



JESHI LA KUJENGA UCHUMI ACT NO. 6 OF 2003

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ACT NO. 6 OF 2003

I ASSENT


{AMANT ABEID KARUME}
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

6TH OCTOBER....., 2005

AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT
OF JESHI LA KUJENGA UCHUMI AND MATTERS
CONNECTED THEREWITH AND INCIDENTAL THERETO

ENACTED by the House of Representatives of Zanzibar.

PART I
PRELIMINARY

Short title and
commencement.

1. This Act may be cited as Jeshi la Kujenga Uchumi Act, 2003, and shall come into force immediately after being assented to by the President.

Interpretation.

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

"Appropriate Authority" means the authority charged in accordance with Rules or orders made under this Act, with responsibility for the matter in question;



"Board of inquiry" means a board convened in accordance with section 50 of this Act;

"Chief of JKU" means the officer so appointed in accordance with section 7 of this Act;

"Civil court" means the High Court of Zanzibar and any of its subordinate courts;

"Close relative" means husband, wife, father, mother, sister, brother, grandfather, grandmother, born child or step child;

"Code of Service Discipline" means the code to be made under section 34 of this Act;

"Commission" means the Special Department Service Commission established under Act no 7 of 1986;

"Compulsory education" means any level of education which has been announced by any appropriate authority of education in Zanzibar to be compulsory education for the time being or any time in the future;

"Constitution" means the Constitution of Zanzibar of 1984;

"Executive officers" means Principal Secretaries of Government Ministries, Directors or Managers or



other senior or subordinate officers working on their behalf;

"Government Orders" means the existing Government Orders (i.e. Kanuni za Utumishi Serikalini) which are binding to all civil servants in the Revolutionary Government of Zanzibar or any other to be made in the future;

"JKU" means "Jeshi la Kujenga Uchumi" established under section 3 of this Act;

"Junior officer" means an officer holding a rank from Second Lieutenant to Captain;

"Man" means a member of "JKU" and any person who is seconded as such who is not an officer holding a rank from WO I to the lowest rank in the Service;

"Member" means, in relation to the service, both officers and servicemen enlisted or re-engaged in civilian or military capacity and persons seconded to the service or in national service;

"Minister" means the Minister for the time being responsible for "JKU";

"Officer" means a member of JKU who has been granted a commission in JKU by the President and a person who is seconded as an officer in JKU with a rank of Second Lieutenant and above;



"President" means the President of Zanzibar and the Chairman of the Revolutionary Government of Zanzibar;

"Registrar" means the person responsible for the register appointed under section 19 of this Act;

"Senior officer" means an officer holding a rank from Major and above;

"Service" means service in "JKU";

"Serviceman" means a member of "JKU"

"Service tribunals" means any of the tribunals to be convened under section 45 of this Act;

"SMT" means Serikali ya Jamhuri ya Muungano wa Tanzania (or the Government of the United Republic of Tanzania);

"SMZ" means Serikali ya Mapinduzi ya Zanzibar (or the Revolutionary Government of Zanzibar).

PART II

ESTABLISHMENT OF "JESHI LA KUJENGA UCHUMI"

AND OTHER AUTHORITIES

Establishment of
JKU.

3. There shall be established and maintained a special department to be known as Jeshi la Kujenga Uchumi (hereinafter referred to as JKU) which shall have powers and functions as provided in this Act.



Functions of
JKU.

4. The functions of "JKU" shall be:
 - (a) to train the young Zanzibaris to serve the nation and in particular to employ them in:
 - (i) instructions in basic principles of economy and their application in agriculture, small-scale industries, fisheries and other vocational training;
 - (ii) civic education;
 - (iii) social and cultural activities including social development;
 - (iv) defense of the nation.
 - (b) to join force with the Tanzanian Police Force where necessary in maintaining security and order;
 - (c) to join force with the Tanzania People's Defense Forces when mobilized in the defense of the United Republic;
 - (d) to provide security guard services to the public institutions (such as the vital security installations, public enterprises of the Government, public corporations of the United Republic and any of the protected areas as defined in Act no 5 of 1983) or private ones, which are of vital economic or security importance;



- (e) to join hand with other security and defense forces in fulfilling their national duties which in one way or another JKU is required to fulfill by any law in existence;
- (f) to do any other thing which may be given or ordered by the President.

Powers and right
to possess and
use firearms.

5.(1) JKU shall have the power and right to possess and use arms or ammunitions in the performance of its functions as shall provided in this Act and Regulations made under this Act.

