

**ALTERNATIVE DRAFT CONSTITUTION
OF
UGANDA**

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ALTERNATIVE DRAFT CONSTITUTION OF UGANDA

INTRODUCTION

I decided to write this alternative draft constitution of Uganda because of persistent request from many friends with whom I have variously discussed the Draft Constitution of Uganda prepared by the Uganda Constitution Commission chaired by the Honourable Justice Benjamin Odoki. In my discussions with these friends, I have repeatedly pointed out two salient shortcomings in the draft of the Uganda Constitutional Commission.

These shortcomings are:

1. That the Commission appeared to have inadvertently overlooked the absence of democracy which is the bastion of a modern constitution but was either deliberately or otherwise omitted from both the 1962 and the 1967 Constitutions, and thereby making them unworkable.
2. That the draft incorporates a number of undemocratic articles and clauses from the 1967 Constitution, although it was obvious that these articles and clauses were the main contributors to the grooming of dictators in Uganda.

Both the 1962 and the 1967 Constitutions did not provide for democratic system of government because the framers of the 1962 especially had blindly adopted the dictatorial system which was designed specifically for use by the autocratically empowered British Governor as the superstructure of administration of independent Uganda. Consequently, just before British left Uganda on 9 October, 1962, the autocratic powers which were then exclusively vested in the British Governor and his Chief Secretary passed to Milton Obote who was the first Prime Minister of independent of independent Uganda.

Although the people of Uganda erroneously believed they were independent, they were not allowed to participate in decision making at all levels. Only the Prime Minister who inherited powers previously vested in the British Governor enjoyed absolute power to decide every issue of national importance. Like the British Governor he replaced, Obote alone could decide how guns should be used. He demonstrated this when he alone ordered Idi Amin to storm the palace of the kabaka Mutesa 11. He alone could decide whether an issue was of a national importance

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CHAPTER ONE

THE CONSTITUTION

1. All powers of political management of Uganda belongs to the citizens of Uganda who shall exercise their sovereignty through democratic superstructure of power established under Chapter is, Article 71 of this Constitution.
2.
 - (1) Being the codified principles which govern and regulate political management of Uganda, this Constitution is the supreme law of Uganda and shall have binding force on all authorities and persons throughout Uganda.
 - (2) If any other law or custom is inconsistent with any provision of this Constitution, the Constitution shall prevail, and the other law or custom shall, to extent of the inconsistency, be void.
3.
 - (1) It is prohibited for any person or group of persons to take control of the Government of Uganda except in accordance with the provisions of this Constitution.
 - (2) Any person who, by himself or in concert with others, by any violent or other unlawful means suspends or overthrows or abrogates this Constitution or any part of it or attempts to do any such act or aids and abets in any manner such a person, commits the offence of treason and shall be punished according to law.
 - (3) This Constitution shall not lose its force and effect even where its observance is interrupted by a Government established by the force of arms; and in any case, as soon as the people recover their liberty, its observance shall be re-established and all persons who have taken part in any rebellion or other activity which resulted in the interruption of the observance, shall be tried in accordance with this Constitution and other laws consisted with it.
 - (4) All citizens of Uganda shall have the right and duty at all times -
 - (a) To defend this Constitution, and in particular, to resist any person or group of persons seeking to subvert or overthrow the established constitutional order; and
 - (b) To do all in their power to restore this Constitution after it has been suspended, overthrown or abrogated contrary to its provisions.
 - (5) Any person or group of persons who resists the suspension, overthrow o abrogation of this Constitution commits no offence.

(6) Where a person referred on in clause (5) of this article is punished for any done under that clause, the punishment shall, on restoration of this Constitution, be considered void from the time it was imposed and he shall be taken to be absolved from all liabilities arising out of the punishment.

(7) The High Court shall, on application

(a) by or on behalf of a person who has suffered any punishment or loss to which clause (6) of this article relates; or

(b) by or no behalf of the legal successors of a person referred to in paragraph (a) of this clause,

award him or them reasonable compensation which shall be charged on the Consolidated Fund, in respect of any suffering or loss incurred as a result of the punishment.

CHAPTER TWO

THE NATION OF UGANDA

4. (1) Uganda is one federal Sovereign Nation.
 - (2) Uganda shall consist of the districts which existed immediately before the coming into force of this Constitution or such districts as may be established in accordance with this Constitution or any other law consistent with this Constitution.
 - (3) The inhabitants of every district shall be free to decide whether/they should like to maintain the existing governmental organization of their district or whether they prefer to revert to the governmental organization which existed in Uganda before the abrogation of the 1962 Independence Constitution.
 - (4) The ethnic boundaries in Uganda shall remain as they were on the 9th October, 1962 and shall not be altered by any government against the will of the ethnic groups concerned.
 - (5) The territorial boundaries of Uganda shall be as delineated in the First Schedule to this Constitution.
 - (6) The capital of Uganda is Kampala.
5. (1) The official language of Uganda is English.

- (2) Nothing in this Constitution prohibits the use of any other language as a medium of instruction in schools or other education institutions or the use of any other language for legislative, administrative or judicial as may be prescribed by law.
6. The Government of Uganda shall not adopt any religion as a State religion but the government, conscious of the fact that Ugandans are religious people, shall recognize and give full legal protection to all religious organization which were in existence in Uganda immediately before the coming into force of this Constitution.

CHAPTER THREE

CITIZENSHIP

7. Every person who on the commencement of this constitution is a citizen of Uganda shall continue to be such a citizen
8. The following persons shall be citizens of Uganda by birth
 - (a) every person born in Uganda either of whose parents or grandparents is or was a member of any of the indigenous communities existing within the borders of Uganda as at the first day of February 1926 and set out in the Second Schedule to this Constitution.
 - (b) Every person born in Uganda either of whose parents was at the time of his birth a citizen of Uganda;
 - (c) Every person born outside Uganda one of whose parents or grandparents was a citizen of Uganda at the time of his birth.
9.
 - (1) A child of not more than seven years of age found in Uganda whose parents are not known shall be presumed to be a citizen of Uganda by birth.
 - (2) A child of not more than sixteen years of age neither of whose parents is a citizen of Uganda who is adopted by a citizen of Uganda shall, by virtue of the adoption, be a citizen of Uganda.
10.
 - (1) Every person born in Uganda
 - (a) none of whose parents or grandparents had diplomatic status in Uganda or was a refugee in Uganda at the time of his birth; and

- (b) who has lived continuously in Uganda since ninth October, 1962, shall on application , be entitled to be registered as a citizen of Uganda.
10. (1) Every person born in Uganda
- (a) none of whose parents or grandparents had diplomatic status in Uganda or was a refugee in Uganda at the time of his birth; and
 - (b) who has lived continuously in Uganda since ninth October, 1962, shall on application, be entitled to be registered as a citizen of Uganda.
- (2) The following persons may apply to be registered as citizens of Uganda.
- (a) every person married to a Ugandan citizen, except that such a person shall be required to produce proof of a legal and subsisting marriage of at least three years' standing;
 - (b) every person who has legally and voluntarily migrated to and has been living in Uganda for at least twenty years;
 - (c) every person who having lived in Uganda for at least twenty years, has not been previously convicted of an offence which carries a sentence of not less than six months imprisonment without the option of a fine.
- (3) Paragraph (a) of clause (2) of this article applies also to a person who was married to a person who, but for his or her death, would have continued to be a citizen of Uganda under this Constitution.
- (4) Where a person has been registered as a citizen of Uganda under paragraph (a) of clause (2) of this article and the marriage by virtue of which that person was registered is-
- (a) annulled or otherwise declared void by a court or tribunal of competent jurisdiction, or
 - (b) dissolved,
- that person shall, unless he or she renounces that citizenship, continue to be a citizen of Uganda.
- (5) Any child of a marriage of a person registered as a citizen of Uganda under paragraph (a) of clause (2) of this article to which clause (4) of this article applies, shall continue to be a citizen of Uganda unless he renounces that citizenship.

11.
 - (1) An application for citizenship by registration or for immigration into Uganda shall be made to and considered by, a National Citizenship and Immigration Board which shall be established by Parliament.
 - (2) The Board shall be composed of a Chairman and not less than four other people each of whom shall be of high moral character and proven integrity, appointed by the President with the approval of the Executive Council
 - (3) The functions of the Board shall be prescribed by Parliament and shall include:-
 - (a) registration and issue of national identity cards to citizens;
 - (b) issue of Uganda passports and other travel documents; and
 - (c) granting and cancellation of citizenship by registration.
 - (4) The functions of the Board set out in paragraphs (a) and (b) of clause (3)s shall be decentralised to the district level and the Board shall be accessible to all persons.
12. A person may be deprived of his citizenship if acquired by registration, on any of the following grounds:-
 - (a) voluntary acquisition of the citizenship of another country;
 - (b) voluntary service in the Armed Forces or security forces of a country hostile to, or at was with, Uganda;
 - (c) acquisition of Uganda citizenship by fraud , deceit, bribery, or having made intentional and deliberate false statements in his application for citizenship; and
 - (d) espionage against Uganda.
13.
 - (1) A Uganda citizen shall not hold the citizenship of another country concurrently with his Uganda citizenship.
 - (2) Subject to this article, a citizen of Uganda shall cease forthwith to b a citizen of Uganda if, on attaining the age of eighteen years, he, by voluntary act other than marriage, acquires or retains the citizenship of a country other then Uganda.
 - (3) A person who:

- (a) becomes a citizen of Uganda by registration; and
- (b) is immediately after the day upon which he becomes a citizen of Uganda also a citizen of another country

shall cease to be a citizen of Uganda unless he has

- (i) renounced his citizenship of that other country;
 - (ii) taken the oath of allegiance specified in the Third Schedule to this Constitution; and
 - (iii) made and registered such declaration of his intentions concerning residence as may be prescribed by law; or
 - (iv) obtained an extension of time for taking those steps and the extended period has not expired.
- (4) A Ugandan citizen who loses his Uganda citizenship as a result of the acquisition or possession of the citizenship of a country other than Uganda shall, on the renunciation of his citizenship of that other country, become a citizen of Uganda.
- (5) Where the law of a country, other than Uganda, requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage, a citizen of Uganda who is deprived of his citizenship by virtue of that marriage shall, on the dissolution of that marriage, become a citizen of Uganda.

