

ACT NO.1 OF 1988

I ASSENT

*Idris Abdul Wakil*

IDRIS ABDUL WAKIL  
PRESIDENT OF ZANZIBAR  
AND  
CHAIRMAN OF THE REVOLUTIONARY  
COUNCIL.

.....21<sup>st</sup> APRIL.....1988.

AN ACT TO REPEAL THE DEPARTMENTAL OFFENCES  
DECREE AND TO ENACT BETTER PROVISIONS FOR  
THE SECURITY OF EMPLOYMENT, MAINTENANCE OF  
DISCIPLINE, APPLICATION OF THE DISCIPLINARY  
CODE AND 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 the Security  
of Employment (Civil Servants) Act, 1988 and  
shall come into operation on such date as the  
Minister may by notice published in the Gazette  
appoint.

Application.

2.(1) The provisions of this Act shall  
apply to all persons in the service of the  
Revolutionary Government of Zanzibar and shall  
not apply to:

- (a) Members of the Special Departments of  
Revolutionary Government of Zanzibar;
- (b) Judicial Officers appointed by Judicial  
Service Commission;
- (c) a person in the service of the  
Government other than a member of one  
of the auxiliary grades;
- (d) A casual employee;

- (e) an apprentice or indentured learner under contract entered into in accordance with the provisions of the Vocational Training Act;
- (f) Presidential appointees;
- (g) any person exempted by the Minister in consultation with the President from the operation of this Act.

(2) Nothing in this Act shall be construed as prohibiting, restricting or otherwise affecting the exercise by the President of his powers to dismiss, remove from office or terminate the appointment of any person holding office in the Revolutionary Government Service or any Local Government but save as aforesaid, this Act binds the Government and every authority other than the President having powers of dismissal, removal, termination of appointment or discipline in respect of the Civil Service of the Government or Local Government Service in relation to employees in such services.

Interpretation.

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

"auxiliary grades" in relation to the Service of the Revolutionary Government means the Subordinate Service, working staff and persons appointed on temporary or daily terms (as such service, staff and terms are from time to time defined in the laws regulations, orders and instructions regulating the Civil Service of the Revolutionary Government) but does not include judicial officers appointed by the Judicial Service Commission established under the Zanzibar Constitution;

Act No.14/86.

"Civil Service Commission" means Civil Service Commission established under the Civil Service Commission Act;

"Civil Servant" means a person holding any position in the service of the Revolutionary Government of Zanzibar or its Public Enterprises and shall include members of the Local Government appointed under the Local Government Act;

"Disciplinary code" means the code of disciplinary offences set out in the first column of the schedule to this Act as varies from time to time in accordance with any order under section 11 of this Act;

"disciplinary penalty" means summary dismissal deduction of wages by way of punishment, and a formal severe reprimand, reprimand or written warning, but does not include any such withholding of increase in or increment of salary or any such informal reprimand or warning;

Act. No.  
3/86.

"Local Government" means Local Governments established under the Local Government Act;

Act No.  
10/86.

"Management Council" means the Management Council established under the Management Council Act;

"The Minister" means the Minister for the time being responsible for Civil Servants;

"President" means the President of Zanzibar;

"Revolutionary Government" means the Revolutionary Government of Zanzibar and includes institutions established by the Revolutionary Government of Zanzibar;

"reinstate" means to reinstate civil servant who has been dismissed;

"Superior Officers" means Board of Directors and includes General Managers and Managers.

PART II

POWER TO IMPOSE DISCIPLINARY PENALTIES  
RESTRICTION THEREOF AND THE ADMINISTRATION  
OF THE DISCIPLINARY CODE

Power to  
impose  
disciplinary  
penalties.

4.(1) In every Ministry the power to maintain discipline and take disciplinary action against a civil servant for breach of the Disciplinary Code shall be vested in the following :-

- (a) minister or deputy minister; or
- (b) Principal Secretary or Deputy Principal Secretary; or
- (c) Officer in Charge of a Ministry in Pemba; or
- (d) Head of Department; or
- (e) Head of Section.

(2) Subject to the provisions of this Act the minister shall empower Superior Officers in the Public Enterprises and institutions established by the Revolutionary Government to take disciplinary action against any civil servant in their management for breach of the Disciplinary Code.

(3) Subject to the provisions of this Act every Head of Section shall exercise the powers given to him under subsection (1) of this section within the limits of the section which he heads.

(4) Every Head of Section shall be competent to exercise the following penalties permissible to him for breach of the Disciplinary Code :-

- (i) warning;
- (ii) written warning;
- (iii) reprimand;
- (iv) severe reprimand;
- (v) suspension pending decision of the Head of the Department to be given not later than seven working days; or

(vi) suggest to the Head of the department permissable penalty to be given to a civil servant for breach of this Disciplinary Code.

(5) Subject to the provisions of this Act every Head of the Department shall exercise the powers given to him under subsection (1) of this section within the limits of his department.

