

# CIVIL SERVICE ACT, 1989

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## THE UNITED REPUBLIC OF TANZANIA



No. 16 OF 1989

A handwritten signature in black ink, appearing to read 'Mwanga', written over a horizontal line.

I ASSENT,

President

26th March 1990

An Act to repeal and replace the Civil Service Act, 1962, so as to better provide for matters relating to the Civil Service

I 1st July 1990

ENACTED by the Parliament of the United Republic of Tanzania.

GN-177/1990

## PART I

## PRELIMINARY

1. This Act may be cited as the Civil Service Act, 1989, and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Short title and commencement

2. In this Act, unless the context requires otherwise-  
"appointing authority" means-

- (a) in the case of officer in the SS salary scale, salary scales GS.9 and GS 10 and RP.6 to RP.9, the President;
- (b) in the case of an officer in the salary scale of between GS.3 and GS.8 and RP.1 to RP.5, the Civil Service Commission; and

Interpretation

- (c) in the case of an officer in the salary scales of GS.1 and GS.2 and those in the Operational Service scales, a Special Committee on Employment in the Government;

"the Chairman" means the Chairman of the Commission and includes the Acting Chairman;

"Chief Secretary" means the chief executive officer appointed under section 3(1);

"civil servant" for the purposes of this Act, means a public officer holding or acting in a civil service office;

"Civil service office for the purposes of this Act." means.

- (a) a paid civil office in the service of the United Republic, other than-
- (i) the office of the President, Prime Minister, Attorney-General, Minister, Deputy Minister, Speaker, Deputy Speaker or Member of the National Assembly;
  - (ii) the office of member of a commission established by or under the Constitution, this Act or any other written law;
  - (iii) the office of Judge or other judicial office;
  - (iv) the office of Regional Commissioner or district commissioner;
  - (v) the office of a member of any council, board, panel, committee or other similar body, whether or not corporate, established by or under any written law;
  - (vi) the office of a member of the Police Force;
  - (vii) the office of a member of the Prisons Service;
  - (viii) the office of a member of the Defence Forces;
  - (ix) the office of a member of the National Service;
  - (x) the office of a member of Teachers Service;

(b) any office declared by law to be a Civil Service Office;

"Commission" means the Civil Service Commission established under section 5, and includes any department of the Commission;

"the Constitution" means the Constitution of the United Republic of Tanzania, 1977;

"disciplinary authority" means:

- (a) in the case of an officer in the salary scale SS.4(1) to SS.5, the President;
- (b) in the case of an officer in the salary scale SS.3 and SS.4(ii) to 4(isii), the Chief Secretary;
- (c) "in the case of an officer in the Salary Scale of SS.1 and SS.2, GS.3 to GS.10, and between RP.1 to RP.9, the Principal Secretary and Regional Development Director in the case of a region"
- (d) "in the case of an officer in the Salary Scale of GS.1 and GS.2 and an officer in the Operational Service, the Head of Division";

"member" means a member of the Commission, and includes the Chairman and the Acting Chairman;

- "judicial office" means an office to which section 113 of the Constitution applies, and
- "judicial officer" means a person who holds or acts in any such office;
- "minister" means the minister for the time being responsible for Civil Service matters;
- "Principal Secretary" means a person appointed as Principal Secretary under section 3(3), and includes the Deputy Attorney-General;
- "public officer" extends to and includes every person holding a public office invested with or performing duties of a public nature, whether under the immediate control of the President or not, and includes an officer under the control of a local government authority or a parastatal organization, but does not include a person holding such office only on part-time basis;
- "the Service" means the Civil Service of the United Republic.

## PART II

### ADMINISTRATION OF THE CIVIL SERVICE

3.-(1) There shall be a Chief Secretary who shall be the chief executive officer of the Service and shall be appointed by the President.

(2) The Chief Secretary shall be the head of the Civil Service and Secretary to the Cabinet.