14. (1) It shall be the duty of every citizen of Uganda;
- (a) to honour and promote the prestige and good name of Uganda and respect the national anthem, flag, coat of arms and currency;
 - (b) to respect the rights, freedoms and legitimate interests of others and generally to refrain from doing acts detrimental to the welfare of other persons;
 - (c) to protect children and vulnerable persons against any form of abuse, harassment or ill-treatment;
 - (d) to protect and preserve public property;
 - (e) to defend Uganda and to render national service when necessary;

- (f) to co-operate with lawful agencies in the maintenance of law and order;
 - (g) to pay taxes; and
 - (h) to register for electoral purposes.
- (2) It is the duty of all able-bodied citizens to undergo military training for the defence of this Constitution and the protection of the territorial integrity of Uganda whenever called upon to do so; and the State shall ensure the facilities are available for such training.
15. Parliament may, subject to this Constitution, make provision –
- (a) for the acquisition of citizenship of Uganda by person who are not eligible or who are no longer eligible to become citizens of Uganda under the provision of this Chapter;
 - (b) for the deprivation of citizenship of Uganda any person who is a citizen of Uganda otherwise than by virtue of his birth;
 - (c) for the renunciation by any person of his citizenship of Uganda;
 - (d) prescribing circumstances in which non-citizens may vote;
 - (e) generally for regulating citizenship of Uganda and immigration into Uganda; and
 - (f) for according preferential treatment to citizens of any country which is a member of any international organisation of which Uganda is a member or with which Uganda is in association, on a reciprocal basis.
16. (1) A reference in this Chapter to the citizenship of the parent of a person at the time of the birth of that person shall, in relation to a person born after the death of the parent, be construed as a reference to the citizenship of the parent at the time of the parent's death.
- (2) For the purposes of clause (1) of this article, where the death occurred before the coming into force of this Constitution, the citizenship that the parent would have had if he or she had died on the coming into force of this Constitution, shall be deemed to be his or her citizenship at the time of his or her death.

CHAPTER FOUR

FUNDAMENTAL HUMAN RIGHTS FREEDOMS

General

17. (1) The fundamental rights and freedoms of the individual enshrined in this Chapter shall be respected, upheld and promoted by the Executive, the Legislature and the Judiciary and also by all organs and agencies of Government and by all persons in Uganda.
- (2) Every person shall enjoy equal protection of the law.
- (3) Men and women shall be equal under the law in all spheres of political, economic, social and cultural life.
- (4) No person shall be discriminated against on grounds of sex, race, colour, ethnic origin, tribe, creed or religion, or social or economic standing or political opinion.
18. (1) Every person in Uganda shall enjoy the fundamental rights and freedoms of the individual namely, the right to each and all of the following;
- (a) life, liberty, dignity, education, culture, security, of the person, fair hearing and protection of the law;
- (b) freedom of conscience, creed or religion, expression, the press, assembly, association and movement;
- (c) protection of the privacy of the person, home, family, correspondence, communication and property;
- (d) protection from slavery and forced labour;
- (e) protection from deprivation of property without compensation; and
- (f) other rights and freedoms enshrined in this Chapter.
- (2) In this enjoyment of the rights and freedoms prescribed in this Chapter, no person shall prejudice the rights and freedoms of others or the public interest.
19. (1) No person shall be deprived of life intentionally except in execution of a sentence of a court of law in a fair trial in respect of a criminal offence under the law of Uganda of which he has been convicted.

- (2) No law shall be made by Parliament depriving any person of the right to life except in very grave circumstances acceptable in a just and democratic society.
20. (1) No person shall be deprived of personal liberty except as may be authorised by law.
- (2) A person who is arrested, restricted or detained shall be informed immediately, in a language that he understands, of the reasons for his arrest, restriction or detention and of his right to a lawyer of his choice.
- (3) A person who is arrested or detained –
- (a) for the purpose of bringing hi before a court in execution of an order of a court; or
 - (b) upon reasonable suspicion of his having committed or being about to commit a criminal offence under the laws of Uganda.

Shall, if not earlier released, be brought to court as soon as possible but in any case not later than seventy-two hours from the time of his arrest.

- (4) Where a person arrested, restricted or detained under clause (3) of this article is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular, conditions reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.
- (5) A person who is unlawfully arrested, restricted or detained by any other person or authority shall be entitled to compensation from that other person or authority whether it is the State or an agency of the State or other person or authority.
- (6) Where a person is convicted and sentenced to a term of imprisonment for an offence, any period he has spent in lawful custody in respect of that offence before the completion of his trial shall be taken into account in imposing the term of imprisonment.
- (7) The right to an order of habeas corpus, that is, the right to an order requiring a person to be brought before a judge or court to investigate the lawfulness of restraining or the detention of a person shall be inviolable, and shall not be suspended except in the case of a state of emergency as provided by this Constitution.

21. No person shall be subjected to any form of torture, cruel, inhuman or degrading treatment or punishment.
22.
 - (1) No person shall be held in slavery or servitude.
 - (2) No person shall be required to perform forced labour except in circumstances prescribed by law and acceptable in a free and democratic society.
23. No property of any description shall be compulsory acquired or taken possession of, and no interest in or right over property of any description shall be compulsory acquired, except where the following conditions are satisfied –
 - (a) the taking of possession or acquisition is necessary in the public interest and in the interests of defence, public safety, public order, public morality or public health; and
 - (b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for –
 - (i) prompt payment of fair and adequate compensation prior to the taking of possession or acquisition of the property; and
 - (ii) a right of access to a court of law by any person who has an interest or right over the property;
24.
 - (1) No person shall be subjected to unlawful search of the person, property or the entry by others on that person's premises.
 - (2) No person shall be subject to interference with the privacy of his home, correspondence, communication or other property.
 - (3) The enjoyment and observance of the rights under this article, shall be subject to any laws made by Parliament in the public interest to the extent acceptable in a free and democratic society.
25.
 - (1) In the determination of civil rights and obligations or any criminal charge, a person shall be entitled to a fair, speedy and public hearing before an impartial court or tribunal established by law.
 - (2) Nothing in clause (1) of this article shall prevent the court or other adjudicating authority from excluding the press or the public from all or any proceedings before it for reasons of morality, public order or national security, as is necessary in a free and democratic society.
 - (3) Every person who is charged with a criminal offence shall –

- (a) be presumed to be innocent until proved guilty or until that person has pleaded guilty;
 - (b) be informed as soon as reasonably practicable, in a language that the person understands of the nature of the offence;
 - (c) be given adequate time and facilities for the preparation of his defence;
 - (d) be permitted to appear before the court in person or, at that person's own expense, by a lawyer of his choice;
 - (e) in any offence which carries a death penalty, be entitled to legal representation at the expense of the State;
 - (f) be permitted to have without payment the assistance of an interpreter if that person cannot understand the language used at the trial;
 - (g) be afforded facilities to examine witnesses and to obtain the attendance of other witnesses before the court.
- (4) Nothing done under the authority of any law shall be held to be inconsistent with –
- (a) paragraph (a) of clause (3) of this article to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts;
 - (b) paragraph (g) of clause (3) of this article to the extent that the law imposes conditions that must be satisfied if witnesses called to testify on behalf of an accused are to be paid their expenses out of public funds.
- (5) Except with his own consent, the trial of any person shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court makes an order for him to be removed and the trial to proceed in his absence.
- (6) A person tried for any criminal offence, or any person authorised by him, shall, after the judgement in respect of that offence, be entitled to a copy of the proceedings upon payment of a fee prescribed by law.

- (7) No person shall be charged with or convicted of a criminal offence which is found on an act or omission that did not at the time it took place constitute an offence.
 - (8) No penalty shall be imposed for a criminal offence that is severer in degree or description than the maximum penalty that could have been imposed for that offence at the time when it was committed.
 - (9) A person who shows that he has been tried by competent court for a criminal offence and convicted or acquitted of that offence, shall not again be tried for the offence or for any other criminal offence of which he could have been convicted at the trial for that offence, except upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal;
 - (10) No law shall be taken to be in contravention of clause (9) of this article merely because it authorizes a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force; except that any court which tries and convicts him shall, in sentencing him to any punishment, take into account any punishment imposed on him under the disciplinary law.
 - (11) No person shall be tried for a criminal offence if the person shows that he has been pardoned in respect of that offence.
 - (12) Subject to this Constitution, a person being tried for a criminal offence shall not be compelled to give evidence at the trial except in such circumstances as may be prescribed by law and acceptable in a free and democratic society.
 - (13) Except for contempt of court, no person shall be convicted of a criminal offence unless the offence is defined and the penalty for it prescribed by law.
26. (1) All persons shall have the right to –
- (a) freedom of speech and expression, which shall include freedom of the press and other media;
 - (b) freedom of thought, conscience and belief which shall include academic freedom in institutions of learning;
 - (c) freedom to practice any religion and manifest such practice;
 - (d) assemble peacefully; and

- (e) freedom of association, which shall include freedom to form and join associations or unions, including trade unions, political and other civic organisations.
 - (2) Every Ugandan shall have the right –
 - (a) to remove freely throughout Uganda and to reside and settle in any part of Uganda;
 - (b) to enter, leave and return to Uganda; and
 - (c) to a passport
 - (3) The enjoyment of the rights under this article shall be subject to any laws made by parliament in the public interests to the extent acceptable in a free and democratic society.
27. (1) Men and women of full age shall have the right to marry and to found a family and shall be entitled to equal rights in marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into with the free consent of the intending parties.
 - (3) It is the natural right of parents to care for and bring up their children.
 - (4) Children may not be separated from their families against the will of the persons entitled to bring them up, except in accordance with the law.
- 28 (1) Children shall have the right, subject to laws enacted in their best interests, to know and be cared for by their parents or those entitled by law to bring them up.
- (2) Parents shall ensure that all children of primary school age are given primary education which shall be compulsory in Uganda.
 - (3) No child shall be deprived by any person of medical treatment, education or any other social or economic benefit by reason of religious or other beliefs.
 - (4) Children are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.

- (5) For the purpose of clause (4) of this article, children shall be persons under the age of sixteen years.
 - (6) A juvenile offender who is kept in lawful custody or detention shall be kept separately from adult offenders.
 - (7) The law shall accord special protection to orphans and shall encourage the establishment of special institutions to provide for the welfare, upbringing and education of orphans.
29. Any person appearing before any administrative official or body has a right to be treated justly and fairly and shall have a right to appeal to a court of law in respect of any administrative decision taken against him.
30. The rights, duties, declarations and guarantees relating to the fundamental human rights and freedoms specifically mentioned in this Chapter shall not be regarded as excluding others not specifically mentioned, and which are considered to be inherent in a free and democratic society, and intended to secure the freedom and dignity of a human being.