(6) Every head of the department shall be competent to impose :-

- (i) all penalties permissable to head of section;
- (ii) deduction of salary or wages not more than  $\frac{1}{3}$  one third of monthly salary.

(7) Subject to the provisions of this Act every Principal Secretary or Deputy Principal Secretary shall in exercise of the powers conferred upon him under subsection (1) of this section not be limited to his Ministry:

Provided that where a civil servant is in breach of the Disciplinary Code is from ministry other than the one which that Principal Secretary or Deputy Principal Secretary heads, shall report the said civil servant to ministry responsible for that civil servant and his case shall be heard in that ministry.

(8) Every Principal Secretary or Deputy Principal Secretary of the Ministry shall be competent by way of penalty to impose the following penalties permissable to him against civil servant for breach of disciplinary code subject to the conditions, prescribed in this part and schedule to this Act:-

- (i) all penalties permissable to a head of department;
- (ii) suspension of the civil servant and order deduction of ( $\frac{1}{2}$ ) one half of his monthly salary.

(9) Every Principal Secretary or Deputy Principal Secretary may suggest to the minister dismissal of the civil servant who is in breach of the Disciplinary Code.

(10) Officers in Charge of the ministry in Pemba shall have the same powers as conferred and exercisable by the Principal Secretary and Deputy Principal Secretary in this Act.

Power of Minister and Deputy Minister to impose penalty.

5.(1) Every minister or deputy minister shall be competent by way of penalty to impose all or any penalty vested in the Principal Secretary and in addition the minister or deputy minister shall have power to dismiss any civil servant in breach of the Disciplinary code in cases and subject to the disciplinary code and subject to the conditions in this part and the schedule to this Act.

(2) Subject to the provisions of this Act, the minister may reduce the rank of any civil servant for breach of the Disciplinary Code.

(3) Every minister or deputy minister shall in exercise of the powers vested in him under subsection (1) of this section not be limited to the ministry which he heads:

Provided that where the Minister takes disciplinary action against any civil servant who is in breach of the Disciplinary Code in the Ministry other than his, the minister shall report to the minister responsible for that civil servant. The case of the said civil servant shall be heard in the ministry which he serves.

(4) Ministers without portfolios shall have the same powers as conferred and exercisable by ministers and deputy ministers.

(5) For the purpose of this Act minister without portfolios means members of the Revolutionary Council who do not hold ministerial portfolios.

(6) Nothing in this Act shall be construed as prohibiting or restricting withholding any increase in or increment to wages where such increase or increment is granted for efficiency, ability or on account of the satisfactory performance of work.

Dismissal.

6.(1) Subject to the provisions of this Act the power to dismiss and to terminate the appointment of civil servants shall be exercised by the Minister in consultation with the Management Council of the Ministry and in accordance with the provisions of this section.

(2) The power to dismiss from service or to terminate the appointment of a civil servant shall not be exercised unless :-

- (i) a disciplinary charge has been made against such civil servant;
- (ii) the civil servant has had an opportunity to answer such charges and defend himself; and
- (iii) an inquiry has been held into the charge in accordance with the regulation made under section 12 of this Act.

(3) Nothing in this Act shall be construed as prohibiting, restricting or otherwise effecting the exercise by the President of his powers to dismiss, remove from office or terminate the appointment of any person holding office in the service of the Revolutionary Government of Zanzibar or Local Government if he considers it in the public interest.

Right to be heard and defend.

7. The power to penalise civil servant for breach of the disciplinary code shall not be exercised unless opportunity has been given to a civil servant to hear the case against him and to be heard and to call evidence in his defence.

Criminal proceedings.

8.(1) Where a civil servant is charged in criminal proceedings with a criminal offence which is also a breach of the Disciplinary Code, no proceedings for the imposition of disciplinary penalty under this Act shall be instituted and any such proceeding instituted, shall be suspended, pending the conclusion of the criminal proceedings and of any appeal therefrom.

(2) Where a civil servant has been acquitted of a criminal charge no proceedings for the imposition of the disciplinary penalties of summary dismissal or deduction of wages under this Act shall be instituted against him for a breach of the disciplinary code which is substantially the same as the criminal charge on which he was acquitted, but nothing in this subsection shall preclude the institution of disciplinary proceedings or imposition of disciplinary penalty for any other breach of the disciplinary code arising out of his conduct in the same matter.

(3) Notwithstanding the provisions of this section a civil servant charged with any criminal offence which is also a breach of the Disciplinary Code or conviction of which is a breach of the Disciplinary Code may be suspended on half pay:

Provided that the suspension of a civil servant without pay in pursuance of the provision of this section shall not extend later than acquittal of the civil servant on such charge unless another charge is pending.

Disciplinary  
penalty.

9.(1) Nothing in this Act and no imposition of disciplinary penalty for a breach of the Disciplinary Code shall exempt any person from being proceeded against, convicted or punished for a criminal offence.

(2) The provisions of any other law prohibiting or restricting the punishment of a person twice for the same offence shall not apply to this section in relation to the imposition of a disciplinary penalty to a civil servant in breach of the Disciplinary Code after being convicted and penalised of criminal offence.