(3) Except where the President determines otherwise, there shall be appointed by the President a chief executive officer in respect of each Ministry or Department established in the Government of the United Republic who shall be known as Principal Secretary for that Ministry or Department save that—

- (a) in the case of the office of the President, the person appointed to be the Chief Secretary shall also be the Principal Secretary to the President;
- (b) in the case of the Ministry of Justice, the person appointed to be the Deputy Attorney-General shall be the Principal Secretary.

(4) The President may appoint such number of officers known by such titles as the President may determine to be deputies or assistants to any chief executive officer appointed under this section.

4.-(1) Subject to any written law and to the instructions of the President, the administration of the civil service, and the ordering of the terms and conditions of service of civil servants and other public officers is hereby vested in the Chief of the Service.

(2) The functions of the Chief of the Service in relation to the public service and the terms and conditions of service of public officers may be exercised by a public officer or public officers authorized by him.

The Chief Secretary and other executives

Administration and terms and conditions of services

**PART III**

## THE CIVIL SERVICE COMMISSION

Establish-  
ment of  
mission

5.-(1) There is hereby established a Civil Service Commission which shall consist of a Chairman and not less than five other members who shall be appointed by the President.

(2) A person shall not be qualified for appointment as a member of the Commission if he holds the office of-

- (a) Minister or Deputy Minister;
- (b) Speaker or Deputy Speaker of the National Assembly;
- (c) Member of Parliament;
- (d) A paid officer or servant of a trade union; a judge, judicial Officer, civil servant, police officer, prisons officer or a teacher.

(3) A member of the Civil Service Commission shall not, within a period of three years commencing with the day on which he last held or acted as a member, be eligible for appointment to act in the office of a judge; judicial officer, a civil service office, an office in the Police Force, Prisons Service or the Teachers Service; unless the President, by writing under his hand, directs that this subsection shall not apply to the appointment of such member to any such office.

(4) Subject to the provisions of this section, the office of a member shall become vacant:

- (a) at the expiration of three years from the date of his appointment;  
or
- (b) if circumstances arise which if he were not a member would cause him to be disqualified from appointment to that office;

(5) Any member may at any time resign his office by giving notice in writing to the chief of the service, and the member, as the case may be, shall cease to hold office from the date of receipt of the notice by the chief of the service.

(6) A member may be removed from office by the President for inability to discharge the functions of his office, whether arising from infirmity of body or mind (or any other cause) or for misbehavior; but he shall not be removed from office for any other reason or in any other manner.

(7) If the office of Chairman is vacant or if the person holding it is for any reason unable to discharge the functions of the office, then until a person is appointed and assumes the functions of that office or until the person holding the office resumes those functions, as the case may be, those functions shall be performed by the Acting Chairman.

(8) The Quorum at any meeting of the Commission shall be half the member including the Chairman or Acting Chairman.

(9) Subject to the provisions of this Act, the Commission may regulate its own procedure.

(10) Subject to its rules of procedure, the Commission may act notwithstanding any vacancy in its membership or the absence of any member, but any decision of the Commission shall be by a majority of the members present.

6. The functions of the Commission shall be-

- (a) to advise the President on the exercise of such of the functions conferred on the President by section 36 of the Constitution, and in respect of the filling of such vacancies in the civil service, as the President may require;
- (b) to exercise such of the functions conferred on the President by section 36 of the Constitution as may be delegated to the Commission under this Act;
- (c) to exercise, in its deliberative judgment the functions conferred on the Commission by section 17 of this Act;
- (d) to assist the President in relation to such matters relating to the civil service as the President may require;
- (e) to exercise such other functions as may be conferred on the Commission by or under any other written law;
- (f) to act as an appointing authority in posts in the civil service, the salary attached to which ranges from GS.3 to GS.8 and RP.1 to RP.5, RP. 1 to RP.9;
- (g) to confirm in the service all civil servants initially employed on probation the salary attached to whose posts range from GS.3 to GS.8 and RP.1 to RP.5;
- (h) to consider on probation, and either confirm them in the service or extend probationary term any of the officers so to afford an opportunity to improve in any respect in which his performance or conduct is found to be unsatisfactory;
- (i) to receive and act on appeals from the decisions of other delegates and disciplinary authorities.
- (i) to administer Civil Service Examinations.