(2) In the course of performing its duties related with training or otherwise, JKU shall have the right to possess land and other movable and immovable properties including permanent or temporary buildings, industries, schools and vocational training centers and equipments or machineries associated with that kind of institutions.

Power of the
President.

6.(1) The President shall be the Commander in Chief of JKU and shall have powers and authority as stipulated in the Constitution and this Act.

(2) Subject to the powers and authority conferred on the President by the Constitution and this Act, and subject to the provisions in this Act and JKU Regulations made under this Act, the Minister shall have the powers and authority as conferred on him in this Act.



PART III

COMPOSITION AND ADMINISTRATION

Chief of JKU.

7.(1) There shall be the Chief of JKU who shall be appointed by the President, on the advice of the Commission, from the senior officers of JKU and who shall have the command, direction, and general supervision of the day today activities of JKU.

(2) The Chief of JKU shall serve for any period in accordance with this Act or JKU Regulations until he reaches a compulsory retirement age.

(3) Unless the President otherwise directs, all orders and instructions from the Government which are required to be carried out by JKU shall be issued by or through the Chief of JKU.

Chief of Staff.

8.(1) The President, on the advice of the Minister may appoint any officer in the JKU to be JKU Chief of Staff and who shall be the chief administrative officer within the Service and shall be acting Chief of JKU whenever the Chief is absent.

(2) The Chief of Staff shall serve for any period in accordance with this Act or JKU Regulations until he reaches a compulsory retirement age.

Members of JKU.

9.(1) JKU shall be composed of the following members:

- (a) Members employed on permanent terms;
- (b) Voluntary servicemen;
- (c) Seconded members.



Members
employed on
permanent
terms.

(2) The Commission shall determine the strength and number of the members employed on the permanent terms on the basis of requirement and the national economy.

10.(1) Members employed on permanent terms shall be officers, men and civilians employed in the Service.

(2) Every person to be enrolled in the first time as member employed on permanent terms shall take the oath of allegiance to the President and the Government and of keeping of secrecy in such manner as prescribed in the First Schedule to this Act.

(3) Any member employed on permanent terms shall be enrolled for the first time in the Service as:

- (a) Commissioned officer for 20-year contract;
- (b) Officer Cadet or officer under probation for any period as prescribed in JKU Regulations;
- (c) Private or a man of any rank other than an officer for any period as prescribed in JKU Regulations;
- (d) Civilian in accordance with the Government Order.

(4) Any person who may be enrolled as an officer shall do so after being recommended by the Commission and such recommendation has been approved by the President and granted a commission, which shall issue under the hand of the President.



(5) Any member of JKU other than civilian shall have ranks and shall be promoted accordingly as may be prescribed in the Regulations of the Commission and JKU Regulations.

Obligation to be re-called for service.

11. Save the member serving as civilian or seconded, after the completion of his engagement with JKU or release, any ex-serviceman shall be liable to be re-called to serve JKU or any branch of the Tanzania People's Defense Force for such purpose as state of emergency, insurrection, hostilities or war.

Seconded members.

12.(1) Any person who is in the civil or military service of the United Republic of Tanzania or the Revolutionary Government of Zanzibar may, if he so wishes and if the appropriate authorities so approve, be seconded for employment with JKU in any capacity or post save that of the Chief or any other to be prescribed by JKU Regulations.

(2) The period of secondment shall be such period (not exceeding two terms of two-year period) as shall be agreed upon at the commencement of the employment, and may, if the person seconded so wishes and the appropriate authorities so approve, to be renewed from time to time.

(3) No person shall be seconded for employment with JKU in any particular rank or post junior to his previous rank or post without his consent, if he can not longer be employed in the rank or post which he was first seconded or in any rank or post senior thereto, his secondment shall, if he so wishes, be forthwith terminated.



Extension of
engagement and
secondment.

13. Any seconded member of JKU whose secondment expires during a state of war, insurrection, hostilities or state emergency may be retained in the Service and his secondment prolonged for such period as the appropriate authorities, with the approval of the Minister, directs.

Voluntary
servicemen.

14.(1) Every person who has completed compulsory education or any education from Form IV or below it, if he so wishes, can be enlisted as voluntary serviceman to serve JKU for an initial period of not less than two consecutive years.

(2) Where in the opinion of the Chief any serviceman enlisted under the provisions of subsection (1) of this section, on the completion of the period of two years provided for, has not, attained a standard normally expected of a serviceman in the Service or as a matter of disciplinary measure, by order under his hand, extend such a period that shall not exceed eight months.

(3) Any person who, upon the commencement of this Act, will have attended Form VI or any similar education to or above, if he so wishes, his name shall be enlisted in the register and he shall be liable to be called upon to serve in JKU.

