. Rufaa kwa Waziri Kiongozi.
14. Kamuni.

Idris Abdul Sahil

IDRIS ABDUL WAKIL
RAIS WA ZANZIBAR
NA MWENYEKITI WA
BARAZA LA MAPINDUZI

21st May....., 1986

SHERIA YA KUANTISHA TUME YA UAJIRI
YA IDARA MAALUM PAMOJA NA KUWEKA
KAZI ZAKE NA UWEZO WA MAMBO MENGINE
YANAYOHUSIANA NA HAYO

IMETUNGWA na Baraza la Wawakilishi la Zanzibar.

Jina na tarehe
ya kuanza
kutumika.

1. Sheria hii itajulikana kama Sheria ya Tume
ya Uajiri wa Idara Maalum ya mwaka 1986, na itanza
kutumika tarehe ambayo Waziri ataitangaza katika Gazeti
Rasmi la Serikali.

Ufafanuzi.

2. Katika Sheria hii, ila maelezo yatahitaji
vyenginevyo -

"Tume" maana yake Tume ya Uajiri ya Idara
Maalum kama ilivyoanzishwa katika kifungu
cha 121(1) cha Katiba ya Zanzibar;

"Kamanda wa Idara" maana yake Kamanda wa Idara
au mtu ye yote mwenye cheo kinacholingana
na cha Kamanda, katika Idara Maalum
aliachaguliwa na Rais kuongoza Idara yo
yote ya Idara Maalum;

"Mwenyekiti" maana yake Mwenyekiti wa Tume;

"Katibu Mkuu" maana yake Katibu Mkuu wa Wizara
kwa wakati huo ndio inayoshughulikia mambo
yanayohusu Idara Maalum;

"Waziri" maana yake Waziri kwa wakati huu anashughulikia mambo yanayohusu Idara Maalum na inajumuisha Waziri aliekabidhiwa shughuli hizo na Waziri;

"Rais" maana yake Rais wa Zanzibar;

"Idara Maalum" maana yake Idara Maalum kama ilivyo katika kifungu cha 120 cha Katiba ya Zanzibar;

"Ofisa mdogo" maana yake Ofisa wa chini ya cheo cha Msaidizi Superintendent au cheo cho chote kinacholingana na Msaidizi Superintendent;

"Ofisa wa juu" maana yake Ofisa wa cheo cha juu ya cheo cha Assistant Superintendent au cheo kinacholingana na cheo hicho katika Idara yo yote ya Idara Maalum.

Kuanzishwa
kwa Tume.

3. Kutakuwa na Tume ambayo itajulikana kama Tume ya Uajiri ya Idara Maalum.

Muundo wa Tume.

4. Tume iliyoanzishwa chini ya kifungu cha 3 cha Sheria hii itakuwa na -

- (a) Waziri ambae atakuwa ni Mwenyekiti wa Tume;
- (b) Katibu Mkuu ambae atakuwa Katibu wa Tume;
- (c) Kamanda wa Idara kutoka katika kila Idara Maalum;
- (d) Mwanasheria wa Serikali kutoka katika Ofisi ya Mwanasheria Mkuu wa Zanzibar, atakae chaguliwa na Mwanasheria Mkuu.

Kazi za Tume.

5. (1) Kazi za Tume zitakuwa -

- (a) kuangalia kwa undani na kuchambua mapendekezo yaliyofanywa na Kamanda ya kuwapandisha vyeo maofisa wadogo "Subordinate or Junior Officers" kwa maofisa wa juu na kupeleka mapendekezo hayo kwa niaba ya Rais;

(3)

- (b) kuangalia kwa undani na kuchambua mapendekezo yaliyofanywa na Kamanda ya kuwapandisha vyeo maofisa wa juu katika Idara Maalum, upandishwaji vyeo ambao utafanywa na Rais;
- (c) kuandikisha askari wapya kutokana na Wazanzibari kujiunga na Idara Maalum;
- (d) kumteua Mzanzibari ye yote mwenye kufaa kwa uteuzi wa nafasi katika Idara Maalum;
- (e) kuvunja mkataba (terminate) na kuajiriwa kufuatana na masharti ya mkataba huo.

(2) Tume itaweka viwango vya mshahara kwa mtu ye yote alieajiriwa chini ya aya (d) na (e) ya kijifungu cha (1) cha kifungu hiki.

(3) Tume inaweza kumfuta kazi mtu ye yote aliyeajiriwa au aliyeteuliwa kujiunga na Idara Maalum chini ya Sheria hii ikiwa -

- (a) Tume itaona kwamba mtu huyo ameshafikia umri wa miaka hamsini na tano; au
- (b) Tume itaona kwamba mtu huyo au Afisa huyo kwa sababu ya ugonjwa wa akili au ugonjwa mwengine hawezi kufanya kazi zake.

Ila ijulikane tu kwa ngazi ya Ofisa wa juu kibali cha Rais ni lazima kipatikane.

(4) Uwezo wa kuteuwa Afisa mdogo kushika au kukaimu afisi ye yote katika Idara Maalum pamoja na uwezo wa kuwahakikisha watu hao utakuwa mikononi mwa Tume.

(5) Uwezo wa kuchukua hatua za kinidhamu kwa Afisa mdogo, au anaekaimu katika Idara Maalum ye yote na kumuondoa Afisa huyo uko mikononi mwa Tume.

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Baadhi ya vijifungu vya sheria za zamani kutokutumika na uhalali wa uajiri uliopita.