Function of the commission

7. The Commission may, with the prior approval of the President, establish such departments as may be necessary for the better and more efficient carrying out of the objects and purposes of this Act.

8.-41) The President shall appoint on such terms and conditions as he may determine, a civil servant to be the Secretary of the Commission.

(2) The Secretary shall be the chief administrative officer of the Commission.

(3) There shall be recruited and employed in such offices of the Commission, such number of persons as the Commission may, with the prior approval of the Chief of the Service, establish.

Department of the commission secretary and other staff of the commission

	(4) The offices of the Commission shall be civil service offices and their holders shall be civil servants.
Oaths of Members	9.-41) The Chairman and the members of the Commission shall on first appointment take and subscribe an oath or make an affirmation, each according to his conscience, in the form-setout in the First Schedule to this Act, which shall be administered by the President. (2) The Secretary of the Commission shall on first appointment take and subscribe an oath before the President. (3) The Chairman may require any officer of the Commission on first appointment, to take an oath in the form set out in the Second Schedule to this Act, which shall be administered by the Chairman,
Remuneration of members	10. The members shall be paid such salaries, allowances and other benefits as may be determined by the Chief Secretary, out of moneys provided by Parliament.
Communication of Commission privileges	11. Every report, statement or other communication, written or oral, which the commission may in the exercise Of its functions under this Act make to the President or to any civil servant or which may have taken place between the Commission, or any member or officer of the Commission and the President or a delegate, or the judicial Service Commission or any civil servant between any members or officers of the Commission in the exercise, or in connection with the exercise of, the function of the Commission, shall be privileged in that, unless the President consents in writing in that behalf, its production or disclosure in any legal proceedings may not be compelled.
"Penalty for attempt to influence the Commission	12.-(1) Without prejudice to the Provisions of any other written law, every person who, otherwise than in the course of his duty, directly or indirectly by himself or by any other person in any manner influences or attempts to influence any decision of the Commission is guilty of an offence and shall be liable on conviction to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment. (2) Nothing in Subsection (1) shall be constructed as prohibiting any person from giving a certificate or testimonial to any applicant or candidate for any office or from supplying any information or assistant at the request of the Commission. (3) A prosecution in respect of any offence under this section shall not be instituted except with the consent of the Director of Public Prosecutions.
Prohibition of unauthorized disclosure of information	13.-(1) No member, officer of the Commission or any other person shall, without the written permission of the President, publish or disclose to any unauthorised person or otherwise than in the course of duty, the contents of any document; communication or information of any kind which has come to his knowledge in the course of the performance of his duties under this Act.

(2) Any person who knows of any information which to his knowledge has been disclosed in, contravention of this Section and who publishes or communicates it to any other person for purposes other than any prosecution under this Act or the exercise of his official functions, is guilty of an offence.

(3) The provisions of the National Security Act, 1970 shall apply in relation to the offence committed under this Section.

14.-(I) The President may make rules providing for-

- (a) the discharge by the Commission, whether or not with the assistance of any person or body or persons, of any additional functions and duties;
- (b) the time, place and manner, when in which and how the Commission shall exercise its functions and duties;
- (c) the conduct of examinations and the interviewing of public officers or candidates for the civil service by the Commission or by such boards and persons as may be prescribed;
- (d) forms and fees in connection with applications to the Commission, reports or communications from the Commission or any other matter required by or under this Act;
- (e) any matter or thing which is required or may be prescribed for the purposes of facilitating the effective performance by the Commission of its functions.

Rules Re-  
ating to  
the Com-  
mission

(2) For the avoidance of doubt it is hereby declared that the President may by rules under this section, provide for the manner in which the Commission shall proceed in any case in which the advice tendered to the President or any department of Government is not the unanimous advice of the Commission, or, as the case may be, of the majority of the members by whom the matter advised upon has been considered,

#### PART IV

##### SPECIAL COMMITTEE ON EMPLOYMENT

15.-(1) There is hereby established a committee, to be known as the Special Committee on Employment, or by the acronym KAMUS, hereinafter referred to as the Committee.