(4) All servicemen who serve under subsection (3) of this section shall be enlisted to serve for an initial period of one year though this duration may be extended by the Chief by order under his hand where in his opinion any serviceman enlisted under the provisions of this section has not, on the completion of the period of one year provided for, attained a standard normally expected of a serviceman in the Service,



and in any case the extended period shall not exceed three months.

(5) Every serviceman serving on the terms of voluntary basis shall take the oath of allegiance and of keeping of secrecy in such manner as may be prescribed in the JKU Regulations.

PART IV

ORGANIZATION AND EMPLOYMENT OF THE SERVICE

Organization and structure of JKU.

15.(1) JKU may be divided into such numbers of formations, departments, units and sub-units, as the Minister may from time to time direct after consultation with the Chief.

(2) Any serviceman can be posted to and employed in any department, unit or sub-unit of JKU depending on his personal ability, competency and efficiency.

(3) The authority and power to command, administer and supervise shall be vested in the heads or commanding officers of those departments, units and sub-units as prescribed in JKU Regulations.

Appointments of Heads of Departments in the JKU.

16.(1) All appointments of heads of departments, units and sub-units of JKU which are commanded by officers of the rank of Lieutenant Colonels or above shall be made by the Chief after consultation with the Minister.

(2) All appointments of heads of units and sub-units of JKU which are commanded by officers of the rank of Major and below shall be made by the Chief.



Duties and
employment of
the service
members.

17.(1) Every member of JKU shall:

- (a) perform such duties and carry out such training as he may be directed by the officers or any other member senior to or placed in command over him;
- (b) obey and execute promptly all orders lawfully issued to him by the officers or any other members senior to or placed in command over him.

(2) Notwithstanding the provisions of section 4 of this Act and without prejudice to the generality of the foregoing provisions of this Act or any law, members of JKU shall in addition be trained in the use of arms and weapons of war and all its technics of war.

(3) For the purposes of compensation for disability or death of any serviceman arising in the course of discharging his duties assigned by this Act or training operations, such matters shall be dealt with in accordance with the Regulations of the Commission or JKU Regulations.

(4) For the purposes of compensation for disability or death arising in the course of discharging their duties assigned by this Act or training operations, all members serving as voluntary members shall be regarded as a newly enrolled Private member with full salary but with no allowances.

(5) No suit or other civil proceeding shall lie against an individual member of JKU for the recovery of damage for



loss of property or damage or injury to, or trespass upon any property by reason of execution of this Act.

(6) No compensation shall be payable if the person or persons claiming compensation willfully obstructed or interfered with the functions of JKU or training operations.

Employment of the service and its members in the time of emergency.

18.(1) The President may, during a state of war, insurrection, hostilities or emergency:

- (a) call out JKU or any part thereof;
- (b) order that the Service or any part thereof be employed to serve with the Tanzania People's Defense Forces or otherwise in the defense of the United Republic;
- (c) order that the Service or any part thereof be employed to serve with the Tanzania Police Force or otherwise in the process of maintaining security and order;
- (d) order that the Service or any part thereof provide security guard service to public institutions and installations.

(2) Where any part of the Service is, in pursuance of an order made under this section, serving with the Tanzania People's Defense Forces or otherwise in the defense of the United Republic or serving with the Tanzania Police Force in the process of maintaining security and order, it shall be governed by, and subject to the respective laws governing the conduct of those forces.



(3) Where any part of the Service is, in pursuance of an order made under subsection (1) (d) of this section or paragraph (d) of section 4, every member of JKU shall have the same powers of arrest and search for breach of any provision of the applicable laws in Zanzibar as are vested in a police officer of the rank of Police Constable.

(4) Save the order made under subsection (1) (c) of this section which may be effected by the Minister if requested by the appropriate authorities in the Police Force in Zanzibar, nothing in this section shall be lawful unless it is a direct order made by the President himself in writing.

PART V

MATTERS RELATED TO REGISTRATION AND

NATIONAL SERVICE

Registrar of JKU.

19. The Chief of JKU shall be the Registrar and shall keep a register of all persons who are liable under this Act to serve JKU and shall perform such other duties in connection with the said register and the enlistment of members of JKU as may be prescribed in this Act or Regulations made under this Act.

Registration.

20.(1) It shall be the duty of the Registrar to ensure that the names and particulars of persons liable under the provisions of this Act to be called up for JKU received by him pursuant to Regulations made under the provisions of this Act are entered in the JKU register.