HUMAN RIGHTS AND FREEDOMS DURING A STATE OF EMERGENCY

31. (1) An Act of parliament shall not be taken to contravene the rights and freedoms granted in this Chapter, if that Act authorises the taking of measures that are reasonably justifiable for dealing with a state of emergency.
- (2) The provision of any enactment other than an Act of Parliament dealing with a state of emergency declared under this Constitution shall apply only to that part of Uganda where the emergency exists.
32. Where a person is restricted or detained under a law made for the purpose of a state of emergency, the following provisions shall apply -
- (a) he shall, within twenty-four hours after the commencement of the restriction or detention, be furnished with a statement in writing specifying the grounds upon which he is restricted or detained;
 - (b) the spouse, or other available next-of-kin of the person restricted or detained shall be informed of the detention or restriction within seventy-two hours after the commencement of the detention or restriction and shall be permitted access to the person at the earliest practicable opportunity;

- (c) not more than thirty days after the commencement of his restriction or detention, a notification shall be published in the Gazette and in the media stating that he has been restricted or detained and giving particulars of the provisions of law under which his restriction or detention is authorized and the grounds of this restriction or detention.
- 33. The existence of a state of emergency shall not affect the enjoyment of the right to human dignity, life or fair trial as guaranteed by this Constitution.
- 34.
 - (1) The Uganda Human rights Commission shall review the case of a person who is restricted or detained and to whom article 32 of this Constitution applies, not later than twenty-one days after the commencement of the restriction or detention, and after that, at intervals of not more than three months.
 - (2) A person who is restricted or detained shall be afforded every possible facility –
 - (a) to consult a lawyer of his choice or any group of persons who shall be permitted to make representation to the Uganda Human Rights commission for the review of his case;
 - (b) to appear in person or by a lawyer of his choice at the hearing or review of his case.
 - (3) On a review of the case, the Uganda Human Rights Commission may recommend the release of that person, or uphold the grounds of his restriction or detention.
- 35.
 - (1) In every month in which there is a sitting of Parliament, the Minister responsible shall make a report to Parliament in respect of –
 - (a) the number of persons restricted or detained under the state of emergency; and
 - (b) the action taken in compliance with the recommendations of the Uganda Human rights Commission.
 - (2) The Minister responsible shall publish every month in the Gazette and in the media –
 - (a) the number and names and addresses of the persons restricted or detained;
 - (b) the number of cases reviewed by the Uganda Human Rights Commission; and

- (c) the action taken in compliance with the recommendations of the Uganda Human Rights Commission.
- (3) For the avoidance of doubt, it is hereby declared that at the end of the emergency declared under this Constitution, any person in or under restriction, detention or custody as a result of the declaration of emergency shall be released immediately.

ENFORCEMENT OF RIGHTS AND FREEDOMS BY COURTS

- 36. (1) Any person who claims that a fundamental right or freedom guaranteed under this Constitution has been infringed or threatened, shall be entitled to apply to a competent court for redress including compensation.
- (2) Any person aggrieved by any decision of the court may appeal to the appropriate court.
- (3) Any person or organisation may bring an action against the violation to the appropriate court.
- (4) Parliament shall make laws for the enforcement of the rights and freedoms under this Chapter.

UGANDA HUMAN RIGHTS COMMISSION

- 37. (1) There shall be a Commission called the Uganda Human Rights Commission.
 - (2) The Commission shall be composed of a Chairman and not less than three other persons appointed by the President with the approval of the Executive Council.
 - (3) The Chairman of the Commission shall be a Justice of the Supreme Court of a Judge of the High Court or a person qualified to hold such office.
 - (4) The Chairman and members of the Commission shall be persons of high moral character and proven integrity and shall serve for a period of six years be eligible for reappointment.
- 38. (1) The Commission shall have THE FOLLOWING FUNCTIONS –
 - (a) to investigate, as its own initiative or on complaint made by any person or group of persons against any human rights violation;

- (b) to visit jails, prisons, and places of detention or related facilities with a view to assess and inspect conditions of the inmates and make recommendations;
 - (c) to establish a continuing programme of research; education and information to enhance respect for human rights;
 - (d) to recommend to parliament effective measures to promote human rights, including provision of compensation to victims of violation of human rights, or their families;
 - (e) to create and sustain within the society the awareness of the principles and objectives of this Constitution as the fundamental law of the people of Uganda;
 - (f) to educate and encourage the public to defend this Constitution at all times against all forms of abuse and violation;
 - (g) to formulate, implement and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;
 - (h) to monitor the Government's compliance with international treaty obligations on human rights; and
 - (i) to perform such other functions as may be provided by law.
- (2) The Uganda Human Rights Commission shall publish periodical reports on its findings and submit annual reports to Parliament on the state of human rights and freedoms in the country.
- (3) In the performance of its functions the Uganda Human Rights Commission shall –
- (a) adopt its operational guidelines and rules of procedure and commit persons for contempt of its orders in accordance with the Rules of Court;
 - (b) request the assistance of any department, Bureau, office or agency in the performance of its functions;
 - (c) observe the rules of natural justice.
39. (1) The Commission shall have the powers of a court –

- (a) to issue summons or other orders requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
 - (b) to question any person in respect of any subject matter under investigation before the Commission; and
 - (c) to require any person to disclose any information within his knowledge relevant to any investigation by the Commission.
- (2) The Commission may –
- (a) recommended to the appropriate person or authority to take such action as appears to the Commission necessary to remedy the infringement of a human right or freedom, including the release of a person detained or the payment of compensation;
 - (b) bring proceedings in a court of competent jurisdiction on behalf or the person whose human right or freedom has been infringed, seeking an appropriate remedy for the infringement.
- (3) The Commission shall not investigate –
- (a) any matter which is pending before a court or judicial tribunal, or
 - (b) a matter involving the relations or dealings between the Government and any other Government or international organisation; or
 - (c) a matter relating to the exercise of the prerogative of mercy.
40. Subject to this Constitution, the Commission shall not, in the performance of its duties, be subject to the direction or control of any person or authority.
41. (1) The Commission shall be self-accounting and all the administrative expenses of the Commission including salaries, allowances and pensions payable to persons serving with the Commission shall be charged on the Consolidated Fund.
- (2) The Chairman and other members of the Commission shall be paid such salaries and allowances as Parliament may prescribe.
42. A members of the Commission may, with the approval of the Executive Council be removed from office by the President only for inability to perform the functions of his office arising out of physical or mental incapacity or any other cause or, for misbehaviour or misconduct.

43. The appointment of the officers and other employees of the Commission shall be made by the commission in consultation with the Public Service Commission.
44. Parliament may make laws to regulate the performance of the functions of the Uganda Human rights Commission and shall in particular make laws necessary for ensuring that the functions of the Commission are effectively carried out without obstruction.

CHAPTER FIVE

REPRESENTATIVE OF THE PEOPLE

Right to Vote

45. (1) Every citizen of Uganda of eighteen years of age or above is entitled to vote and to be registered as a Voter for the purpose of public elections and referenda.
- (2) It is the duty of every citizen of Uganda of eighteen years of age or above to register as a voter for public elections and referenda.
- (3) The State shall take all necessary steps to ensure that all citizens qualified to vote exercise their right to vote and no impediment shall be placed on the exercise of that right.

ELECTORAL COMMISSION

46. (1) There shall be an Electoral Commission which shall consist of a Chairman and not less than two and not more than six other members appointed by the President with the Approval of the Executive Council.
- (2) The Chairman of the Electoral Commission shall be a Justice of the Supreme Court or a Judge of the High Court or a person qualified to be appointed a Justice of the Supreme Court or a Judge of the High Court.
- (3) The members of the Commissions shall be persons of high moral character and proven integrity.
- (4) The members of the Commission shall hold office for seven years and their appointment shall be renewable for one more term only.
- (5) If the appointment of a member of the commission is being renewed, the renewal shall be done at least three months before the expiry of the first term.

- (6) Members of the Commission shall not hold any other public office.
 - (7) The members of the Commission shall be paid such emoluments as Parliament may determine.
 - (8) If a member of the Commission is absent or dies the President shall, with the approval of the Executive Council appoint a person qualified in terms of this article to act in his place until he is able again to resume his duties or until a new person is appointed to fill the vacancy.
 - (9) A member of the Commission may be removed from office by the President with the approval of the National Council of State only –
 - (a) for inability to perform the functions of his office arising out of physical or mental incapacity or from any other cause; or
 - (b) for misbehaviour or misconduct.
47. The Electoral Commission shall have the following functions –
- (a) to ensure that regular, free and fair elections are held;
 - (b) to organise, conduct and supervise, regular, free and fair elections and referenda;
 - (c) to demarcate constituencies in accordance with the provisions of this Constitution;
 - (d) to compile, maintain and revise the voters' register;
 - (e) to hear and determine elections complaints arising before polling;
 - (f) to formulate and implement educational and other programmes for democratising the Uganda Society;
 - (g) to perform such other functions as may be prescribed by law which is consistent with this Constitution.
48. Except as provided in this Constitution or in any other law which is consistent with this Constitution, in the performance of its functions, Electoral Commission shall not be subject to the direction or control of any person or authority.

49. (1) Subject to clause (2) of this article, Uganda shall be divided into as many constituencies for the purpose of election of members of parliament as the Electoral Commission may prescribe; and each constituency shall be represented by one member of Parliament.
- (2) In dividing Uganda into constituencies under clause (1) of this article, the Electoral Commission shall ensure that each country has at least one member of parliament; except that no constituency shall fall within more than one country.
- (3) Subject to clause (2) of this article, the boundaries of a constituency shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota.
- (4) For the purpose of clause (3) of this article, the number of inhabitants of a constituency may be greater or less than the population quota in order to take account means of communication, geographical features, density of population of Uganda, whichever is the earlier, and may, as a result, alter the constituencies.
- (5) The Electoral Commission shall review the division of Uganda into constituencies at intervals of not less than seven years, or within twelve months after the publication of Uganda, whichever is the earlier, and may, as a result. Alter the constituencies.
- (6) Where the boundaries of a constituency established under this article are altered as a result of a review, the alteration shall come into effect upon the next dissolution of Parliament.
- (7) For the purposes of this article ‘population quota’ means the number obtained by dividing the number of inhabitants of Uganda by the number of constituencies into which Uganda is divided under this article.
50. (1) Any person aggrieved by a decision of the Electoral Commission in respect of any of the complaints referred to in paragraph (e) of article 47 of this Constitution may appeal to the High Court.
- (2) A person aggrieved by a decision of the Electoral Commission in respect of a demarcation of a boundary may appeal to a tribunal consisting of three persons appointed by the Chief Justice; and the Electoral Commission shall give effect to the decision of the tribunal.
- (3) A person aggrieved by a decision of the High Court or a tribunal under this article may appeal to the Supreme Court against the decision.

51. The appointment of officers and employees of the electoral Commission shall be made by the Commission acting in consultation with the Public Service Commission.
52. (1) Parliament shall ensure that reasonably adequate resources and facilities are provided to the Commission to enable it too perform its functions effectively.
- (2) The Commission shall be self-accounting institution and shall deal directly with the Ministry responsible for finance on matters relating to its finances.
- (3) The administrative expenses of the Commission including salaries, allowances and pensions payable to or in respect of persons serving with the Commission, shall be charged on the Consolidated Fund.