### PART III

#### MISCELLANEOUS

Appeals.

10.(1) Any person aggrieved by a decision of the head of section may appeal to the head of department, and appeals from the head of department shall lie to the Principal Secretary or Deputy Principal Secretary.



(2) Appeal shall lie to minister or deputy minister from a decision of Principal Secretary or Deputy Principal Secretary.

(3) Subject to the provisions of this Act every decision of Minister on appeal in relation to a breach of Disciplinary Code shall not be questioned in any court of law.

(4) Any civil servant dismissed or reduced in rank by minister for a breach of Disciplinary Code may appeal against such dismissal or reduction in rank to the Civil Service Commission whose decision shall be final and conclusive and no such decision shall be questioned in any court of law.

(5) No appeal shall be entertained where the penalties imposed for the breach of the Disciplinary Code is a written warning, reprimand or severe reprimand.

(6) Where it appears to the Civil Service Commission that a civil servant has been wrongfully dismissed, the Commission shall order that civil servant to be reinstated and may be transferred to other ministry.

Amendment of  
Disciplinary  
Code.

11.(1) The minister may, by order published in the Gazette add to, amend, delete or replace any provision of the Disciplinary Code or any other provision of the Schedule.

(2) An order under this section shall be laid before the Committee of Social Affairs of the House of Representatives for discussion and approval.

Regulations.

12. The Minister may make regulations and rules not inconsistent with the provisions of this Act for the purpose of giving better effect to the provision thereof, and without prejudice to the generality of the foregoing may :-

- (a) make regulations prescribing procedure for the purpose of appeals, the manner in which appeal shall be made, heard and disposed off and other matters affecting such appeals;

- (b) make regulations prescribing procedure for deduction from salary of the fine imposed on civil servant for breach of the Disciplinary Code;
- (c) make regulations prescribing or empowering superior officers in Public Enterprises and other institutions established by the Revolutionary Government of Zanzibar to take disciplinary action against any civil servant under their management for breach of the disciplinary code;
- (d) make regulations prescribing anything which is to be made or to be prescribed under this Act.

Repeal and savings.

13.(1) The Departmental Offences Decree, Chapter 44 of the Laws of Zanzibar is hereby repealed.

(2) Notwithstanding the repeal of the Departmental Offences, Chapter 44 of the Laws of Zanzibar, anything done under the provisions of the repealed Decree shall be deemed to have been done under the corresponding provision of this Act.

(3) All proceedings pending immediately prior to the commencement of this Act shall be settled in accordance with the provisions of Chapter 44 of the Laws of Zanzibar and shall not in any way be treated under the provisions of this Act.

Passed in the House of Representatives of Zanzibar on the 8 day of March, 1988.

*Abdul Rahman Ali Saleh*  
ABDUL-RAHMAN ALI SALEH  
CLERK TO THE HOUSE OF  
REPRESENTATIVES OF ZANZIBAR.

SCHEDULE

(Under section 4,5,6)

PENISSIBLE PENALTIES.

THE DISCIPLINARY CODE	1st breach	2nd breach	3rd breach	4th breach	5th breach	6th and subsequent breach.
Where the Civil Servant (a) is late for work	Written Warning	Reprimand	Severe reprimand	Fine equivalent to $\frac{1}{2}$ (half) of one day's salary for each day of the four days of the month.	Fine equivalent to his one day's salary for each day from the fifth day of the month.	Summary dismissal where the total fine is equivalent or exceeds $(\frac{1}{3})$ one third of a monthly salary.
(b) is absent from his working place during working hours without his superiors' permission.	Written Warning	Reprimand	severe reprimand	Fine equivalent to $\frac{1}{2}$ (half) of one day's salar for each day of the four days of the month.	Fine equivalent to his one day's salary for each day from the fifth day of the month.	Summary dismissal where the total fine is equivalent or exceeds $(\frac{1}{3})$ one third of a monthly salary.

THE DISCIPLINARY CODE	1st breach	2nd breach	3rd breach	4th breach	5th and subsequent breach.
(c) Is absent from work without reasonable cause for (i) less than 48 hrs. (ii) 48 hours and over.	Reprimand	Severe Reprimand	Fine equivalent to (1/8) one eighth of salary.	Fine equivalent to (1/3) one third of this monthly salary.	Summary dismissal.
(d) fails to complete his work.	Written Warning	Reprimand	Fine equivalent (1/8) one eighth of his salary.	Fine equivalent to (1/3) one third of monthly of a monthly salary	Summary dismissal.
(e) Neglect his duties but not so as to endanger the safety of person or property.	Reprimand	Severed Reprimand.	Fine equivalent to (1/8) one eighth of his monthly salary.	Fine equivalent to (1/3) one third of his monthly salary.	Summary dismissal.
(f) fail to comply with his superiors instructions relating to work.	Reprimand	Severe reprimand	Fine equivalent to (1/8) one eighth of his monthly salary.	Fine equivalent to (1/3) one third of his monthly salary	Summary dismissal
			Any breach.		