(2) The Registrar may, from time to time, make any necessary alterations or corrections in the register in relation



to any entry therein and shall remove from the said register the name of every person who died before being called up for JKU or who ceases to be liable to be called up for JKU.

(3) If at any time before being called for JKU a person whose name is entered in the register of JKU changes his name or address such change should be notified to the JKU authorities and if he fails to do so he shall be guilty of an offense and shall be liable on conviction to a fine not less than fifty thousand shillings or imprisonment for a term not more than thirty days.

Minister to make regulations on registration and national service.

21.(1) The Minister may with the consent from the President make Regulations in relation to the following matters:

- (a) requiring the executive officers or other officers of educational or professional institutions to furnish to the Registrar particulars about students attending such schools or institutions who by their own volition have decided to join JKU under the provisions of this Act to be called up for JKU;
- (b) time and procedures which will enable the liable persons whom are needed for employment in the Government after their schooling to be employed before their national service or to make such employment as part of the national service;
- (c) requiring persons whose names have been entered in the Register of JKU to furnish particulars to the Registrar as may be prescribed in relation to registration;



- (d) requiring shehas or other public officials to furnish to the Registrar particulars of the youths who are to serve as voluntary members of JKU who are coming neither from schools nor Government employment.

Obligation of
persons liable to
report for service.

22.(1) Every person who, upon the commencement of this Act is or at any later date becomes liable to be called upon to serve in JKU in accordance with the provision of this Act, shall within three days of the commencement of this Act or his so becoming liable, as the case may be, present himself in person to the Registrar or such other person appointed by the Registrar.

(2) Where an enlistment notice has been served on any person, the Chief may, at any time while that person remains liable under this Act to be called upon for JKU, cancel the notice or cause to be served on him a further enlistment notice varying the original notice by altering the place or time at which he is thereby required to present himself.

(3) Any person upon whom an enlistment notice has been served who, being liable to be called upon for JKU on the day when he is thereby required to present himself, fails without reasonable excuse to present himself in accordance with the provisions of such notice shall be guilty of an offense and shall be liable on conviction to a fine not less than thirty thousand shillings or to imprisonment for a term of 14 days.



PART VI
TERMS OF SERVICE AND PRIVILEGES OF
MEMBERS OF JKU

Terms of
enrolment.

23. All matters related to the terms of service and privileges shall be dealt with in accordance with JKU Regulations and the regulations of the Commission and the enrolment of a member shall bind him to serve in the Service until he is released.

False statement
and forgery
during enrolment
or registration.

24.(1) Any member of JKU who is found to have given a false statement or forged a document for the purpose of enrolment process in JKU, the appropriate authority shall dismiss him forthwith and prosecute him in a civil court in accordance with the law of the land.

(2) Any person dismissed under subsection (1) of this section shall have no right to any payment that he would have deserved if he were regularly released.

(3) The appropriate authority may, if it deems fit, convene a board of inquiry to investigate the circumstances in which the enlistment of the suspect was conducted and if the outcome of the investigation implicates involvement of any serviceman in any way, such serviceman shall be charged in the Service tribunal and is liable on conviction to dismissal with no payment whatsoever.

Entitlement to
release and
exceptions.

25.(1) Subject to the provision of this section, an officer or a man is entitled to be released at the expiration of the term of service for which he is enrolled or stipulated in his contract.



(2) Except as may be provided in the regulations of the Commission, all periods during which an officer or a man has been absent from his duty by reason of:

- (a) imprisonment;
- (b) desertion; or
- (c) leave without pay;

shall not be reckoned towards the completion of the term of service, retirement or promotion.

(3) Where the term of service for which an officer or a man is enrolled expires during a state of war, insurrection, state emergency or hostilities, he is liable to serve until the expiration of six months after the state of war, insurrection, state emergency or hostilities has ceased to exist.

(4) An officer or a man shall not be entitled to be released at a time when, as result of having committed or being suspected of having committed an offence under Code of Service, proceedings against him are or likely to be taken, or is or likely to undergo a sentence for any offence.

Reinstatement.

26.(1) Where an officer or a man has been released from the service by reason of a sentence of dismissal or a finding of guilty by a service tribunal or any court, and the sentence or finding ceases to have force and effect as a result of a competent authority, the release shall be cancelled and if he so wishes, he shall thereupon be reinstated and all his payments be refunded.

(2) Where an officer or a man mentioned in subsection (1) of this section is not willing to be reinstated, he



shall be deemed to have his contract improperly terminated by the appropriate authority and shall deserve his full gratuity and other retirement associated benefits with the exception of pension.

Promotion.