PROVISIONS RELATING TO ORGANISATION OF ELECTIONS

53. (1) The Electoral Commission shall ensure that elections are held at times fixed and notified in advance to the public.
- (2) A general Parliamentary election shall be held –
- (a) within the last sixty days of the term of Parliament
- (b) if Parliament s dissolve; or
- (c) if parliament resoels by a majority of not less than two-thirds of all members of parliament that there should be a general election.
- (3) An election held by virtue of paragraph (b) or (c) of clause (2) of this article shall be held within sixty days after the event giving rise to the election.
- (4) A by-election shall be held within sixty days after the seat of a member of Parliament falls vacant.
- (5) Where the seat of a member of Parliament falls vacant within six months before the term of Parliament ends, no by-election shall be held to fill the vacancy.
- (6) All candidates in an election shall be guaranteed equitable access and use of the public communication media.
- (7) In particular, all presidential candidates shall be given equal time and space on the state-owned media to present their programmes to the people.

- (8) Subject to such reasonable limitations as may be imposed by any law which is consistent with the existence of free and democratic society, and reasonably necessary for the maintenance of peace and order, the candidates shall have the right to campaign freely.
54. (1) At a public election or referendum, voting shall subject to the provisions of this Constitution, be by secret ballot.
- (2) Immediately after the close of the poll, the presiding officer shall proceed to count, at the polling stations, the ballot papers of that station and record the votes cast in favour of each candidate or question.
- (3) A candidate is entitled to be present in person or through his representatives or polling station throughout the period of voting, counting of the votes and ascertaining of the results of the poll.
- (4) The presiding officer, the candidates or their representatives and, in the case of a referendum, the sides contesting or their agents and the polling agents if any, shall sign a declaration stating –
- (a) the polling station; and
- (b) the number of votes cast in favour of each candidate or question;
- and the presiding officers shall there and then announce the results of the voting at the polling station before communicating them to the returning officer.
- (5) Subject to the provisions of this Constitution, an issue for determination by a referendum shall be taken to be determined by majority of the votes cast at the referendum.
55. (1) Subject to the provisions of this constitution, the right to form political parties guaranteed.
- (2) Subject to the provisions of this Constitution, a political party is free to participate in shaping the political will of the people, to disseminate information on political ideas, social and economic programmes of national character, and sponsor candidates for election to any public office.
- (3) Every political party shall have a national character, and membership shall not be based on ethnic, religious, district or other sectional divisions.

- (4) The internal organization of a political party shall conform to democratic principles and its actions and purposes shall not contravene or be inconsistent with this Constitution or any other law consistent with this Constitution.
- (5) An organisation shall not operate as a political party unless it is registered as such under the law for the time being in force for the purpose which is consistent with this Constitution.
- (6) For purposes of registration, a prospective political party shall furnish the Electoral Commission with a copy of its Constitution and the names and addresses of its national officers, and shall satisfy the Commission that –
 - (a) there are ordinarily resident, or registered as voters, in each of at least two thirds of all the districts of Uganda, not less than one hundred members or proposed members of the party;
 - (b) the party has branches in at last two thirds of the districts of Uganda; and
 - (c) the party's name, emblem, colour, motto or any other symbol has no ethnic, religious or other sectional connotation and does not give the appearance that its activities are confined only to a part of Uganda.
- (7) A political party shall not have as a leader or a member of its executive, a person who is not qualified to be elected as a member of Parliament or to hold any other public office.
- (8) The members of the national executive committee of a political party shall, as far as practicable be chosen from a cross-section of the people of Uganda, be consistent with clause (3) of this article and have due consideration for gender.
- (9) Subject to the provisions of this Constitution, every citizen of voting age has the right to participate in political activity intended to influence the composition and policies of the Government.
- (10) Subject to the provisions of this Constitution, the State shall provide fair opportunity to all political parties to present their programmes to the public by ensuring equal access to the state-owned media.
- (11) Political parties shall be required by law –
 - (a) to declare to the public their revenues an assets and the sources of those revenues and assets; and

- (b) to publish to the public annually their audited accounts.
- (12) Only a citizen of Uganda may make a contribution or donation to political party registered in Uganda.
- (13) A member of an organisation or interest group shall not be required to join a particular political party by virtue of his membership of the organisation or group.
- (14) Subject to the provisions of this constitution, Parliament shall by law regulate the establishment and functioning of political parties.

GENERAL

- 56. (1) Parliament shall have no power to enact a law establishing a one-party State.
 - (2) Any action of any person or group of persons which suppresses or seeks to suppress the lawful political activity of any persons or group of persons is unlawful.
 - (3) Subject to the provisions of this Constitution, Parliament shall not make any law which suppresses or seeks to suppress the lawful political activity of any person or group of persons.
57. Parliament may, subject to the provisions of this Constitution, enact such laws as may be necessary for the registration of voters, the conduct of public elections and referenda and, where necessary, making provision for voting by proxy.

CHAPTER SIX

THE EXECUTIVE

(a) The President

- 58. (1) There shall be a President of Uganda who shall be the Head of state and Head of Government.
- (2) The President shall take precedence over all persons in Uganda and, in descending order, the Vice President, the Speaker of Parliament and the Chief Justice, shall take precedence over all other persons in Uganda.
- (3) Before assuming the duties of his office, the President shall take and subscribe the oath of allegiance and the presidential oath specified in the Third Schedule to this Constitution.

- (4) While holding office, the President shall not be liable to proceedings in any court.
 - (5) Civil or criminal proceedings may be instituted against a person after he has ceased to be President in respect of anything done or committed to be done in his personal capacity before or during his term of office and any period of limitation in respect of any such proceedings shall not be deemed to run during the period he was President.
59. (1) The executive authority of Uganda is vested in the President of Uganda.
- (2) The powers conferred upon the President by clause (1) of this article shall be democratically exercised through elected executive council established under article 71 of this Constitution.
- (3) It shall be the duty of the President of Uganda, working through the Executive Council, to abide by, uphold and safeguard this Constitution and laws made under or continued in force by this Constitution and to promote the welfare of the citizens and the territorial integrity of Uganda.
- (4) Subject to the provision of this Constitution, the President may exercise the powers conferred upon him by clause (1) of this article either directly by him or he may, by directions in writing and subject to such conditions as he may think fit, delegate to any member of the Executive Council any of the powers vested in him.
60. The President shall, whenever leaving Uganda, notify the Speaker of Parliament.
61. (1) The President shall, at the beginning of each session of Parliament and before a dissolution of Parliament, deliver to Parliament an address on the state of the nation.
- (2) The President may, also, in consultation with the Speaker of Parliament, address parliament from time to time, on any matter of national importance.
62. A person is not qualified for as President of Uganda unless he is -
- (a) a citizen of Uganda by birth;
 - (b) not less than forty years of age;
 - (c) a person who completed a minimum formal education of advanced level standards or its equivalent; and

- (d) a person qualified to be a member of Parliament
- 63.
- (1) The election of the President shall be by universal adult suffrage through a secret ballot.
 - (2) A person shall not be a candidate in a presidential election unless
 - (a) he submits to the Electoral Commission on or before the day appointed as nomination day in relation to the election, a document which is signed by him, nominating him as a candidate and designating the person to be his Vice President in the election; and
 - (b) he proves to the Electoral Commission that his nomination is supported by at least two-thirds of all the districts of Uganda.
 - (3) The election of the President shall be held –
 - (a) where the President in office, not less than two months before the expiration of the term of the President;
 - (b) in any other case, except as otherwise provided in this Constitution, within six months after the office of President becomes vacant.
 - (4) A person shall not be declared elected as President unless the number of votes cast in his favour at the presidential election is more than fifty percent of the total number of valid votes cast at the election.
 - (5) Where at a presidential election no candidate obtains the percentage of votes specified in clause (4) of this article, a second election shall be held in which the two candidates who obtained the highest number of votes shall be the only candidates, and the person who obtains the highest number of votes cast in the second election shall be declared President.
 - (6) The Chairman of the Electoral Commission shall, within twenty four hours after ascertaining the result of a presidential election, declare the result in writing.
 - (7) Any writing signed by a majority of the members of the Electoral Commission and under the seal of the Commission, and stating that a person named in it was declared elected as President of Uganda at the presidential election shall be proof that the person named is elected President.
 - (8) The person elected President during the term of a president shall assume office within twenty-four hours after the expiration of the term of his

predecessors and in any other case, within twenty-four hours after his being declared elected as President.

- (9) Subject to the provision of this Constitution, Parliament shall by law, prescribe the procedure for the election of a President.
- 64.
- (1) The High Court shall have jurisdiction to hear and determine any question as to whether or not a person has been duly elected President.
 - (2) Any registered voter may, subject to the provision of this article, challenge the validity of the election of the President by presenting a petition to the High Court.
 - (3) The petition shall be lodged within thirty days after the declaration of the result of the election.
 - (4) Parliament shall by law prescribe the grounds on which a petition under this article may be made.
 - (5) The Chief Justice shall make Rules of Court regulating the practice and procedure for petitions to the High Court challenging the election of a President.
 - (6) A person aggrieved by the decision of the High Court under this article may appeal to the Supreme Court.
- 65.
- (1) A person elected President under this Constitution shall subject to clause (3) of this article, hold office for a term of five years.
 - (2) A person shall not be elected under this Constitution to hold office as President of Uganda for more than two terms as prescribed by clause (1) of this article.
 - (3) The office of President shall become vacant –
 - (a) on the expiration of the period specified in clause 91) of this article.
 - (b) If the incumbent dies or resigns or ceases to hold office under article 73 of this Constitution.
 - (4) The President may, by writing signed by him, and addressed to the Chief Justice, resign from his office as President.
 - (5) The resignation of the President takes effect when it is received by the Chief Justice.