THE DISCIPLINARY CODE	ANY BREACH
(g) wilfully damages, misuses or misappropriates buildings, machinery, raw materials, other property or tools or any object used in connection with his work;	Summary dismissal.
(h) neglects or fails to carry out his duties so as to endanger himself or others or property or neglects or fails to comply any instructions relating to safety or welfare;	Summary dismissal.
(i) commits any unjustifiable assault, whether or not at his place of work, on his employer, a member of his employer's immediate family or member of the management staff;	Summary dismissal.
(j) commits any unjustifiable assault or brawls at the place or in the course of work;	Summary dismissal.
(k) commits any serious or repeated act of insubordination at the employer's premises or during working hours against the employer, or members of the management staff;	Summary dismissal.
(l) is unable to perform his work efficiently by reason of the use of alcohol;	Summary dismissal.
(m) is unable to perform his work efficiently by reasons of the improper use of drugs;	Summary dismissal.
(n) is convicted by any court of any Unlawful act at the place of, or in the course of work, unless such employee successfully appeals against such conviction;	Summary dismissal.
(o) is guilty of an immoral act at the place of or in the course of work;	Summary dismissal.
(p) smokes in place which the employer has forbidden for reasons of safety;	Summary dismissal.
(q) is convicted by a court of an offence involving fraud or dishonesty, of for which he was sentenced to imprisonment, unless such employee successfully appeals against; such conviction;	Summary dismissal.
(r) without due authority discloses or conveys and information or any technical, trade or confidential matter to the prejudice of his employer;	Summary dismissal.
(s) being employed in the service of the Revolutionary Government commits any act which is against public interest.	Summary dismissal.

JAJWELI  
(CHINI YA KIFUNGU 4, 5, 6)  
ADHABU ZENYE KUKUBALIKA

TARATIBU WA MEDIUMU.	KOSA LA KWANZA	KOSA LA PILI	KOSA LA TATU	KOSA LA NNE	KOSA LA TANO	KOSA LA SITA NA KUENDELEA
Kiwa mtumishi wa erikali a) anachelewa kazi.	Onyo la maandishi	Karipio	Karipio Kali	Adhabu za kukatwa nusu ya mshahara wa siku kwa kila simu kwa siku nne za mwanzo.	Atapata faini ya kukatwa mshahara wa siku nzima kuanzia siku ya tano ya mwezi.	Utafukuzwa kazi pale idadi ya faini itapokua sawa na au zaidi ya thuluthi moja ya mshahara wa mwezi.
b) Kuondoka sehemu ya kazi.	Onyo la maandishi	Karipio	Karipio Kali	Adhabu ya kukatwa nusu ya mshahara wa siku kwa siku nne za mwanzo.	Atapata faini ya kukatwa mshahara wa siku nzima kuanzia siku ya tano ya mwezi.	Atafukuzwa kazi pale idadi ya faini itapokua sawa na au zaidi ya thuluthi moja ya mshahara wa mwezi.
c) Hakukuhurika kazi bila ya sababu za msingi. i) chini ya saa 48 ii) saa 48 na kuendelea	Karipio	Karipio Kali	faini ya thumuni ya mshahara wa mwezi.	Faini ya thuluthi moja ya mshahara wa mwezi.	Faini ya thuluthi moja ya mshahara wa mwezi.	Kufukuzwa kazi
d) Kiwa atashindwa kukamilisha kazi.	Onyo la maandishi	Karipio	Faini ya thumuni moja 1/8 ya mshahara wa mwezi.	Faini ya thuluthi moja (1/3) ya mshahara wa mwezi.	Kufukuzwa kazi.	Kufukuzwa kazi.

UTARATIBU WA KAZI	KOSA LA KWANZA	KOSA LA PILI	KOSA LA TATU	KOSA LA NNE	KOSA LA TANO
(e) Ikiwa atadharau kazi yake lakini sio kwa kiasi ambacho kitahatarisha usalama wa mtu au mali.	Karipio	Karipio Kali	Faini sawa na thumuni moja ya mshahara wa mwezi.	Faini sawa na thuluthi moja ya mshahara wa mwezi.	Kufukuzwa kazi
(f) Ikiwa atashindwa kutekeleza maagizo ya wakuu wake yanayohusu kazi,	Karipio	Karipio kali	Faini ya thumuni ya mshahara wake.	Adhabu ya faini ya thuluthi ya mshahara wake.	Kufukuzwa kazi.
(g) Kwa makusudi anahasiri, anahujumu vibaya au atvaa bila ya haki majengo, mtambo, vitu vya kufanyia au vyombo au kitu chochote kinachotumiwa katika kazi yake.					Kufukuzwa kazi.
(h) Anapunguza au anakosa kufanya wajibu wake kwa kiasi cha kujihatarisha mwenyewe au mwingine au mali, au anapunguza au anakosa kutif maelezo yoyote yanayohusu usalama au ustawi.					Kufukuzwa kazi.
(i) Anapiga mtu au anagombana mahali pa kazi au wakati wa kazi.					Kufukuzwa kazi.
(j) Anapiga viongozi wake, iwe mahali pa kazi au siwyo au anapiga mmoja wapo wa jamaa wa tajiri wake au mmoja wa anaehusika na usimamizi.					Kufukuzwa kazi
(k) Kufanya kosa kubwa au kurejea kuvunja sheria na nidhamu kwa majiri au viongozi wa kazi na mahala pa kazi wakati wa kazi.					Kufukuzwa kazi.
(l) Hawezi kufanya kazi yake kwa uhodari kwa sababu ya utumiaji usiofaa wa madawa ya kulevya.					Kufukuzwa kazi.

