

ACT NO. 3 OF 2003

I ASSENT

**{AMANI ABEID KARUME}
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL**

17 March, 2003

**AN ACT TO PROVIDE FOR THE TERMS, CONDITIONS AND
PROCEDURES FOR THE PARTICIPATION OF CIVIL
SERVANTS IN POLITICS AND FOR OTHER
MATTERS CONNECTED THEREWITH**

ENACTED by the House of Representatives of Zanzibar.

1.(1) This Act may be cited as the Civil Servants (Participation in Politics) Act, 2003.

(2) This Act shall come into operation after being assented to by the President.

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

"Civil Servant" means a person holding a civil service office;

"Civil Service Office" means:-

- (a) a paid civil service post in the service of the Revolutionary Government of Zanzibar but shall not include a political post;
- (b) any office declared by the Minister to be a civil service office for the purposes of this Act;

"Employer" means any public office, including military, judiciary and any company, corporation, firm or entity controlled in its management by the government, private company, firm, office or entity including domestic work;

"Institution" means any entity in respect of which a person may be employed by employer;

"Political Post" means Speaker of the House of Representatives, Member of Parliament, Member of House of Representatives, Member of the Revolutionary Council, Minister, Deputy Minister, Mayor of the Zanzibar Municipal Council, Regional Commissioner, District Commissioner, Member of East African Legislative Assembly, Councilor, any post in a political party including a post in any organisation affiliated to a political party and any other post designated as such by the President;

"Political activities" means any activity organised by a political party for the purpose of furthering its political influence, interest popularity or support. Provided that it shall not include the following:-

- (i) payment of subvention;

- (ii) campaign rally conducted during election;
- (iii) any activity exempted by order published in the Gazette by the Minister;

"Party" means a political party;

"Political party" means a party registered as such under the Political Parties Act, 1992 and includes all bodies or associations affiliated to that political party;

"Minister" means the Minister for the time being responsible for civil service;

"Principal Secretary" means Principal Secretary responsible for the respective Ministry and shall include Head of Special or Independent Department;

"ZSSF" means Zanzibar Social Security Fund;

"Uniform" means clothing, cap, badge or other item recognised by respective party as its uniform or symbol either for regular use or in respect of a particular occasion.

3. (1) Any civil servant is allowed to be a member of a Political party of his choice.
 - (2) Notwithstanding the provisions of subsection (1) of this section a civil servant shall not be allowed, in any way, to participate in political activities, during office hours.
 - (3) Any public officer who shall authorise or direct any civil servant to take part in a political activity during office hours shall be guilty of breaching the leadership ethics.
- 4.(1) All civil servants who hold top executive posts and with salary scales of above MUS 10/MMU 10, and those who hold sensitive posts listed in the Schedule to this Act, may contest or hold political post under the following conditions:-
 - (a) he shall give at least fourteen (14) days notice to the Principal Secretary of his intention to contest a political post;
 - (b) the civil servant shall be deemed to be on leave without pay from the day of expiry of notice given under paragraph (a) of this section for the whole contest period until;
 - (i) in the case of party elections the day of his nomination by final nominating authority within the party for him to contest a post contested by him or her;
 - (ii) in the case of Presidential, Parliamentary House of Representatives or local Authorities election, the day of his or her nomination for the post by the relevant Electoral Commission.
 - (2) The civil servant shall be deemed to have been terminated from service from the day of his or her nomination and shall, notwithstanding the provisions of section 6 of the Pensions Act No. 2 of 1990, be paid terminal benefits in accordance with the terms governing payment of his terminal benefits.
 - (3) Where the civil servant is covered under the Zanzibar Social Security Fund Act, 1998 the Principal Secretary shall inform the Managing Director of ZSSF of such termination and the Managing Director shall agree with the civil servant concerned on his arrangements to the Fund.
 - (4) The civil servant, who takes leave without pay under the terms of paragraph (b) of sub-section (1) of this section but fails to get nomination to contest for the post, shall give notice to the Principal Secretary of his or her intention to resume duty within fourteen (14) days after nomination day and the Principal Secretary shall inform him or her the day of resumption of duty.