- (6) The Chief Justice shall, upon receiving the resignation of the President under this article, notify the Vice President, the Speaker and the Electoral Commission of the resignation.
66.
 - (1) The President shall be paid reasonable salary and allowance and afforded such other benefits as Parliament shall by law provide.
 - (2) Parliament shall by law make provision for the grant of reasonable retirement benefits for a President who ceases to hold office otherwise than by being removed under paragraph (a) or (b) of clause (1) of article 67 of this Constitution.
 - (3) The salary, allowances and other benefits granted to a President under this article shall be charged on the Consolidated Fund.
 - (4) The President is exempted from direct personal taxation on his official salary, allowances and other benefits.
 - (5) The President shall not hold any other public office other than those conferred by this Constitution or any office of profit or emolument likely to compromise the office of President.
 - (6) The salary, allowances and other benefits granted to the President under this article shall not be varied to his disadvantage while he holds office.
 - (7) The retirement benefits granted to a President under this article shall not be varied to his disadvantage during his lifetime.
67.
 - (1) The President may be removed from office in accordance with this article on any of the following grounds.
 - (a) abuse of office or willful violation of the oath of allegiance and the presidential oath or any provision of this Constitution.
 - (b) misconduct or misbehaviour –
 - (i) that he had conducted himself in a manner which brings or is likely to bring the office of President into hatred, ridicule or contempt or disrepute; or
 - (ii) that he has dishonestly done any act or omission which is prejudicial or inimical to the economy of Uganda; or

- (c) physical or mental incapacity, namely that he is incapable of performing the functions of his office by reason of physical or mental incapacity.
- (2) For the purpose of removal of the President under paragraph (a) or (b) of clause (1) of this article, there shall be submitted to the Speaker of Parliament a notice in writing signed by not less than one third of all the members of Parliament –
- (a) stating that they intend to move a resolution in Parliament for the removal of the President on a charge that he was willfully abused his office or willfully violated the oath of allegiance and the Presidential oath or any other provision of this Constitution or has been guilty of misconduct or misbehaviour in terms of paragraph (a) or (b) of clause (1) of this article;
 - (b) setting out the particulars of the charge supported by the necessary documents on which it is claimed that the conduct of the President be investigated for the purposes of his removal.
- (3) The Speaker of Parliament, shall immediately upon receipt of the notice referred to in clause (2) of this article, cause a copy to be transmitted to the President.
- (4) The Speaker shall then request the Chief Justice to constitute a tribunal comprising three Justice of the Supreme Court to investigate the allegation in the notice and to report its findings to parliament stating whether or not there is a prima facie case for the removal of the President.
- (5) The President is entitled to appear at the proceedings of the tribunal and to be represented there by a lawyer or other expert or person of his choice.
- (6) If the tribunal determines that there is a prima facie case for the removal of the President under paragraph (a) or (b) of clause (1) of this article, then if Parliament passes the resolution supported by the votes of not less than two-thirds of all the members of Parliament, the President shall cease to hold office.
- (7) The President is entitled to appear and be represented before Parliament during the proceedings of Parliament relating to the resolution.
- (8) For the purposes of the removal of the President on ground of physical or mental incapacity under paragraph (c) of clause (1) of this article, there shall be submitted to the Speaker of Parliament a notice in writing signed by not less than one-third of all the members of Parliament –

- (a) stating that they intend to move a resolution in Parliament for the removal of the President from office on grounds of physical or mental incapacity; and
 - (b) giving particulars of the alleged incapacity
 - (9) The Speaker shall, as soon as possible upon receipt of notice under clause (8) of this article, request the Director of Medical Services to constitute a Medical Board comprising five qualified and eminent medical specialists to examine the President in respect of the alleged incapacity and to report its findings to Parliament.
 - (10) The President shall be requested by the Speaker to submit himself to the Medical Board within fourteen days after the appointment of the Board.
 - (11) If the Medical Board determined that the President is by reason of physical or mental incapacity unable to perform the functions of his office and Parliament passes the resolution for the removal of the President supported by the votes of not less than two-thirds of all the members of Parliament, the President shall cease to hold office.
 - (12) The resolution for the removal of the President shall be moved in Parliament within fourteen days after the receipt by the Speaker of the report of the tribunal or the Medical Board.
68. (1) A person shall become Vice-President if the candidate who designated him as his Vice-President duly elected as President in accordance with article 69 of this Constitution.
- (2) The Vice-President shall –
 - (a) deputise for the President as and when the need arises; and
 - (b) carry on such other functions as may be assigned to him by the President, or as may be conferred on him by this Constitution.
 - (3) The qualifications prescribed for the office of President by article 62 of this Constitution apply to the office of Vice-President.
 - (4) The Vice-President shall, before commencing to perform the functions of Vice-President, take and subscribe the oath of allegiance and the oath of a Vice-President, as may be prescribed by Parliament.
 - (5) Articles 65 and 66 of this Constitution shall, subject to this Constitution, apply to the Vice-President, except that nothing in clause (2) of article 65

shall prevent a person who has been Vice-President from serving from two terms as President.

- (6) The provisions of article 67 of this Constitution relating to the removal of the President apply to the office of Vice-President.
 - (7) Where the office of Vice-President becomes vacant the President working through the Executive Council, may, with the approval of Parliament, appoint a person qualified under this Constitution to hold the office of Vice-President, to perform the functions of that office.
 - (8) A person appointed under clause (7) of this article shall, before assuming the office, take and subscribe the oaths of Vice-President.
- 69.
- (1) If the President dies, resigns or is removed from office under article 67 of this Constitution, the Vice-President shall assume the office of President for the unexpired term of President with effect from the date of death, resignation or removal of the President.
 - (2) Where the unexpired term served by the President under clause (1) of this article is more than two years, then an election of a President shall take place within one year after the Vice-President assumes the office of President.
 - (3) Whenever the President is absent from Uganda or is for any other reason unable to perform the functions of the office of President, the Vice-President shall perform those functions until the President returns or is able again to perform those duties.
 - (4) Where the President and the Vice-President are both unable to perform the functions of the office of the President, the Speaker of Parliament shall perform those functions until the President or the Vice-President is able to perform those functions or until a new President assumes office.
 - (5) The Vice-President shall, before assuming the duties of the office of President under clause (1) of this article, nominate a person to the office of Vice-President, subject to the approval of the Executive Council and ratification by Parliament.
 - (6) A person nominated under clause (5) of this article shall, before assuming the duties of the office of Vice-President, take and subscribe the oaths prescribed in respect of that office under clause (4) of article 68 of this Constitution.

- (7) Before assuming the duties of the office of President under clause (4) of this article, the Speaker shall take and subscribe the oaths specified in relation to that office in the Third Schedule to this Constitution.
- (8) Whenever the Speaker of Parliament assumes the office of the President as a result of the death, resignation or removal of the President and the Vice-President, there shall be a presidential election within six months after his assumption of that office.

70 (1) The President may, on the advice of the Committee on the prerogative of mercy –

- (a) grant an offender a pardon either free or subject to lawful conditions and whether or not he has been convicted of the offence;
- (b) grant a person a respite, either indefinite or for a specified period, from the execution of the punishment imposed on him for an offence;
- (c) substitute a less severe form of punishment for a punishment imposed on a person for an offence; or
- (d) remit the whole or part of a punishment imposed on a person or of a penalty or forfeiture otherwise due to Government on account of any offence.

(2) Where a person is sentenced to death for an offence, a written report of the case from the trial judge or judges or person presiding over the court or tribunal; together with such other information delivered from the record of the case or elsewhere as may be necessary, shall be submitted to the Advisory Committee on the Prerogative of Mercy.

(3) The Advisory Committee on the Prerogative of Mercy shall consist of

- (a) the Attorney-General who shall be Chairman;
- (b) one member nominated by the Uganda Law Society and approved by the Executive Council;
- (c) three prominent citizens of Uganda appointed by the president on the advice of the Executive Council.

(b) The Executive Council

71. (1) Hitherto Uganda's major political problem has been the dictatorial rule inherited by the President from an autocratically empowered British Governor on the eve of political independence, therefore, to ensure democratic exercise of state powers by the President, and exercise of

people's sovereignty as recognized in the first article of this Constitution, there shall be Executive Council consisting the following persons –

- (a) The President and Vice President of Uganda
 - (b) Minister and members of the Standing Committee of the Executive Council under clauses (4) of article 72 of this constitution to deal with specific areas of national and international affairs.
- (2) The Ministers and members of Standing Committees shall be elected by members of the Executive Council on their first sitting from among members directly elected to the Executive Council at a general elections on the basis of the universal adult suffrage and by secret ballot, to represent various districts on the Executive Council.
 - (3) The President of Uganda shall be the Chairman of the Executive Council and shall preside at all meetings thereof, and in his absence the Vice President shall preside.
 - (4) The term of office of the Executive Council, which shall run concurrently with that of the with that of the Federal Parliament, shall be five years from the date of it's sitting after a general election.
 - (5) The Voters of any district are empowered to recall their representatives from membership of the Executive Council before the expiry of the term of office of the Executive Council.
72. (1) The Executive Council shall replace the outmoded Cabinet and shall be the national policy-making organ of Uganda and, in particular, shall-
- (a) identify all problems as well as urgent need of Uganda and think out appropriate solutions to the problems so identified and how to realize the urgent needs of Uganda;
 - (b) scrutinize and articulate proposals from the President, the Ministers, feasibility studies from District Development Committees, recommendations from national research organization and other state organs, and projects sponsored by foreign donors, and reduce them into workable development plans for incorporation into the National Development Programme;
 - (c) reduce proposals for Legislation into Bills for enactment by Federal Parliament into Laws; and

- (d) adopt; refine and pass major policy decisions to federal Parliament for ratification before implementation by appropriate ministries or departments.
- (2) No development projects financed by Uganda tax payers shall be initiated and implemented by civil servants heading ministries or any autonomous body without knowledge and blessing of the Executive Council of Uganda.
- (3) There shall be a Secretary to the Executive Council who shall be appointed by the President with the approval of the Executive Council
- (4) To implement all decision taken by the Executive Council, there shall be fifteen ministers responsible for the following departments
 - (a) Department of Agriculture
 - (b) Department of Commerce
 - (c) Department of Defence
 - (d) Department of Education
 - (e) Department of Energy and Environmental production
 - (f) Department of Finance or Treasury
 - (g) Department of Foreign Affairs
 - (h) Department of Health
 - (i) Department of Housing and Urban Development
 - (j) Department of Industry
 - (k) Department Interior
 - (l) Department of Justice
 - (m) Department of Labour
 - (n) Department of Local Government
 - (o) Department of Transport and Communication.

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- (1) There shall be an Attorney General who may not be an elected member of Federal Parliament who shall be appointed by the President with the prior approval of the Exeutive Council.
 - (2) The Attorney General shall be a distinguished Lawyer who has been qualified to practise as an advocate before the High Court of Uganda or similar court for at least ten years.
 - (3) The Attorney General shall be the principal legal adviser of the Government of Uganda.
 - (4) The function of the Attorney –General are-
 - (a) to give legal advise to the government on any subject when required
 - (b) to render legal opinion on behalf of the Government;
 - (c) to draw and peruse agreements, contracts, treaties, conventions and documents by whatever name called, to which Government is a party or in respect of which the Government has an interest;

- (d) to represent the Government in courts or legal proceedings to which the Government is a party; and
 - (e) to perform such other functions as may be assigned to him by the President or by law.
- (5) The Attorney –General shall be member of the Executive Council and shall attend and participate in the meetings of the Executive Council even if he is not directly elected.