NINAKUBALI

*Idris Abdul Wakil*

IDRIS ABDUL WAKIL

RAIS WA ZANZIBAR

NA MWENYEKITI WA BARAZA LA MAPINDUZI

*21 - Aprili, 1988*

SHERIA YA KUFUTA SHERIA YA MAKOSA YA KIIDARA NA KUANZISHA  
SHERIA YA USALAMA WA KAZI, USIMAMIZI WA NIDHAMU, UCHUKUWAJI  
WA HATUA ZA KINIDHAMU KAZINI PAMOJA NA MAMBO YANAYOHUSIANA  
NA HAYO.

IMETUNGWA na Baraza la Wawakilishi la Zanzibar

SEHEMU YA KWANZA :

Jina fupi na  
tarehe ya kuanza  
kutumika.

1. Sheria hii itajulikana kama Sheria ya Usalama  
wa kazi (Watumishi wa Serikali) ya 1988 na itaanza  
kutumika tarehe ambayo Waziri ataitangaza katika  
Gazeti Rasmi.

Matumizi.

2(1). Sheria hii itatumika kwa wafanyakazi wote  
wa Serikali ya Mapinduzi Zanzibar na haitotumika kwa:

- (a) Memba wa Vikosi Maalum vya Serikali ya  
Mapinduzi, Zanzibar;
- (b) Maafisa wa Mahkama wanaoteuliwa na Tume ya  
Uajiri ya Mahkama;
- (c) Mtu ambaye anaetumikia Serikali ambaye hayumo  
katika viwango vya wasaidizi;
- (d) Wafanyakazi wa muda;
- (e) Wanafunzi wali ofungishwa mkataba chini ya  
Sheria ya mafunzo ya Amali;
- (f) Walioteuliwa na Rais;
- (g) Mtu yeyote ambaye atatanzwa na Waziri kwa  
kushauriana na Rais anasamehewa na Sheria hii.

(2) Ila ifahamike kwamba hakuna chochote katika  
sheria hii kitachomkataza kumzuia au kuathiri uwezo wa  
Rais, kumfukuza, kumuondoa au kufuta uteuzi wa mtu  
yeyote anayeshikilia madaraka katika Serikali ya  
Mapinduzi au Serikali za Mitaa, isipokuwa yaliyotangulia,



Sheria hii itailazimu Serikali pamoja na mamlaka yoyote isipokuwa Rais yenye uwezo wa kufukuza, kuondoa, kufuta uteuzi au kumtia adabu mtumishi wa Serikali katika utumishi Serikalini au Serikali za Mitaa.

(3) Katika sheria hii, ila iwapo maelezo yatahitaji vyenginevyo:

"wasaidizi" kuhusiana na huduma katika Serikali ya Mapinduzi ni wafanyakazi wa ngazi za chini pamoja na wale ambao hufanyakazi kwa muda au kutwa (wafanyakazi wenyewe na masharti yao ya kazi huelezwa na kufafanuliwa katika Sheria, kanuni, amri na taratibu na matoleo ya Utumishi katika Serikali ya Mapinduzi) hii haiwahusu maafisa wa Mahkama wanaoteuliwa na Tume ya Uajiri ya Mahkama kama ilivyoanzishwa na Katiba ya Zanzibar;

"Tume ya Utumishi Serikalini" ina maana ya Tume ya Utumishi Serikalini iliyoundwa na Sheria ya Tume ya Utumishi Serikalini;

"Mtumishi wa Serikali" ina maana ya mtu yeyote anaye hudumikia katika huduma za Serikali ya Mapinduzi Zanzibar au mashirika yake na inajumuisha wajumbe wa Serikali za Mitaa walioteuliwa chini ya Sheria ya Serikali za Mitaa;

"Utaratibu wa nidhamu" ina maana ya makosa ya kinidhamu yaliyopo katika sehemu ya kwanza ya Jadwali hii kama itavyobadilika kwa amri chini ya kifungu cha 11 cha sheria hii;

"Adhabu kwa ukosefu wa nidhamu" ina maana ya kufukuzwa kazi, kukatwa mshahara kwa madhumuni ya kutia adabu, pamoja na onyo la maandishi, karipio na karipio kali, hii haitohusu kuzuia nyongeza ya mshahara au maonyo na makaripio yasio rasmi au kwa maandishi;