27.(1) Subject to provisions of section 10(4) of this Act and subsection (3) of this section, officers and men may be promoted by such authorities as prescribed in the regulations of the Commission.

(2) Promotion in JKU shall depend on the establishment, different training, individual discipline and hard working.

(3) No serviceman shall be promoted a commissioned officer unless he has been granted a commission, which shall be issued under the hand of the President.

Obligation to
serve inside and
outside Zanzibar.

28. Every member of JKU shall be obliged to perform his regular duties any where in Zanzibar or outside Zanzibar in case of any direction given under this Act.

Secondment.

29.(1) An officer or a man, by an order from JKU or by his own request and such request is endorsed by the appropriate authority, may be seconded to any governmental or private corporation, agency, institution, industry or department.

(2) An officer of a man seconded under the subsection (1) of this section shall remain in the service as long as he remains in that secondment.



(3) JKU Regulations shall make provisions related to secondment mentioned in this section or in case of an officer or a man being appointed by the President of Zanzibar or the President of the United Republic of Tanzania to serve in any other post outside JKU.

Pay and
allowances.

30. All servicemen shall deserve pay and allowances at such rates and conditions as issued from time to time by the Commission or JKU Regulations.

Property of
servicemen.

31. No judgment or order given or made against a serviceman by any court or any institution shall be enforced by the levying execution on any property issued to him in performing his duties.

Arms and
accoutrements

32.(1) When a member of the Service ceases to belong to the Service, all powers and authorities vested in him by or under this Act, shall immediately cease and he shall forthwith deliver up to the person appointed by the Chief for that purpose, all arms, ammunitions, accoutrements, clothing, uniform and other equipments which have been supplied to him or entrusted to his care and which are the property of the Government.

(2) Any member of the Service who, having ceased to belong to the Service, fails to deliver up any arms, ammunitions, accoutrements, clothing, uniform or other equipments as required by the provisions of this section, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months.



Minister to make regulations on the service matters.

33.(1) In addition to the powers to make regulations provided in the foregoing provisions of this Act, the Minister, with the consent of the President, may make regulations relating to the following matters:

- (a) the establishment, organization and distribution of the Service, conditions of appointment and service and the various ranks and appointments therein;
- (b) ranks and the conditions related to promotion and the period to remain with a particular rank;
- (c) rights and privileges of various ranks and appointments;
- (d) the duties to be performed by members of the Service and their guidance in the discharge of such duties;
- (e) the payments, allowances and gratuities of members of the Service;
- (f) the description and issue of arms, ammunition, accoutrements, uniforms, emblems, and badges of rank and necessities to be supplied to the members of the Service;
- (g) the conditions governing resignation, dismissal, discharge, reduction in rank or reversion of members of the Service;
- (h) leave conditions of the Service;



- (i) generally for the good order and management of the Service;
- (j) circumstances wherein the members of the Service may use arms.
- (k) kind of properties which can be left with or retained by a member after his retirement from the Service.

(2) Subject to the provisions of this Act and Regulations made under the provisions of this section to any restrictions or exceptions therein contained, the Chief and other members of the Service having command of any branch, unit or sub-unit thereof after consultation with the Chief may make general, special, routine and standing orders with respect to all or any of the following matters:

- (a) the discipline, good order and guidance of the branches, units and sub-units under his command;
- (b) the organization and duties of the branches, units and sub-units under his command;
- (c) the distribution, posting, transfer, attachment and inspection of personnel;
- (d) the description, supply, use and disposal of arms, accoutrements, clothing and other stores;
- (e) programme of training and other activities performed in his branches, units of sub-units;



- (f) the use of land available in his branches, units and sub-units;
- (g) all other matters for the better carrying out of the provisions of this Act or JKU Regulations.

(3) In discharging his duties, the Minister shall put into consideration ethics, customs and make up of JKU as a military organization.

PART VII

DISCIPLINE AND SERVICE OFFENCES

Code of service
discipline

34. Subject to the consent of the President, the Minister may make the Code of Service Discipline for JKU which shall make provisions on the following matters:

- (a) kinds of offences to be taken as disciplinary offences in JKU and shall deserve punishment under the provisions of this Act or Regulations to be made under this Act;
- (b) investigation of disciplinary offences and the hearing and determination of disciplinary proceedings;
- (c) procedures to be observed in the appeals;
- (d) confinement in the guardroom and the conditions related thereto;



- (e) kinds of punishment to be inflicted on the offender by different authorities;
- (f) procedures to be used in listening to personal complaints or grievances of the members;
- (g) rights of Service members who are serving sentences or who are in custody;
- (h) procedures to summons different witnesses from inside or outside the Service and their respective rights and privileges;
- (i) working and apprehension guidance of JKU military police;
- (j) powers and privileges of JKU military police;
- (k) jurisdiction and structures of Service tribunals and the kinds of punishment under their respective jurisdiction;
- (l) all other matters for the better carrying out of the provisions of this Act or JKU Regulations with respect to discipline.