(5) Any civil servant who fails to give such notice or fails to resume duty on the day prescribed by the Principal Secretary without lawful reason shall be deemed to have dismissed himself from the date of expiry of notice period.

(6) The civil servant who contests but fails to win the post may apply to rejoin civil service and may be re-appointed on a availability of vacant post.

5.(1) Any civil servant who does not fall under the provisions of section 4 of this Act may contest for and hold any political post, provided that:-

(a) he shall give at least fourteen (14) days notice to the Principal Secretary of his intention to contest for a political post; and

(b) he shall within seven (7) days of his election to a Parliamentary or House of Representatives post either take leave without pay or give notice of termination of his service.

(2) Where the civil servant decides to exercise the option of terminating his service given under paragraph (b) of the proviso of subsection (1) of this section, he shall be entitled, notwithstanding the provisions of section 6 of the Pensions Act No. 2 of 1990, to be paid terminal benefits.

(3) Where the civil servant is covered under the Zanzibar Social Security Fund Act, 1998 the Principal Secretary shall inform the Managing Director of ZSSF of such termination and the Managing Director shall agree with the civil servant concerned on his arrangements to the Fund.

6. No student shall participate in any political activity in or around any institution of learning.

7. No employer except a political party itself, shall compel any person to be member of a particular party as a condition of his employment in that institution.

8. Any civil servant shall have the right to register his name as a voter and vote for any candidate during the Presidential, Parliamentary, House of Representatives and or Local Authority election.

9. (1) Without prejudice to the general application of section 3(2) of this Act no civil servant shall be allowed to do the following:-

(a) to propagate, show sympathy, insult any party or a leader of party or involve himself in the political activities in public; or

(b) to wear uniform, picture, emblems of a party which shows that he is in favour of that party; or

(c) to take part in any demonstration organised by a party to support political party's delegation; or

(d) to campaign for any party or a candidate for a party and to attend any secret meeting of a party; or

(e) to deliver speech in any political meeting, to air his political views in writing or to write open letters against any leader of a party.

(2) Every civil servant shall, in the course of duty, abide by the following ethics:-

(a) Perform official duties without favour, discrimination or inclination to any political party;

(b) be loyal to the Government and execute Government policies honestly and without reservation or intention to sabotage or frustrate the execution of such policies;

(c) not to take part in any political activity which is likely to hinder efficient service to the public;

- (d) provide service to the public with fairness;
- (e) perform duties diligently and efficiently;
- (f) observe rules relating to secrecy and confidentiality of information obtained in the course of duty;
- (g) observe and abide by relevant professional ethics.

10. Any civil servant may take part in any demonstration organised by the Government for any purpose whatsoever.

11.(1) No civil servant shall use, authorise or cause to be used Government property for political activities except in the manner directed by the Electoral Commission or permitted by this Act.

(2) Notwithstanding the provisions of subsection (1) of this section it shall be lawful for Government property to be used for political activities if it is so used in the ordinary course of business or commercial activity of a Government institution and that such business or commercial activity is open and available to a member of the public.

(3) In the circumstances provided under subsection (2) of this section a civil servant involved shall not be deemed to have acted contrary to this Act.

12. No member of any branch of defence and security force, Special Department, Judiciary, member of Civil Service Commission, member or any staff of the Electoral Commission, employee of the Office of the House of Representatives and State Attorneys shall contest any political post unless he has first resigned or retired from service.

13. Any civil servant shall have the right to contest for the Presidential, Parliamentary, the House of Representatives or Local Authority election save that he shall have to comply with the provisions of this Act.

14.(1) Any civil servant who is appointed by the President to hold a political post shall be compelled to do the following:-

- (a) may within seven days of his appointment take leave without pay and for avoidance of doubt the leave shall be deemed to commence upon the expiry of seven days notwithstanding that notice of leave has not been given by such civil servant; or
- (b) may within seven days give notice of termination of his civil service post.