Establish-  
ment of  
Special  
commit-  
tee on  
employ-  
ment

(2) The Committee shall consist of-

- (a) The Principal Secretary or Head of an independent Department or in the case of a Committee established for a region, the Regional Development Director, who shall be the Chairman;
- (b) three other members, appointed by the Minister or the Regional Commissioner in the case of a Region
- (c) one member, who shall represent the trade union, and who shall be appointed by the Minister or the Regional Commissioner in the case of a Region on the recommendation of the trade union -

Functions  
of the  
Commit-  
tee

16. The Functions of the Committee shall be-
- (a) to be the appointing authority-
    - (i) for all employees in the operation service whose salary scales range from OS. 1 to OS. 10;
    - (ii) in the case of the Committee established for a Ministry or an independent department for all employees in the general scales which range from GS. 1 to GS. 2;
  - (b) to advise the Commission on the exercise of the functions as are conferred upon that Commission by this Act;
  - (c) to act as an appellate authority on disciplinary cases decided by a Head of Division.

#### PART V

##### PROVISIONS RELATING TO THE FUNCTIONS OF THE PRESIDENT

Delega-  
tion of  
functions

- 17.-(I) Subject to the provisions of this Act, the President may, by regulations-
- (a) delegate the exercise of any of the functions conferred upon him by section 36 of the Constitution other than the power of removal in the public interest referred to in sub-section (3) of section 19 of this Act to the Commission; and
  - (b) delegate the exercise of any of these functions, in relation to a civil servant or a civil service office, to a minister, civil servant or to any committee comprising the Minister and a public officer or officers.

(2) The President may, by regulations, authorize the Commission, any committee of prescribed person or any person to whom he has delegated the exercise of his functions under this section, to depute such other persons, being persons to whom the President is authorized by this section to delegate the exercise of his functions, to exercise on its or his behalf such of the functions the exercise of which has been delegated to the Commission or such first mentioned person as may be specified in these regulations.

(3) In any regulations made for the purposes of this section the President shall specify the offices to which each delegation or authority applies.

(4) A delegation or authorization made under this section shall not preclude the President from himself exercising any functions which is the subject of any delegation or authorization.

Advice

18. For the avoidance of doubt it is hereby declared that the conferment on the Commission of the duty of giving advice to the President in respect of the exercise of any of the functions vested in him, shall not preclude the President from seeking advice in respect of the exercise of any functions from any other person.

19.- (1) The power to dismiss and to terminate the appointment of civil servants shall be exercised in accordance with the provisions of this section.

Power of dismissal and removal.

(2) The power to dismiss a civil servant shall not be exercised unless-

- (a) a disciplinary charge is preferred against him;
- (b) he is afforded an adequate opportunity to answer the charge, and
- (c) an inquiry is held into the charge in accordance with regulations made under section 24.

(3) The President may remove a civil servant from the service of the Republic if he considers it in the public interest so to do.

(4) Nothing in this section shall be construed as restricting —

- (a) the compulsory retirement of any person under section 10 or in the paragraph (c), (d) or (e) of section 8 of the Pensions Ordinance, or under the provisions of the Tanganyika (Compensation and Retiring Benefits) Order in Council, 1961, or the Retirement (Special Provisions) Act 1962, or sub-section (2) of section 17 of the Republic of Tanganyika (Consequential, Transitional and Temporary Provisions) Act 1962; or
- (b) the termination, otherwise than by dismissal, of the service of any public officer, other than the substantive holder of a pensionable office, in accordance with the terms of his employment, or the dismissal of any person from any office on the personal or domestic staff of the President or of any person holding an office the emoluments of which are payable at an hourly or daily rate.

Cap. 371  
GN 1961  
No. 398

(5) Nothing in sub-section (1) or (2) shall apply to the dismissal of a civil servant who is an employee to whom the provisions of Part III of the Security of Employment Act, 1964, apply.