Penalties.

35.(1) The following disciplinary penalties and awards, or any combination thereof, may be prescribed for infringement of the Code of Service Discipline:

- (a) imprisonment of less than 90 days;
- (b) dismissal from JKU;



- (c) demotion in rank;
- (d) confinement in a guardroom of JKU for a period not exceeding 60 days;
- (e) confinement to the confines of any camp of JKU for a period not exceeding 30 days;
- (f) a fine not exceeding half of the serviceman's monthly salary;
- (g) extension of serving period for voluntary servicemen;
- (h) severe reprimand;
- (i) reprimand;
- (j) extra drill or parades;

and each of the above punishments shall be deemed to be a punishment less than the punishment preceding it in the above scale.

(2) Every serviceman shall be subject to the Disciplinary Code save those employed under the civil servant terms who shall be under the Government Orders (Kanuni za Utumishi Serikalini) binding the civil servants of the Revolutionary Government of Zanzibar.

(3) A person seconded to the Service shall be subject to the Disciplinary Code or the Government Orders binding the



civil servants of SMZ subject to the terms agreed upon at the commencement of the employment.

(4) For the purpose of enforcing the Code of Discipline, there shall be JKU military police whose powers and working guidance shall be prescribed in regulations to be made under this Act.

Charge against
member for
taking part in
mutiny.

36.(1) Any member of JKU who:

- (a) takes part in a mutiny involving the use of violence or the threat of violence; or
- (b) incites any other member of JKU or any member of Tanzania People's Defense Forces, Police Force, Kikosi Maalum cha Kuzuia Magendo, the Educational Centre, Tanzania Intelligence and Security Service, Kikosi Cha Valantia or any other force in existence or to be established by any Act to take part in any such mutiny, whether actual or intended;

shall be guilty of an offence and shall be liable on conviction by the High Court to imprisonment for life.

(2) Any member of the Service who, in a case not within subsection (1) of this section, takes part in a mutiny or incites any such person as is referred to in paragraph (b) of subsection (1) of this section to take part in a mutiny, whether actual or intended, shall be guilty of an offence and shall be liable on conviction by the High Court to imprisonment for life or less sentence.



(3) Mutiny in this section means a combination between two or more members of the Services or Forces referred to in paragraph (b) of subsection (1) of this section or between persons at least two of whom are members of any such Service or Force to overthrow or resist lawful authority in such Service or Force.

Use of violence and insubordinate language.

37. Any member of the Service who:

- (a) strikes or otherwise uses violence to, offers illegal violence to an officer or any other member senior to or placed in command over or under him;
- (b) uses threatening or insubordinate language to any such officer or any other serviceman senior to or placed in command over him;
- (c) refuses to obey a lawful order of any such officer or any serviceman senior to him;

shall be guilty of an offence and shall be liable on conviction by any of the JKU tribunal to dismissal.

Offences related to politics.

38.(1) Any member of JKU other than a civilian who is proved to be:

- (a) a member of any political party;
- (b) supporting party politics or showing sympathy to any political party;
- (c) attending any secret or public meeting or demonstration organized by a political party;



- (d) wearing emblem or uniform associated with any political party or implying party politics;
- (e) possessing pictures of the leaders of the political parties which show that he is in favour of a particular party;
- (f) propagating or conducting any kind of political campaign;
- (g) airing his political views in public by speech or deeds;
- (h) insulting any political party or a leader of a political party;

shall be guilty of an offence and shall be liable on conviction by any JKU tribunal to dismissal.

(2) It shall not constitute an offence under this section to attend any of the campaign meetings organized by the Zanzibar Electoral Commission or the National Electoral Commission during the election period organized by such commissions or any other authority in accordance with any law in operation at any time now or in the future.

Offences related
to sexual conduct
and morals.

39.(1) Any member of JKU employed on permanent terms who.

- (a) commits sexual intercourse with a voluntary member of JKU;



- (b) uses his position or rank to obtain consent from a junior member who is under his command or from voluntary member of JKU to commit sexual intercourse with her;
- (c) uses force, threat or deceit to have sexual intercourse;
- (d) impregnates a service girl serving as voluntary member or (if a female member) herself is found impregnated by a serviceman serving as a voluntary member;
- (e) commits any act or makes any gesture or sound intending to humiliate other member of JKU of the opposite sex sexually or as a sexual gesture;
- (f) unlawfully takes or seduces or asks sexual relations or commits sexual intercourse with a wife or husband or close relatives of his fellow member of JKU within or outside the camp;
- (g) abets or assists other member of JKU or any other person to commit any of the above offences;

shall be guilty of an offence and shall be liable on conviction by any of JKU tribunals to dismissal.