"Serikali za Mitaa" ina maana ya Serikali za Mitaa kama zilivyoundwa chini ya sheria ya Serikali ya mitaa;

"Mabaraza ya Uongozi" ina maana ya mabaraza ya uongozi kama yalivyoundwa chini ya sheria ya Mabaraza ya Uongozi;

"Waziri" ina maana ya Waziri anayehusika na mambo ya Utumishi Serikalini;

"Rais" ina maana ya Rais wa Zanzibar;

"Serikali ya Mapinduzi" ina maana ya Serikali ya Mapinduzi ya Zanzibar na inajumuisha vyombo vilivyoanzishwa na Serikali ya Mapinduzi ya Zanzibar;

"Kurudishwa" ina maana kurejeshwa kazini mtumishi wa Serikali ambao amefukuzwa;

"Maafisa wa juu" ina maana Wakurugenzi wa Bodi za Wakurugenzi, Mameneja wakuu na mameneja.

SEHEMU YA PILI

UWEZO WA KUTOA ADHABU ZA KINIDHAMU, KUWEKEA MIPAKA YA UWEZO HUO PAMOJA NA USIMAMIZI WA ADHABU KWA UKOSEFU WA NIDHAMU.

Uwezo wa kuchukua hatua za kinidhamu.

4(1). Uwezo wa kutoa adhabu za kinidhamu katika kila Wizara kwa watumishi wa Serikali wasio na nidhamu kazini utakuwemo mikononi mwa wafuatao:

- (a) Waziri au Naibu Waziri;
- (b) Katibu Mkuu au Naibu Katibu Mkuu ; au
- (c) Afisa Mdamini wa Wizara(Pemba); au
- (d) Mkuu wa Idara; au
- (e) Mkuu wa sehemu.

(2) Bila kuathiri masharti ya sheria hii waziri atatoa uwezo wa kutoa adhabu za kinidhamu kwa maafisa wa juu wa mashirika ya Serikali ya Mapinduzi dhidi ya watumishi wa Serikali wasio na nidhamu kazini ambao wapo chini yao.

(3) Bila kuathiri masharti ya sheria hii, kila Mkuu wa Sehemu atatumia uwezo aliopeva chini ya kijifungu (1) cha kifungu hiki kwa sehemu iliyochini yake.

(4) Kila mkuu wa sehemu atakuwa na uwezo wa kutoa adhabu zifuatazo iwapo nidhamu itavunjwa:

( 4 )

- i) Onye
- ii) enye la maandishi
- iii) karipio
- iv) karipio kali
- v) kumsimamisha mtumishi wa Serikali akisubiri uamuzi wa Mkuu wa Idara ambao utatolewa si zaidi ya siku saba za kazi.
- vi) kupendekeza kwa Mkuu wa Idara adhabu za kupewa mtumishi wa Serikali ambaye amefanya ukosefu wa nidhamu.

(5) Bila kuathiri masharti ya sheria hii kila Mkuu wa Idara atatumia uwezo aliopewa chini ya kijifungu (1) cha kifungu hiki kwa watumishi wa Serikali walio chini ya Idara yake.

(6) Kila Mkuu wa Idara atakuwa na uwezo wa kutoa adhabu zifuatazo:

- i) adhabu zote anazoruhusiwa kutoa mkuu wa sehemu, au
- ii) kukata mshahara wa zaidi ya  $(1/3)$  thuluthi moja ya mshahara wa mwezi.

(7) Bila kuathiri, masharti ya sheria hii kila Katibu Mkuu au Naibu Katibu Mkuu katika kutekeleza uwezo aliopewa chini ya kijifungu cha (1) cha kifungu hiki uwezo huo hautoiishia kwa watumishi wa Serikali walio chini ya Wizara anayoiongoza. Isipokuwa mtumishi ambaye ameshitakiwa kwa kosa la kuvunja nidhamu na Katibu Mkuu au Naibu Katibu Mkuu ambao si Katibu Mkuu au Naibu Katibu Mkuu wa wizara ya mtumishi aliyevunja utaratibu wa nidhamu, kesi ya mtumishi huyo itaripotiwa na kusikilizwa katika Wizara inayohusika na mtumishi huyo.

(8) Bila kuathiri masharti yaliyomo katika sehemu hii na jadwali ya Sheria hii kila Katibu Mkuu au Naibu Katibu Mkuu atakuwa na uwezo wa kutoa adhabu zifuatazo dhidi ya watumishi wa serikali wataovunja utaratibu wa nidhamu.

- i) adhabu zote ambazo Mkuu wa Idara anaruhusiwa kuzitoa.
- ii) kumsimamisha kazi mtumishi wa Serikali na kuamuru kulipwa nusu  $(\frac{1}{2})$  ya mshahara wako wa mwezi.