(2) Where a civil servant decides to exercise option given under paragraph (b) of subsection (1) of this section the civil servant shall be entitled to terminal benefits notwithstanding the provisions of section 6 of the Pensions Act No. 2 of 1990.

(3) Where the civil servant is covered under the Zanzibar Social Security Fund Act, 1998 the Principal Secretary shall inform the Managing Director of ZSSF of such termination and the Managing Director shall agree with the civil servant concerned on his arrangements to the Funds.

(4) During appointment under subsection (1) of this section if a civil servant is outside Zanzibar the period of seven days shall count from the day of his arrival in Zanzibar.

15.(1) Unless expressly provided otherwise any civil servant who contravenes any of the provisions of this Act, shall be guilty of an offence and shall be liable on conviction to the following disciplinary actions:-

- (i) on first conviction, reprimand;
 - (ii) on second conviction, a severe reprimand;
 - (iii) on third conviction a dismissal.
- (2) In the case of student the same penalties provided for under subsection (1) shall apply.
- (3) Notwithstanding the provisions of subsection (1), any civil servant who contravenes any of the provisions of this Act, may be summarily dismissed.
- (4) In the case of an employer of a private company or institution who contravenes the provision of section 7 of this Act, shall be liable to a fine of not less than one hundred thousand shillings (100,000/=) or to imprisonment for a term of not less than six months or to both such fine and imprisonment.

16. (1) All petitions relating to the involvement of any civil servant in party politics contrary to the provisions of this Act, shall be submitted to the Chief Secretary who is also the Secretary to the Revolutionary Council.

- (2) Upon receiving a petition the Chief Secretary shall call upon the claimant and the accused person or authority to present their case and defence respectively.
- (3) The Chief Secretary shall give his decision after hearing both parties.
- (4) Any civil servant who is aggrieved by the decision of the Chief Secretary may petition to the High Court for review of such decision.
- (5) The Chief Secretary may delegate any of his duty or powers under this section to any Principal Secretary who is not a party to a case in question.

17. (1) The Minister may make regulations and prescribe procedures for the better carrying out of this Act.

- (2) All regulations and procedures made under this section shall be published in the official Gazette.

18. (1) The Civil Servants (Participation in Politics) Act of 1992 is hereby repealed.

- (2) Notwithstanding the repeal of the said Act, anything done or commenced before the coming into force of this Act shall be lawful and shall be determined and disposed of in accordance with the repealed Act.

S C H E D U L E

{ Under Section 4 (1) }

- 1. Chief Justice.
- 2. Deputy Chief Justice.
- 3. A Judge of the High Court.
- 4. Deputy Attorney-General.
- 5. Chief Kadhi/Deputy Chief Kadhi.
- 6. Executive Chairman.

7. Chairman of the Civil Service Commission.
8. Principal Secretaries.
9. Deputy Principal Secretaries.
10. Executive Secretary.
11. Controller and Auditor General.
12. Head of Treasury.
13. General Manager.
14. Commissioner of Departments.
15. Directors.
16. Deputy Directors.
17. Officer in charge of the Ministry, Pemba.
18. Register General.
19. Executive Director.
20. Registrar of the High Court.
21. Government Chemist.
22. State Attorneys.
23. Magistrates.
24. Qualified Doctors.
25. Pilots of Zanzibar Government.
26. Engineers of Government Aircrafts.
27. Civil servants whose salary scale of or above MUS. 10, MMU. 10 or MWM. 2 etc.
28. Matrons of Government Hospitals.
29. Civil Service Officers.
30. Office Supervisors.
31. All Civil Servants working with the House of Representatives.
32. All Civil Servants working with the Civil Service Commission.
33. All Civil servants working with the Zanzibar Electoral Commission.
34. Personal Secretaries of Leader of Political posts, Principal Secretaries, Commissioners and Directors.

Passed in the House of Representatives on the 20th day of January, 2003.

{ KHAMIS JUMA CHANDE }
CLERK OF THE HOUSE OF REPRESENTATIVES