(2) Any serviceman convicted by any competent court of any of these offences in this section shall be deemed to have been convicted under this Act.



(3) Any person affected by an act of any serviceman under this section, if he so wishes, is not barred from instituting civil or other proceedings in any other competent court even if such serviceman has been convicted and penalized under the Code of Discipline.

Persons causing dissatisfaction.

40. Any member of JKU or any other person who:

- (a) causes or attempts to cause or does any act calculated to cause dissatisfaction amongst members of the Service; or
- (b) induces or attempts to induce, or does any act calculated to induce any member of the Service to desert or to commit any breach of discipline;

shall be guilty of an offence and shall be liable on conviction to imprisonment for any period not less than nine months (if the offender is not a member of JKU) or to dismissal (if the offender is the member of the Service).

Desertion.

41.(1) Any member of JKU, other than civilian, who deserts from the service shall be guilty of an offence of desertion and shall be liable on conviction to imprisonment for a term not exceeding nine months and not less than six months.

(2) No person shall be found guilty of the offence of desertion unless the civil court is satisfied that he intended not to return to the service i.e. if he without authority absented himself from his duties for a period of twenty-one consecutive days or more.



(3) The members whose case shall be determined in accordance with this section shall be those who had deserted and then been apprehended after the passage of three months (90 days) since the twenty second day after the said desertion.

(4) Any deserter who is not falling under subsection (3) of this section shall be punished under the regulations of the Commission (if he is employed under permanent terms), otherwise, for those serving as voluntary members shall be punished in accordance with subsections (1) and (2) of this section.

False statements
and forgery.

42. Any person who:

- (a) in giving any information for the purposes of this Act knowingly or recklessly makes a statement which is false in a material particular; or
- (b) with intent to deceive:
 - (i) forges, or uses, or lends to or allows to be used by any other person, any certificate issued under the provisions of this Act; or
 - (ii) makes, or has in his possession any documents so closely resembling any certificate so issued as to be calculated to deceive;

shall be guilty of an offence under this Act and shall be liable on conviction to imprisonment for a term not less than four months.



Unlawful possession of articles supplied to members of JKU.

43.(1) Any person not being a member of the Service, who is found in possession of any article whatsoever which has been supplied to a member for use in the execution of his duty or an imitation of such article who fails to account satisfactorily for his possession thereof, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding nine months.

(2) Any person who, without lawful authority:

- (a) purchases or makes any article whatsoever which has been supplied to such member for use in the execution of his duty; or
- (b) aids and abates such member in selling or disposing of any article;

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not less than six months.

(3) It is an offence for any person to make or produce, import or sell any article which is used by or closely resembles to that used by JKU for military purpose and he shall be liable on conviction to imprisonment for a term not less than six months.

Penalty for other offences.

44. A person guilty of an offence under the provisions of this Act, not being an offence for which a penalty is thereby expressly provided, by reason of non-compliance with any of the provisions of this Act shall be liable on conviction to imprisonment for a term of four months.



Service tribunals.

45.(1) There shall be JKU tribunals which shall have different composition and jurisdiction to be prescribed in JKU Regulations.

(2) JKU tribunals shall be of the following kinds:

- (a) JKU General Tribunal;
- (b) Tribunal of the Commanding Officer;
- (c) Disciplinary tribunal.

(3) By using special forms to be prescribed by JKU Regulations, any of the tribunals mentioned in subsection (2) of this section shall have powers and authority to summons any person whose presence, in the opinion of the said tribunals, can help it in arriving at a just conclusion.

(4) Any person (civilian or serviceman) who commits any offence concerning with not responding to its summons, contempt of the tribunal, false evidence, using threatening language, refusing to take an oath or affirmation, refusing to answer any question, refusing to produce any document which he is required to produce, or committing any other offence in the court of law which is an offence according to any law in existence, shall be guilty of an offence and shall be liable on conviction to imprisonment for a period of one month (by a civil court if the offender is a civilian or by JKU tribunal if the offender is a serviceman).

(5) No tribunal in JKU has jurisdiction to try any serviceman for a service offence committed more than a year back unless such serviceman fled the country after the committal of that offence.



Dismissal after
serving six month
imprisonment.