Cap. 574

(6) Nothing in sub-section (1), (2) or (3) shall apply in relation to any person holding the office of Controller and Auditor-General.

20.- (1) Where —

- (a) 'the Chief Secretary, in respect of an officer in the salary scale of SS.3, SS.4(ii) and SS.4(iii);
- (b) a Principal Secretary, in respect of an officer in the salary scale of GS.3 to GS.10, and RP.1, RP.9 to SS.1 and SS.2"; S.2"; exercises his disciplinary authority by reducing his rank other than reversion from a rank to which he had been promoted or appointed on trial, or reduces his salary, removes or dismisses him, such officer may appeal to the Commission against the decision of the disciplinary authority, and the Commission may confirm, vary or rescind the decision of that disciplinary authority.

Appeals

(2) Where the Commission, in the exercise of its appellate authority on disciplinary cases in relation to any officer, confirms the decision of the Chief Secretary or a Principal Secretary, that officer may appeal to the President against that decision of the Commission, and the President may confirm, vary or rescind the decision of the Commission.

(3) The President may, in regulations made under section 1.7 provide for appeals in cases other than those provided for in this section.

(4) Where the President or the Commission varies or rescind any decision removing or dismissing any person from the public service, and substitute any other decision of removing or dismissing that person, the variation or rescission shall have effect from the date of the original decision removing or dismissing such any person from the service, and be a public officer for any Other cause, be deemed to have remained a public officer notwithstanding the original decision.

(5) Nothing in this section shall apply to a civil servant Who is an employee and to whom the provision of Part III of the Security of Employment Act, 1964 apply if a reference lies against the decision to a Conciliation Board under that Act-

## PART VI

### PROVISIONS RELATING TO RETIRING BENEFITS

Protec-  
tion of  
pension  
rights

21.-(J) The law applicable to any benefits to which this section applies shall, in relation to any person who has been granted or is eligible for the grant of those benefits be that in force at the relevant date or any later law which is not less favourable to that person.

(2) In this section "the relevant date means

- (a) in relation to benefits granted before the first day of July, 1989, the date on which those benefits were granted;
- (b) in relation to benefits granted ,, which may be granted on or after the first day of July, 1989 to or in respect of a person who was a public officer before that date, the thirty-first day of December, 1989; and
- (c) in relation to any benefits granted to or in respect of any person who becomes a public officer on or after the first day of January, 1989, the date on which he becomes a public officer.

(3) Any benefits to which this section applies, not being benefits which are charged upon some other public fund, shall constitute a charge on the consolidated Fund.

(4) Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law for which he opts shall, for the purposes of this section, be deemed to be more advocrable to him than the other law or laws-

(5) The benefits to which this section applies - any benefits payable under any law providing for the grant of any pension, compensation, gratuities or other like allowances to persons in respect of their service as public officers to the widow, widowers, children, dependants or personal representatives of such persons in respect of that service.

(6) References to the law applicable to any benefits to which this section applies include, without prejudice to their generality, references to any law, regulation, for the purpose of determining whether any person is eligible for the grant of such benefits on his retirement from the public service, the circumstances in which he is required or permitted to retire.

22.-(1) Where under any law any person or authority has a discretion-

- (a) to decide whether or not any benefits to which this section applies shall be granted; or
- (b) to withhold, reduce in amount or suspend any such benefits that etc. have been granted and those benefits shall be granted and may not be withheld, reduced in amount or suspended unless the Chief of the Service concurs in the refusal to grant the benefits or, as the case may be, the decision to withhold them, reduce them in amount or suspend them.

(2) Where the amount of any benefits to which this section applies that may be granted to any person is not fixed by law, the amount of the benefits to be granted to him shall be the greatest amount for which he is eligible unless the Chief of the Service concurs in his being granted benefits of a smaller amount.

(3) The Chief of the Service shall not concur under sub-section (1) or (2) in action taken on the ground that any person who holds or has held the office of controller and Auditor-General has been guilty of misbehavior unless he has been removed from that office by reason of that misbehavior.