Law Enforcement Commission

74. (1) There shall be a Law Enforcement Commission to replace the colonial legacy called Director of Public Prosecutions.
- (2) The Commission shall be composed of a Chairman and not less than three other persons appointed by the President with express approval of the Executive Council.
- (3) The Chairman of the Commission shall be a judge of the High Court or a distinguished lawyer with impeccable legal career.
- (4) The Chairman and members of the Commission shall be Uganda citizens of high moral character and proven integrity and shall serve for a period of six years and be eligible for re-appointment.
75. (1) The function of the Commission are:
- (a) to instruct criminal proceedings against any person or authority in any court with competent jurisdiction other than a court marital;
 - (b) to take over and continue any criminal proceedings instituted by any other person or authority; and
 - (c) to discontinue at any stage before judgement is delivered any criminal proceedings to which this article relates instituted by itself or by any other person or authority, except that the Commission shall not discontinue any proceedings commenced by any other person or authority except with the consent of the court.
- (2) For the purpose of effective execution of the functions conferred on the Law Enforcement Commission under clause (1) of this article, law enforcement officers who are qualified for appointment as advocates of the High Court of Uganda shall be carefully recruited by the Executive Council.
- (3) The officers so recruited by the Executive Council to act on behalf of the Commission shall be designed as State Attorneys/State Prosecutors.

- (4) The Chairman and members of the law Enforcement Commission may be removed from office by the President with the approval of the Executive Council in the interest of the administration of justice and / or to prevent abuse of legal process.
 - (5) The State Attorneys/State Prosecutors shall be members of the Uganda Civil Service and therefore, shall be subject to Civil Service Law of Uganda.
- 76.
- (1) Uganda shall establish diplomatic mission in judiciously selected countries where mutual cooperation which is beneficial to Uganda is needed to promote her interests.
 - (2) The President shall , with approval of the Executive Council, appoint carefully selected persons with broad knowledge of world Politics to head Uganda 's diplomatic mission abroad.
 - (3) The President may receive envoys accredited to Uganda.
- 77.
- (1) The President or a person authorised by him may make treaties, conventions, agreements or other arrangements between Uganda and any other country, or between Uganda and any international organisation or body, in respect of any matter.
 - (2) In exercising the powers conferred by clause (1) of this article, the president or the person authorised by him to act on his behalf shall first obtains approval of the Executive Council and seek legal opinion of the Attorney –General with regard to the terms of such treaties, conventions, agreements or other arrangements involved.
 - (3) A treaty, convention or agreement or other agreement made under Clause.

War and Emergencies

- 78.
- (1) The President may, with the approval of Parliament given by resolution supported by not less than two-thirds of all the members of parliament , declare that a state of war exists between Uganda and any other country.
 - (2) Where it is impracticable to seek the approval of parliament before the declaration of war under clause (1) of this article, the approval of the Executive Council must be obtained and that of the Parliament must be sought within fourteen days after the declaration if parliament is sitting , or if parliament is not sitting, within thirty days after parliament has commenced sitting.
 - (3) Parliament may by resolution, revoke a declaration war made under clause (1) of this article.

- 79.
- (1) The President may, with the approval of the Executive Council, by proclamation, declare that a state of emergency exists in Uganda or any part of Uganda, if the Executive Council is satisfied that circumstances exist in Uganda or in that part of Uganda
 - (a) in which Uganda or that part of it is threatened by war or external aggression; or
 - (b) in which the security or the economic life of the country or that part is threatened by internal insurgency or natural disaster; or
 - (c) which render necessary the taking of measures which required for securing the public safety, the defence of Uganda and the maintenance of public order and supplies and services necessary to the life of the community.
 - (2) Subject to the provisions of this article, a state of emergency declared under clause (1) of this article shall remain in existence for not more than ninety days and shall then expire.
 - (3) The President shall cause the proclamation declaring the state of emergency to be laid before Parliament as soon as practicable and in any case, not later than fourteen days after it was issued when Parliament is sitting, or within thirty days after it was issued, if Parliament is not sitting.
 - (4) A state of emergency may be extended by Parliament for a period not exceeding six months at a time.
 - (5) The President or Parliament shall, if satisfied that the circumstances for the declaration of the state of emergency were declared.
 - (6) During any period when a state of emergency declared under this article exists, the President shall submit to Parliament at such intervals or as Parliament may prescribe, regular reports on action taken by or on behalf of the President for the purposes of the emergency.
 - (7) Subject to the provision of this Constitution, Parliament shall enact such laws as may be necessary for enabling effective measures to be taken for dealing with any state of emergency that may be declared under this article.
 - (8) Subject to any restrictions imposed by this Constitution, Parliament may, by a law enacted under clause (7) of this article,

Provide for the suspension of any fundamental human right or freedom during the period when a state of emergency is in force.

- (9) The President shall do all in his power to deal with any state of emergency declared under this article, subject to any law enacted by Parliament under this article.
- (10) Any resolution passed by Parliament for the purpose of clause (4) or (5) of this article shall be supported by the votes of not less than half of all the members of Parliament.

CHAPTER SEVEN

THE LEGISLATURE

Establishment, Composition and Function of Parliament

- 80. (1) There shall be a federal parliament of Uganda the composition which shall be as prescribed by article 81 of this Constitution.
 - (2) The term of Federal Parliament shall be five years from the date of its first sitting after a general election.
 - (3) Where there exists a state of war or state of emergency or such other circumstances as would be prevent a normal general election from being held, Parliament may, by resolution supported by not less than two- thirds of all the members of parliament, extend the life of parliament for a period not exceeding twelve months.
- 81. (1) Federal Parliament of Uganda shall consist of two Houses of Executive Council and of representatives directly elected, to represent various districts in the Executive Council and to represent constituencies in the house of representatives , on the basis of universal adult suffrage and by secret ballot.
 - (2) The Executive Council shall be the main policy –making organ of Uganda and its functions shall be as prescribed by article 72 clause (1)
 - (3) Federal Parliament shall, by law prescribe the procedure for the election of members of the Executive Council and House of representatives.

82. (1) Subject to the provisions of this Constitution, the legislative power of Uganda is vested in Federal Parliament and shall be exercised in accordance with clause (2) of this article.
- (2) Federal Parliament has power to legislate as it pleases: to make, unmake, or alter any law; to legalise past illegalities and make void and punishable what was lawful when done and thus reverse the decisions of the ordinary courts; and to destroy established convention or turn a convention into binding law.
- (3) Subject to this Constitution, Federal Parliament may make laws for peace, order and good government with respect to any matter.
- (4) Federal Parliament shall make laws for the well being and development of Uganda in accordance with the provisions of this Constitution.
- (5) Except as provided in this Constitution, no person or body other than Federal Parliament shall have power to make provisions having the force of law in Uganda except under authority conferred by an Act of Federal Parliament.
- (6) Federal Parliament shall protect this Constitution and promote the democratic governance of Uganda.
- (7) Federal Parliament shall have power to remove the President in accordance with the provisions of this Constitution.
- 83 (1) A person is qualified to be a member of The Executive Council and House of representatives in the Federal Parliament if –
- (a) he is a citizen of Uganda, has attained the age of twenty five years and he is a registered Voter;
- (b) he is resident in a district and/or the Constituency for which he stands as a candidate for election and has some tangible interest in that district or Constituency and in particular, has been ordinarily resident there during the period of twelve months immediately preceding the election; and
- (c) he has completed a minimum formal education of Ordinary Level standard or its equivalent;
- (2) A person is disqualified from being a member of Parliament if he
- (a) ceases to be a citizen of Uganda;

- (b) is found unsound mind;
 - (c) is convicted of an offence involving moral turpitude;
 - (d) I disqualified for election by a law in force in Uganda by reason of his holding or acting in an office the functions of which involve a responsibility for or in connection with, the conduct of an election or responsibility for the compilation or revision of an electoral register;
 - (e) Is a member of a local government council;
 - (f) Is a public officer;
 - (g) Is a traditional leader;
 - (h) Has been adjudged or otherwise declared bankrupt under any law in fore in Uganda and has not been discharged;
 - (i) Is under sentence of death or other sentence of imprisonment exceeding six months imposed by any competent court without the option of a fine.
- (3) A person shall not be taken to be disqualified to be a member of Parliament under clause (2) of this article by reason of conviction for offence if –
- (a) ten years have passed since the end of the sentence; or
 - (b) he has been pardoned in respect of that offence; or
 - (c) the conviction in question has been quashed by a higher court or tribunal.
84. (1) There shall be a Speaker or a Deputy Speaker of Parliament who shall be elected by members of Parliament from among members of Parliament.
- (2) A person shall not be qualified to be elected a Speaker or Deputy Speaker if he is a Minister of a Deputy Minister.
- (3) No business shall be transacted in Parliament other than an election to the office of Speaker at any time when that office is vacant.
- (4) The Chief Justice or a Judge designated by him shall preside at an election of a Speaker.

- (5) An election to the office of Deputy Speaker shall be held at the first sitting of Parliament after that office becomes vacant.
 - (6) The Speaker or the Deputy Speaker shall vacate his office –
 - (a) if he is appointed to any other public office;
 - (b) if he becomes a Minister or deputy Minister;
 - (c) if he resigns his office by writing signed by him addressed to the Clerk of Parliament.
 - (d) If he ceases to be a member of Parliament; or
 - (e) If he is removed by resolution of Parliament supported by not less than two-thirds of all the members of Parliament.
 - (7) The Speaker and Deputy Speaker shall receive such salary and allowances and, on retirement, such retiring benefits as may be prescribed by Parliament by law.
 - (8) The salaries, allowances and retiring benefits of the Speaker and Deputy Speaker shall be charged on the consolidated Fund.
 - (9) The Speaker and Deputy Speaker shall each before assuming the duties of his office take and subscribe the oath of Speaker or deputy Speaker as prescribed by Parliament by Law.
85. (1) A member of the Executive Council or House of representatives in Parliament shall vacate his seat in Parliament –
- (a) If he is recalled by the electorate in his district or in his constituency in accordance with this Constitution.
 - (b) If he resigns his office by writing signed by him and addressed to the Speaker;
 - (c) If such circumstances arise that if he were not a member of Parliament would cause him to be disqualified for election as a member of Parliament under article 83 of this Constitution;
 - (d) Subject to the provisions of this Constitution, upon dissolution of Parliament;

- (e) If he is expelled by Parliament after being found guilty of contempt of Parliament by the Committee of Parliament on privileges;
- (f) If he is absent from fifteen sittings of Parliament without permission in writing of the Speaker during any period when Parliament is continuously meeting, and he is unable to offer satisfactory explanation on to the Parliament Committee on privileges for his absence;
- (g) If he is found guilty by the appropriate tribunal of grave violation of the leadership Code of Conduct and the punishment imposed is or included the vacation of the office of the member of Parliament.
- (h) If he leaves the party for which he stood as a candidate for his election to Parliament to join another party or seeks to remain in Parliament as an independent member;
- (i) If he was elected a member of Parliament as an independent candidate and joins a political party.