46. For the purposes of avoiding any contradiction, where any serviceman other than a civilian, is convicted and imprisoned either by a civil court or the Service tribunal for a term of six months or more, such serviceman shall immediately be dismissed from the Service.

PART VIII

MISCELLANEOUS PROVISIONS

Regulations on
the security of
areas possessed
by JKU.

47. JKU Regulations shall make provisions relating to entrance, preservation and security of all areas owned or used by JKU, and of any property thereof or therein and how to behave inside and in the vicinity of JKU camps; these provisions shall include penalties of fine which shall not exceed two hundred thousand shillings or imprisonment for any period not exceeding two months.

Civil Court
Jurisdiction.

48.(1) Subject to the provisions of subsection (2) of this section, nothing in this Act restricts the offences for which persons may be tried by any court or affects the jurisdiction of any civil court to try a member of the Service.

(2) A civil court has no jurisdiction to try any person for a service offence.

(3) Notwithstanding any provision in this Act, nothing in this Act shall be construed as restricting the Chief or Commanding Officer or an officer authorized by them to investigate and subsequently to charge any member for a disciplinary offence in case of acquittal in the civil court.



(4) If a member of JKU is charged and convicted in the civil court, he shall be deemed to have been found guilty of the offence under the Code of Discipline.

Certificates of
civil trials.

49. Where any member of JKU has at any time been tried by a civil court, the register of that court or other authority having custody of the records of the court shall, if required by the Chief or any officer authorized by him, transmit to him or that officer a certificate setting forth the offence for which that person was tried, together with the judgement or order of the court therein.

Board of inquiry.

50.(1) The President, the Minister, the Chief and such other authorities as may be prescribed by JKU Regulations, may, where it is expedient, convene a board of inquiry for the purpose of investigating and reporting on the government, discipline or administration of JKU.

(2) Except in relation to a charge of giving false evidence before a board of inquiry, the minutes of a board of inquiry shall not be admitted as evidence or used against any member of JKU.

Repeal of Decree
No. 5 of 1979.

51.(1) The Decree of Jeshi la Kujenga Uchumi, No. 5 of 1979 is hereby repealed.

(2) Notwithstanding the repeal of Decree No. 5 of 1979 made under subsection (1) of this section:

(a) anything done or any action taken under the repealed Decree shall in so far as is not inconsistent with the provisions of this Act, be



deemed done or taken under the corresponding provisions of this Act,

- (b) all subsidiary legislations, rules or orders made under the repealed Decree which are in force on the commencement of this Act shall be deemed to have been made under this Act and shall remain in force until revoked or rescinded by other subsidiary legislations, rules or orders made under this Act,
- (c) any legal proceedings for any offence or for the recovery of any sum of money due under the repealed Decree, those proceedings may be continued and conducted under this Act.

SCHEDULE NO. 1

OATH OF ALLEGIANCE AND KEEPING OF SECRECY

[Under section 10 (2)]

I, (NAME) DO SOLEMNLY AND SINCERELY DECLARE BEFORE THE ALMIGHTY GOD:

THAT, I WILL BE FAITHFUL AND BEAR TRUE ALLEGIANCE TO THE PRESIDENT OF ZANZIBAR AND THE CHAIRMAN OF THE REVOLUTIONARY COUNCIL, TO PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA, THE MEMBERS OF THE REVOLUTIONARY COUNCIL AND ALL THE EXISTING GOVERNMENT LEADERS AND THOSE TO BE APPOINTED FROM TIME TO TIME,



THAT, ANY TIME I WILL OBEY ALL ORDERS OF THE PRESIDENT OF ZANZIBAR, THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA AND ALL OFFICERS PLACED IN COMMAND OVER ME FROM TIME TO TIME,

THAT, I WILL OBEY ALL LAWS OF THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR AND THOSE OF THE UNITED REPUBLIC OF TANZANIA AND I WILL PUT INTO PRACTICE ALL THAT I HAVE LEARNT IN MY TRAINING,

AND THAT IN NO WAY I WILL EXPOSE THE SECRETS OF THE GOVERNMENT AND THOSE OF JKU THAT WILL BE EXPOSED TO ME IN THE COURSE OF MY DUTY.

GOD HELP ME.

.....
{SERVICEMAN}

I CERTIFY THAT THE ABOVE OATH HAS BEEN TAKEN BEFORE ME:

.....
{OFFICER OF OATHS}

PASSED in the House of Representatives on the 3rd day of April, 2003.


KHAMIS JUMA CHANDE
CLERK OF THE HOUSE OF REPRESENTATIVES