(4) This section applies to any benefits payable under any law providing for the grant of pensions, compensations, gratuities or other like allowances to persons in respect of their service as public officers or to the widows, widowers, children, dependants or personal representatives of those persons in respect of that services.

Power of commission in relation to pension etc.

## PART VII

### MISCELLANEOUS PROVISIONS

23.-G) No proceedings shall be brought in any court on the ground only that the provisions of this Act, other than the provisions of sub-section (2) of section 3 and Part V, have not been complied with; but nothing in this section shall apply to any criminal proceedings for an offence against any of the provisions of this Act.

Legal proceedings

(2) The question whether —

- (a) the President validly performed any function conferred on him by section 36 of the Constitution or by this Act;

(b) the Commission or other delegates has validly performed any functions the exercise of which has been delegates or deputed to it or him, shall not be inquired into by or in any court, subject to the provisions of sub-section (3).

(3) Where a person is dismissed, the provisions of sub-section (2) shall not apply in relation to that dismissal unless prior to the dismissal, the provisions of section 19(2) are complied with.

Regulations

24.-(1) The President shall make regulations providing for or regulating the conduct of disciplinary proceedings.

(2) The President may make regulations —

- (a) providing for Any matter which by this Act, may be provided for by regulations;
- (b) regulating the performance of the functions conferred on him by section 36 of the Constitution and by this Act, and the exercise of those functions by any delegate;
- (c) providing for? the administration of the public service, and the discipline and ordering of the terms and conditions of service of civil servants.

(3) Without prejudice to the generality of proceeding provisions, regulations made under this Act may—

- (a) Prescribe disciplinary penalties and awards;
- (b) impose duties on delegates, and public officers;
- (c) require persons to attend before the Commission to answer questions relating to the exercise of its functions;
- (d) make different provisions in respect of the different branches of the public service.

(4) All regulations and rules made under this Act shall be published in the *Gazette*.

(5) Nothing in this section shall detract from any power to issue or make administrative instructive instructions or orders in relations to persons in the public service.

Repeal  
Cap. 509  
Savings

25.-(1) The Civil Service Act, 1962, is hereby repealed.

26. Notwithstanding the repeal of the Civil Service Act, 1962-

- (a) all subsidiary legislations, and all other administrative orders, directions or instructions made, given or issued under or in pursuance of the provisions of the Civil Service Act, 1962, which are in force on commencement of this Act shall be deemed to have been made, given or issued under or in pursuance of the provisions of this Act, and shall remain in force until revoked or rescinded by subsidiary legislation, administrative orders, directions, or instructions made or issued under this Act;

(b) the Chairman, members and officers of the Civil Service Commission shall, on the commencement of this Act, continue to hold office on the terms and conditions of service on which they were each appointed, unless their appointments are revoked or they are re-appointed, and shall for that purpose be deemed to be the Chairman, members and officers respectively, of the Commission.

27. The President may, by notice published in the Gazette, any time before the expiry of twenty-four months from the commencement of this Act, make such consequential, transitional or supplementary provisions as he may consider necessary or consequent upon the repeal of the Civil Service Act, 1962, or for facilitating the more effective assumption by the Commission of its functions under this Act.

Transitional provision

FIRST SCHEDULE

OATH OF MEMBERS

I, ..... having been appointed as Chairman of the Civil Service Commission.

Member

Swear

that I will

.....  
Solemnly and sincerely declare and affirm

freely and without fear or favour affection or ill-will, give my counsel and advice to the President and otherwise discharge the functions of my office, and that I will not directly or indirectly reveal any matters relating to those functions to any unauthorized person or otherwise than in the course of duty.

SO HELP ME GOD

SWORN/ THIS ..... DAY OF ..... 19 .....

DECLARED

Before me.....

PRESIDENT

SECOND SCHEDULE

OATHS OF OFFICER OF COMMISSION

I-----, being called upon to exercise the functions of the office of ..... of the Civil Service Commission, do

Swear

that I will

.....  
Solemnly and sincerely declare and affirm