(9) Katibu Mkuu au Naibu Katibu Mkuu anaweza kupendekeza kwa Waziri kufukuzwa kazi mtumishi wa serikali atayevunja nidhamu za kazi.

(10) Afisa mdhamini wa Wizara Pemba atakuwa na uwezo sawa na uwezo aliopewa Katibu Mkuu na Naibu Katibu Mkuu katika Sheria hii.

Uwezo wa Waziri na Naibu Waziri wa kutoa adhabu.

5(1) Bila kuathiri masharti yaliyomo katika sehemu hii na katika jadwali ya sheria hii waziri au Naibu waziri atakuwa na uwezo wa kumfukuza kazi mtumishi yeyote wa Serikali atavunja utaratibu wa nidhamu.

(2) Bila kuathiri masharti ya Sheria hii, waziri anaweza kumpunguza cheo mtumishi yeyote wa Serikali iwapo mtumishi atavunja utaratibu wa nidhamu.

(3) Katika kutekeleza uwezo aliopewa chini ya kifungu cha (1) cha kifungu hiki kila waziri au Naib waziri atatekeleza uwezo huo na hautoishia Wizara anayoongoza.

Isipokuwa ifahamike kwamba pale ambapo waziri au naib waziri atamchukulia hatua za nidhamu mtumishi wa Serikali ambaye hayupo chini ya Wizara anayoongoza, waziri au naib waziri ataripoti kwa waziri anayehusika na mtumishi huyo, na kesi ya mtumishi huyo itasikilizwa katika wizara anayefanyia kazi.

(4) Uwezo ambao amepewa waziri au naibu waziri kwa madhumuni ya kuchukua hatua za nidhamu dhidi ya mtumishi wa serikali ambao amevunja utaratibu wa nidhamu uwezo huo unaweza ukatekelezwa na mawaziri wasio na wizara maalum.

(5) Kwa madhumuni ya sheria hii mawaziri wasio na wizara maalum ina maana ya Mamba wa Baraza la Mapinduzi ambao hawana mawizara.

(6) Katika sheria hii isitafsiriwe kwamba hairuhusiki, kukataza au kuzuia nyongeza iwapo nyongeza hiyo inatolewa kwa msingi wa utendaji mzuri wa kazi na uwezo wa kumudu kazi.

Kufukuzwa kazini.

6(1) Bila kuathiri masharti ya sheria hii uwezo wa kufukuza kazi, kufuta uteuzi wa watumishi Serikalini utatekelezwa na waziri kwa kushauriana na Baraza la Uongozi la Wizara na kwa masharti ya kifungu hiki.

(2) Uwezo wa kumfukuza au kufuta uteuzi wa mtumishi wa serikali hautatekelezwa isipokuwa:

- (a) kosa la nidhamu limetokea na mtumishi wa serikali ameelezwa kosa lake,
- (b) mtumishi wa serikali amepewa fursa ya kujibu madai dhidi yake na kujieleza;
- (c) uchunguzi umefanywa kuhusiana na kosa kwa mujibu wa kanuni zitazofanywa chini ya kifungu cha 12 cha sheria hii.

(3) Katika sheria hii isifasiriwe kwamba kunakataza, kuzuia au kuathiri uwezo wa Rais kumuondoa, kumfukuza kazi au kufuta uteuzi wa mtu yeyote anayeshikilia madaraka katika Serikali ya Mapinduzi au Serikali za Mitaa iwapo atahisi kufanya hivyo ni kwa maslahi ya umma.

Haki ya kujieleza na kujitetea.

7. Uwezo wa kuchukua hatua za nidhamu dhidi ya mtumishi wa serikali kwa kuvunja taratibu za nidhamu hautachukuliwa isipokuwa mtumishi wa serikali ambae anadaiwa amevunja taratibu za nidhamu amepewa fursa ya kueleza kosa lake, kujitetea na kuleta ushahidi katika utetezi wake.

Taratibu za jinai.

8(1). Mtumishi wa Serikali ataposhtakiwa kwa kosa la jinai ambalo pia ni uvunjaji wa utaratibu wa nidhamu, hakuna hatua za utocaji adhabu zitazochukuliwa dhidi yake, iwapo hatua za kinidhamu zimeshaanza kuchukuliwa hatua hizo zitasimamishwa na kusubiri maamuzi yakesi ya jinai pamoja na rufaa kutokana na kesi hiyo.

(2) Pale ambapo mtumishi wa Serikali atapoachiwa huru kwa kosa la jinai hatachukuliwa hatua za kinidhamu na kutiwa adhabu ya kufukuzwa kazi au kukatwa mshahara mtumishi huyo kwa kosa la kuvunja nidhamu ambalo pia ni kosa la jinai na ambalo ameachiwa, hii haitozuia kuchukuliwa hatua za nidhamu dhidi yake na kuadhibiwa kwa kuvunja taratibu za nidhamu kutokana na matendo yake katika suala hilo hilo.