(2) Notwithstanding paragraph (h) of clause (1) of this article, a merger of parties at the national level sanctioned by the Constitutions of the parties or membership of a coalition government of which his original party forms part, shall not affect the status of any member of Parliament.

- 86
- (1) The voters of any constituency are entitled to recall their representatives from membership of Parliament before the expiry of Parliament.
 - (2) Parliament shall by law prescribe the grounds and the procedure to be followed for the recall of a member of Parliament under this article.
 - (3) For the avoidance of doubt, physical incapacity and mental incapacity shall be included among the grounds under this article.
 - (4) This article applies with necessary modifications to person representing interest groups as set out in article 81 of this Constitution.
 - (5) Without prejudice to clauses (2) and (3) of this article, to recall the member of Parliament, a petition signed by at least one-third of the registered voters of the Constituency in question shall be delivered to the Electoral Commission stating that the people of the constituency have lost confidence in the member of Parliament..
 - (6) If the Electoral Commission is satisfied after reasonable inquiry about the genuineness of the ground in the petition and the number of voters

supporting it, the Commissions shall declare the seat of the member of Parliament vacant and hold a by-election in that constituency.

87. The Leadership Code of conduct shall apply to all members of Parliament
88. (1) A member of Parliament shall be paid such emoluments and shall be provided such facilities as the appropriate Committee of Parliament may, with the approval of the Executive Council determine.
- (2) A member of Parliament shall be paid gratuity as may be determined by Parliament with the approval of the Executive Council.
- (3) Subject to the Leadership Code of Conduct a member of Parliament shall not hold any office of profit or emolument likely to compromise his office.
89. (1) The High Court shall have jurisdiction to hear and determine any question whether –
- (a) a person has been elected a member of Parliament or member of the Executive Council or the seat of a member of Executive or Member of Parliament has become vacant; or
- (b) a person has been validly elected a Speaker of Parliament or Deputy Speaker or having been so elected, has vacated that office.
- (2) A person aggrieved by the determination of the high Court under this article may appeal to the Supreme Court.
- (3) Parliament shall, by law, make provision with respect to-
- (a) the persons eligible to apply to the High Court for determination of any question under this article;
- (b) the circumstances and manner in which the conditions upon which any such application may be made.
90. There shall be a public officer designated Clerk to Parliament and such other members of staff as may be necessary for the efficient discharged of the functions of Parliament.

Procedure of Parliament

91. (1) The quorum of Parliament, apart from the persons presiding, shall be one third of all members of Parliament.
92. (2) The person presiding in Parliament shall have neither an original nor a

casting vote and if on any question before Parliament the votes are equally divided the motion shall be lost.

- (3) The rules of procedure of Parliament may make provision under which a member of Parliament is prohibited from voting on a question in which he has a direct pecuniary interest and for his vote in such circumstances not be taken into account.
 - (4) Except as expressly provided by this Constitution, Voting in Parliament shall be according to the rules of procedure of parliament.
93. (1) Parliament shall appoint standing committees and other committees necessary for the efficient discharge of its functions.
- (2) In particular, Parliament shall have standing committees on the following subjects –
- (a) procedures, discipline, privileges and welfare of members;
 - (b) planning, agriculture, the economy, and development;
 - (c) finance and public accounts;
 - (d) constitutional, legal and human rights;
 - (e) public utilities;
 - (f) social services and welfare;
 - (g) international and regional cooperation; and
 - (h) local government.
- (3) The following shall apply with respect to the composition of the committees of Parliament.
- (a) the members of the standing committees shall be elected from among the members of Parliament at the commencement of the first session of Parliament;
 - (b) members of Parliament shall indicate by writing to the Speaker their preferences as to the standing committees of which they wish to be members in order of priority;

- (c) the Speaker shall appoint the Chairmen of the committees in accordance with their competence and the order of preferences indicated by them;
 - (d) the Vice-President, a Minister or a Deputy Minister is not qualified to be a member of a committee of Parliament but may be invited to take part in its proceedings.
- (4) The numbers of members of each committee of Parliament shall be determined by Parliament.
- (5) The functions of standing committees are as follows-
- (a) to discuss any bill laid before Parliament and to initiate any bill within its area of competence;
 - (b) to assess and evaluate activities of Government and other bodies in which Government has an interest;
 - (c) to carry out relevant research in their respective fields;
 - (d) to report to Parliament on their functions.
- (6) In the exercise of its functions under this article, a committee of Parliament –
- (a) may call any Minister or any person holding public office and private individual to submit memoranda or appear before the committee to give evidence;
 - (b) may co-opt or employ qualified persons to assist it in the discharge of its functions;
 - (c) shall have the powers, right and privileges of the high Court or a judge of the High Court at a trial for -
 - (i) enforcing the attendance of witness and examining them on oath, affirmation or otherwise;
 - (ii) compelling the production of documents; and
 - (iii) issuing a commission or request to examine witnesses abroad.
- (7) Parliament –

- (a) shall by law make such provision as may be necessary for ensuring that functions of committees of Parliament are effectively carried out, and in particular that their orders and decisions are dully complied with or given effect;
 - (b) may prescribe the functions of a committee of Parliament other than a standing committee.
- 94.
 - (1) Subject to the provision of this Constitution, the power of Parliament to make laws shall be exercised by bills passed by Parliament and assented to by the President.
 - (2) A bill passed by Parliament shall immediately be presented to the President for assent.
 - (3) The President shall, within thirty days after a bill is presented to him assent to the bill.
 - (4) Where the President fails to assent to a bill within the period prescribed in the clause (3) of this article the bill shall become law.
 - (5) Where the President disagreed with the Parliament on issue which affects well being of the masses fundamentally, the issue shall be referred to the people to decide by referendum.
 - (6) If the President disagreed with the result of referendum, the President shall resign forthwith.
 - (7) A bill passed by Parliament assented to by the President or which has otherwise become law under this article, shall not come into force unless published in the Gazette.
- 95. Parliament shall not, unless the bill or the motion is introduced by the Executive Council-
 - (a) proceed upon a bill, including amendment to a bill, that is in the opinion of the person presiding makes provision for any of the following:
 - (i) the imposition of a charge on the Consolidated Fund or other public fund of Uganda or the alteration of any such charge otherwise than by reduction; or
 - (ii) the imposition of a charge on the Consolidated Fund or other public fund of Uganda or the alteration of any such charge otherwise than by reduction; or

- (iii) the payment, issue or withdrawal from the Consolidated Fund or other public fund of Uganda of any moneys not charged on that fund or any increase in the amount of that payment, issue or withdrawal; or
 - (b) proceed upon a motion, including an amendment to a motion, the effect of which in the opinion of the person presiding, would be to make provision for any of the purposes specified in paragraph (a) of this article.
- 96.
 - (1) Subject to the provisions of this Constitution, Parliament may make rules to regulate its own procedure including the procedure of its committees.
 - (2) Parliament may act notwithstanding a vacancy in its membership including a vacancy not filled when Parliament first meets after dissolution of Parliament.
 - (3) The presence or the participation of a person not entitled to be present or to participate in the proceedings of parliament shall not by itself invalidate those proceedings.
 - (4) The rules of procedure of parliament shall prescribe that –
 - (a) the Executive shall determine the order of priority in the enactment of laws by Parliament;
 - (b) a private member of Parliament shall have the right to move a private member's bill;
 - (c) the member moving the private member's bill should be afforded reasonable assistance by the department of Government whose area of operation is affected by the bill; and
 - (d) the office of the Attorney-General should afford the member moving the private member's bill reasonable professional assistance in the drafting of the bill.

Summoning and Dissolution of Parliament.

- 97.
 - (1) A Session of Parliament shall be held at such place within Uganda and shall commence at such time as the Speaker may, by proclamation, appoint.
 - (2) The Speaker may by proclamation, prorogue Parliament.

- (3) Where a new Parliament is elected, the President shall, by proclamation, appoint the date and place of the first session of Parliament to enable the Speaker and the Deputy Speaker to be elected and the date appointed shall be within thirty days after the general election.
- (4) A session of Parliament shall be held at least once a year but the period between one session and the next following session shall be less than twelve months.
- (5) Notwithstanding any other provision of this article, one third or more of all the members of Parliament may request a meeting of Parliament; and the Speaker shall, within twenty-one days after the receipt of the request, summon Parliament unless exceptional circumstances exist rendering it impossible so to do.
- (6) Subject to article 98 of this Constitution and to the provisions of this Constitution, a general election of members of Parliament shall be held within sixty days before the expiry of the period of five years of the term of Parliament.
- (7) A session of Parliament shall commence within twenty one days after the expiration of the period referred to in clause (6) of this article.
- (8) Whenever a vacancy exists in Parliament the Clerk to Parliament shall notify the Electoral Commission in writing within ten days after the vacancy occurred, and a by-election shall be held within sixty days after the vacancy occurred.
- (9) Notwithstanding clause (8) of this article, a by-election shall not be held within six months before the holding of a general election.

98. Parliament shall stand dissolved –

- (a) upon the expiration of its term as prescribed by article 80 clause 92) of this Constitution; or
- (b) if the life of Parliament is extended as provided for in clause 93) of article 80 of this Constitution, upon the expiration of the extended period; or
- (c) where a general election has been as a result of a resolution passed under paragraph (c) of clause (2) of article 54 of this Constitution, on the first sitting of the new Parliament elected at the general election; or
- (d) in any other circumstances prescribed by this Constitution.

99. The Speaker, the deputy Speaker, members of Parliament and any other person participating or assisting in or acting in connection with or reporting the proceedings of Parliament or any of its committees shall be entitled to such immunities and privileges as Parliament shall by law prescribe.
100. Subject to the provisions of this Constitution, Parliament may provide for any matter which arises and for which no provision is made under this Constitution either expressly or by necessary implication.

CHAPTER EIGHT

THE JUDICIARY

Administration of Justice

- 101 (1) Judicial power is derived from the people and shall be exercised by the courts established under this Constitution in the name of the people and in conformity with the law and with the values, norms and aspirations of the people.
- (2) In adjudicating cases of both a civil and a criminal nature, the courts shall, subject to the law, be guided as far as possible by the following principles-
- (a) justice shall be done to all irrespective of their social or economic status;
 - (b) justice shall not be delayed;
 - (c) adequate compensation shall be awarded to victims of wrongs;
 - (d) reconciliation between parties shall be promoted; and
 - (e) substantive justice shall be administered without undue regard to technicalities.
- (3) The Courts shall endeavour to educate the people with a view to establishing a spirit of –
- (a) voluntary and conscious observance of the law; and
 - (b) referring disputes to courts for adjudication.
- 102 (1) The people shall participate in the administration of justice and in particular through the system of trial by jury and assessors.