6. (1) Baada ya kuanza kutumika kwa Sheria hii, vifungu vyote vinavyohusiana na uteuzi, uajiri, upandishwaji vyeo, utowaji wa adhabu, uchukuwaji wa hatua za kinidhamu na mambo kama hayo katika sheria zinazohusika au kamuni zinazo anzisha Jeshi la Kujenga Uchimwi, Sheria Nam. 5 ya 1979; Kikosi Maalum cha Kuzuia Magendo, Sheria Nam. 13 ya 1979 na Sheria ya Chuo cha Mafunzo, Nam. 1 ya 1980 au sheria nyengine zo zote au kamuni zinazohusiana na mambo hayo, basi vifungu hivyo au sheria hizo au kamuni hizo hazitofanya kazi tena na uteuzi, uajiri, upandishwaji wa vyeo, utowaji wa adhabu au uchukuwaji wa hatua za kinidhamu na mambo kama hayo yote yatafanywa chini ya vifungu vya Sheria hii.

(2) Bila ya kuathiri kijifungu cha 1 cha kifungu hichi, uteuzi wa wote, uajiri, upandishwaji vyeo, utowaji wa adhabu, uchukuwaji wa hatua za kinidhamu na mambo kama hayo ambayo yamefanywa na au kwa mtu kwa mujibu wa sheria zilizotajwa katika kijifungu cha (1) cha hapo juu utakuwa ni wa halali kama kwamba uteuzi huo, uajiri, upandishwaji vyeo, utowaji wa adhabu, uchukuwaji wa hatua za kinidhamu na mambo kama hayo yamechukuliwa kwa mujibu wa vifungu vya Sheria hii.

Tume kumtaka mtu ye yote kuhudhuria mbele ya Tume.

7. Tume katika kutekeleza kazi zake inaweza kumtaka mtu ye yote kuhudhuria mbele ya Tume hiyo na kutoa maelezo kuhusiana na jambo lo lote ambalo limefikishwa mbele ya Tume hiyo katika utekelezaji wa kazi zake na inaweza kumtaka kutoa hati rasmi zinazohusiana na jambo hilo kutoka kwa mtu ye yote aliyeitwa mbele ya Tume.

Haki za baadhi ya watu kusikilizwa.

8. Tume inaweza kumsikiliza mtu ye yote ambae amehusika na jambo ambalo linachunguzwa na Kamati ya muda.

Kuanzishwa kwa kamati.

9. (1) Tume itakuwa na uwezo wa kuanzisha Kamati ya muda ili kuisaidia Tume katika kutekeleza kazi zake na inaweza kuchagua wajumbe wa Kamati hio miongoni mwa wajumbe wa Tume au watu ambao si wajumbe wa Tume au watu ambao ni wajumbe wa Tume na wale ambao si wajumbe wa Tume kwa pamoja ambao hawatozidi watano.

(2) Bila kuathiri maelezo ambayo Tume itakuwa inapata mara kwa mara kutoka kwa Rais, Mwenyekiti atakuwa na uwezo wa kuamua utaratibu wa kufuatwa na Kamati iliyoundwa chini ya Sheria hii.

Utungaji wa mtihani.

10. (1) Tume, inaweza, pale ambapo itaona ni vyema kufanya hivyo, kutunga mtihani wa maandishi au wa shafawiya (oral) na uamuzi kuhusiana na uteuzi, kupandishwa cheo na kupata nyongeza ya mshahara inaweza kwa jumla au kwa kiwango fulani kutegemea matokeo ya mtihani huo.

Mikutano na utaratibu wa mikutano.

11. (1) Tume katika kutekeleza shughuli zake itakutana katika vikao vyake vya kawaida si chini ya mara nne kwa mwaka katika nyakati na mwahala ambamo Mwenyekiti atapendekeza, lakini ikihitajika Mwenyekiti anaweza akaita mkutano wakati wo wote.

(2) Mkutano wo wote utaongozwa na mwenyekiti au ikiwa hayupo utaongozwa na mtu atachaguliwa kuwa kaimu mwenyekiti.

(3) Mkutano wo wote ule wa Tume itakuwa kiwango cha robo-tatu ya wajumbe wote.

(4) Tume itaweka kumbukumbu na maelezo kamili ya shughuli zake za kazi, mikutano agenda za mikutano na zitasomwa na kuidhinishwa na kufanyiwa marekebisho, katika kikao chengine kitachofuata cha Tume na kutiwa sahihi na Mwenyekiti.

Mawasiliano.

12. Mawasiliano yote ya Tume yatatumwa kwa Mwenyekiti.

Rufaa kwa Waziri Kiongozi.

13. (1) Iwapo mtu ye yote hakuridhika na maamuzi ya Tume, rufaa inaweza kuchukuliwa na mtu huyo kwenda kwa Waziri Kiongozi.

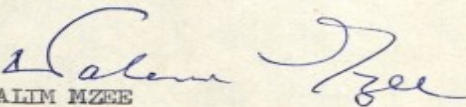
(6)

(2) Kitu cho chote kinachofanywa chini ya Sheria hii basi hakitopelekwa Mahkamani kwa kupata uamuzi wa Mahkama.

Kamuni.

14. Kwa idhini ya Rais, Waziri anaweza kufanya kanuni kwa ajili ya utekelezaji bora wa masharti ya Sheria hii kwa maelekezo ya Idara Maalum na kwa yale ambayo Kamanda ameruhusiwa kutekeleza kwa kuweka kamuni, kamuni zo zote zile ambazo zitafanywa na Waziri zitakua na nguvu zaidi "prevail over" juu ya kamuni zilizotungwa na Kamanda.

Imeptishwa na Baraza la Wawakilishi tarehe
2 Aprili, 1986.


SALIM MZEE
KAIMU KATIBU, BARAZA LA
WAWAKILISHI