(3) Bila kujali masharti ya kifungu hiki, mtumishi wa serikali ambaye atashtakiwa kwa kosa la jinai pia ni kosa la kuvunja nidhamu au atapatikana na hatia ya kuvunja nidhamu anaweza kusimamishwa kazi na kulipwa nusu mshahara.

Ila ifahamike kwamba kusimamishwa kazi na kulipwa nusu mshahara kwa mtumishi huyo hakutoendelea baada ya kuachiwa kwake huru na mahkama isipokuwa kama kuna kosa jengine.

adhabu. 9(1) Hakuna katika sheria hii kinachozuia au kukataza kuadhibiwa mtumishi wa serikali kutiwa adhabu za kinidhamu kwa kuvunja taratibu za nidhamu baada ya kushitakiwa au kutiwa adabu kwa kosa la jinai.

(2) Kifungu hiki kitatumika bila kujali sheria yeyote inayokataza mtu kupata adabu mara mbili kwa kosa lile lile kwa mfanyakazi ataevunja utaratibu wa nidhamu na kutiwa adabu kwa kosa la nidhamu baada ya kutiwa adabu kwa kosa la jinai.

#### SEHEMU YA III

ruftaa. 10(1) Mtumishi wa Serikali ambaye hakuridhika na uamuzi wa Mkuu wa sehemu anaweza kukata rufaa kwa Mkuu wa Idara na iwapo hakuridhika na uamuzi wa Mkuu wa Idara anaweza kukata rufaa kwa Katibu Mkuu au Naibu Katibu Mkuu.

(2) Maamuzi ya Katibu Mkuu au Naibu Katibu Mkuu yanaweza kukatiwa rufaa kwa waziri.

(3) Bila kuathiri masharti ya sheria hii uamuzi wa waziri kuhusiana na uvunjaji wa nidhamu hautohojiwa na mahkama yoyote.

(4) Mtumishi wa serikali atayefukuzwa kazi au kupunguzwa cheo na waziri kwa kuvunja taratibu za nidhamu anaweza kukata rufaa dhidi ya uamuzi huo wa waziri kwa Tume ya Utumishi Serikalini ambayo uamuzi wake utakuwa wa mwisho na hautohojiwa na mahkama yoyote.

(5) Hakuna rufaa itayosikilizwa iwapo adhabu iliyotolewa kwa kosa la kuvunja taratibu za nidhamu ni onyo la maandishi, karipio au karipio kali.

(6) Pale ambapo itaonekana na Tume kwamba mtumishi wa serikali amefukuzwa kazi kinyume na sheria, Tume itaamuru mtumishi huyo arejeshwe kazini na anaweza kuhamishiwa Wizara nyengine.

Marekebisha.

11(1) Waziri kwa kutoa tangazo Gazetini anaweza kurekebisha, kuondoa au kuongeza kifungu chochote cha taratibu za nidhamu au sehemu ya Jadwali.

(2) Tangazo lolote litalofanywa chini ya kifungu hiki litapaswa kupelekwa mbele ya Kamati ya Ustawi wa Jamii ya Baraza la Wawakilishi kwa kujadiliwa na kukubaliwa.

Kanuni.

12 Waziri anaweza kuweka kanuni ambazo hazitapingana na vifungu vya sheria hii kwa madhumuni ya utekelezaji mzuri wa masharti ya sheria hii, bila kuathiri uwezo uliotangulia Waziri anaweza:

(a) kuweka kanuni kuhusu taratibu za rufaa, namna ya kusikilizwa na kutolewa uamuzi wa rufaa hizo;

(b) kuweka kanuni kuhusu kukatwa mshahara kwa mtumishi wa serikali ambaye amevunja taratibu za nidhamu;

(c) kuweka kanuni zitazowaruhusu maafisa wakuu katika mashirika ya Serikali na taasisi zilizoanzishwa na Serikali ya Mapinduzi kuchukua hatua za nidhamu dhidi ya watumishi wa serikali ambao wamevunja taratibu za nidhamu na ambao wapo chini ya uongozi wao;

(d) kuweka kanuni kuhusiana na jambo lolote ambalo linahitaji kuweka kanuni chini ya sheria hii.

Ufutwaji wa Sheria.

13. Sheria ya makosa ya nidhamu sura ya 44 ya sheria za Zanzibar inafutwa.

(2) Bila kujali kufutwa kwa sura ya 44 ya Sheria za Zanzibar hatua zozote zilizochukuliwa chini ya sheria iliyofutwa zitachukuliwa kama zimechukuliwa chini ya vifungu vya sheria hii.

(3) Hatua zozote ambazo hazikukamilika kabla ya kuanza kutumika sheria hii zitatekelezwa chini ya vifungu vya sura ya 44 ya Sheria za Zanzibar na haitahusu sheria hii.

( 9 )

Imepitishwa na Baraza la Wawakilishi la Zanzibar  
tarehe 8 Machi, 1988.

*Abdul Rahman Ali Saleh*  
ABDULRAHMAN ALI SALEH  
KATIBU WA BARAZA LA WAWAKILISHI LA  
ZANZIBAR.