- (2) Parliament shall make law providing for participation of the people in the administration of justice by the courts.
- 102 (1) The people shall participate in the administration of justice and in particular through the system of trial by jury and assessors.
- (2) Parliament shall make law providing for participation of the people in the administration of justice by the courts.
- 103 (1) In the exercise of judicial power the courts shall be independent and not be subject to the control or direction of any person or authority.
- (2) No person or authority shall interfere with the courts or judicial officers in the exercise of their judicial functions.
- (3) All organs and agencies of the state shall accord to the courts such assistance as the courts may reasonably require to protect the independence and to ensure effectiveness of the courts.
- (4) A person exercising judicial power shall not be liable to any action or suit for any act, or omission by him in good faith in the exercise of judicial power.
- (5) The administrative expenses of the Judiciary including all salaries, allowances, gratuities and pensions payable to or in respect of persons serving in the Judiciary shall be charged on the Consolidated Fund.
- (6) The Judiciary shall be self-accounting and may deal directly with the Ministry responsible for finance in relation to its finances.
- (7) Salaries, allowances, privileges and retirement benefits and other conditions of service of a justice of the Supreme Court or a Judge of the High Court or any other judicial officer or other person exercising judicial power shall not be varied to his disadvantage.
- (8) The office of a Justice of the Supreme Court or a judge of the High Court shall not be abolished when there is a substantive holder of that office.

The Court of Judicature

- 104 (1) The Judicial power of all Ugandans shall be exercised by the courts of Judicature which shall consist of;
- (a) the Supreme Court of Uganda;
- (b) the High Court of Uganda;

- (c) the State or District or District Court; and
 - (d) such subordinate Courts as Federal Parliament may by law establish.
- (2) Subject to the provisions of this Constitution, Federal Parliament may make provision for the jurisdiction and procedure of the Courts.

The Supreme Courts of Uganda.

105. The Supreme Court shall consist of –
- (a) The Chief Justice;
 - (b) The Deputy Chief Justice; and
 - (c) Such number of Justices of the Supreme Court not being less than five, as Federal Parliament may by law prescribe.
106. (1) The Supreme Court shall be the final court of appeal and shall be a superior court of record and have all powers of such a Court.
- (2) An Appeal shall lie to the Supreme Court from such decisions of the High Court as may be prescribed by law.
- (3) The Supreme Court, may while treating its own previous decisions as normally binding, depart from a previous decision when it appears to it right to do so; and all other courts shall be bound to follow the decisions of the Supreme Court on questions of law.
107. (1) The Supreme Court shall be duly constituted at any sitting if it consists of an uneven number not being less than three members of the court.
- (2) When hearing an appeal against a decision on a question relating to the interpretation of the Constitution, the Court shall be duly constituted if it consists of an uneven number not being less than five members of the court.
- (3) The Chief Justice shall preside at each sitting of the Supreme Court and in his absence the Deputy Chief Justice shall president, and in the absence of both of them, the most senior ember of the court as constituted shall preside.
- (4) The Chief Justice may create such divisions of the Supreme Court as he may consider necessary –
- (a) consisting of such numbers of justices of the Supreme Court as may be assigned to them by the Chief Justice.

- (b) Sitting at such places in Uganda as the Chief Justice may, after consultation with the Attorney-General by statutory order, determine.
- 108 (1) The Chief Justice –
 - (a) shall be the head of the judiciary and shall be responsible for the administration and supervision of all the courts in Uganda; and
 - (b) may issue orders and directions to the courts necessary for the proper and efficient administration of Justice.
- (2) Subject to clause (1) of this article, the deputy Chief Justice shall –
 - (a) assist the Chief Justice in the administration of the courts; and
 - (b) perform such other functions as may be delegated or assigned to him by the Chief Justice.
- 109 (1) The Chief Justice and the Deputy Chief Justice shall be appointed by the President with the approval of the Executive Council.
- (2) A Justice of the Supreme Court shall be appointed by the President on the advice of the Judicial Service Commission and with the approval of the Executive Council.
- (3) A person shall be qualified for appointment as -
 - (a) Chief Justice, if he has served as a Justice of the Supreme Court of Uganda or of a court having similar jurisdiction or has practised as an advocate before a court having unlimited jurisdiction in civil and criminal matters for a period not less than ten years;
 - (b) Deputy Chief Justice, if he has served as a Justice of the Supreme Court of Uganda or a court having similar jurisdiction or had practised as an advocate before a Court having unlimited jurisdiction in civil and criminal matters for not less than ten years.
 - (c) A justice of the Supreme court, if he has served as a Judge of the high court or a Court having similar jurisdiction or has practised before a court having unlimited jurisdiction in civil and criminal matters for a period not less than ten years.
 - (4) Any period during which a person has practised as a public officer holding an office for which qualifications as an advocate is required shall be

counted in the calculation of any period of practice required under clause (3) of this article even through he does not have a practising certificate.

(5) Where the office of the Chief Justice is vacant or where the chief Justice is for any reason unable to perform the functions of his office, then until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed the performance of those functions, those functions shall be performed by the Deputy Chief Justice.

(6) Where –

- (a) the office of the Deputy Chief Justice is vacant; or
- (b) the deputy Chief Justice is acting as Chief Justice or;
- (c) the deputy Chief Justice is for any reason unable to perform the functions of his office,

then until a person has been appointed to and assumed the functions of that office, or until the deputy Chief Justice has assumed those functions, those functions shall be performed by a Justice of the Supreme Court designated by the President after consultation with the Chief Justice or the acting Chief Justice as the case may be.

(7) Where –

- (a) the office of a Justice of the Supreme Court is vacant; or
- (b) the Justice of the Supreme Court is for any reason unable to perform the functions of his office, or
- (c) the Chief Justice advises the President that the state of business in the Supreme Court so requires,

the President may, acting in accordance with the advice of the Judicial Service Commission and with the approval of the Executive Council, appoint a person qualified for appointment as a Justice of the Supreme Court to act as such a Justice even through he has attained the age prescribed for retirement in respect of that office.

(8) A person appointed under clause (7) of this article to act as a Justice of the Supreme Court shall continue to act for the period of his appointment, or where no period is specified, until his appointment is revoked by the President, acting in accordance with the advice of the Judicial Service Commission and sanction by the Executive Council.

110 (1) Subject to the provisions of this article, a person holding the office of a Justice of the Supreme Court may retire at any time after attaining the age of seventy years or such other age as may be prescribed by Parliament.

- (2) A Justice of the Supreme Court who has attained the age at which he is required by this article to vacate his office may continue in office for a period not exceeding three months, necessary to enable him to complete any work pending before him.
- (3) A Justice of the Supreme Court may be removed from office for inability to perform the functions of his office, arising from infirmity of body or mind or from any cause or for misbehaviour or misconduct and only in accordance with the provisions of this article.
- (4) A Justice of the Supreme Court shall be removed by the President if the question of his removal has been referred to a tribunal appointed under clause (5) of this article and the tribunal has recommended to the President that he ought to be removed from office on any ground described in clause (3) of this article.
- (5) Subject to clause (6) of this article, the question whether the removal of Justice of the Supreme Court should be investigated shall be referred to the Executive Council and the President by the Judicial Service Commission with advice that the President should appoint a tribunal and the President shall then appoint a tribunal consisting of persons who hold or have held office in court of similar jurisdiction.
- (6) Where a representation is made in writing to the Executive Council by any person or authority making allegations which if proved could result in the removal of the Chief Justice or the Deputy Chief Justice, the Executive Council shall refer to the President, the question whether the Chief Justice or the Deputy Chief Justice should be removed and the President shall act according to the procedure laid down in clause (5) of this article.
- (7) If the question of removing the Chief Justice, deputy Chief Justice or a Justice of the Supreme Court is referred to a tribunal under this article, the President shall suspend him from performing the functions of his office.
- (8) A suspension under clause (7) of this article shall cease to have effect if the tribunal advises the Executive Council and the President that the person suspended should not be removed.

THE HIGH COURT OF UGANDA

- 111 (1) The High Court of Uganda shall consist of –
- (a) the Principal Judge; and

- (b) such other number of Judges as may be prescribed by the Judicial Service commission, acting on the advice of the Chief Justice and approval of the Executive Council.
- (2) The High court shall sit in such places as the chief justice may appoint and in doing so, the Chief Justice shall as far as practicable ensure that the High Court is accessible to all the people.
- 112 (1) The High Court shall, subject to the provisions of this Constitution, have jurisdiction in all matters, in particular civil and criminal matters and such original, appellate and other jurisdiction as may be conferred on it by this Constitution or any other law.
- (2) Subject to the provisions of this Constitution and any other law, the decisions of any Court lower than the High Court shall be appealable to the High Court.
- 113 (1) Any question as to the interpretation of this Constitution shall be determined by the High Court consisting of a bench of not less than three Judges of the High Court.
- (2) A person who alleges that –
 - (a) an act of Parliament or anything in or done under the authority of any law; or
 - (b) an act or omission of any person or authority,is inconsistent with or in contravention of a provision of this Constitution, may petition the High Court for a declaration to that effect and for redress where appropriate.
- (3) Where any question as to the interpretation of this Constitution arises in any proceedings in any Court of law other than a court-martial, the court-
 - (a) may, if it is of the opinion that the question involves a substantial question of law; and
 - (b) shall, if any part to the proceedings requests it to do so, refer the question to the high Court consisting of a bench of not less than three Judges of the high Court as required by clause (1) of this article.
- (4) Where any question is referred to the High Court under this article, the High Court shall give its decision on the question and the Court in which

the question arises shall dispose of the case in accordance with that decisions.

- (5) A person dissatisfied with a decision of the High court on a petition or reference under this article may appeal to the Supreme Court.

114 (1) Where under the provisions of this constitution any question is referred to the High Court –

- (a) as to interpretation of this Constitution; or
- (b) as to whether or not any person was validly elected to the office of President or as a member of Parliament.

The High Court shall proceed to hear and determine the question as soon as possible and may, for that purpose, suspend any other matter pending before it until the conclusion of that question.

- (2) This article applies in a similar, manner to the Supreme Court when hearing and determining appeals from the decisions of the High Court on question referred to in clause (1) of this article.

115 (1) The Principal Judge and Judges of the High Court shall be appointed by the President acting on the advice of the Judicial Service commission and with the approval of the Executive Council.

(2) A person shall be qualified for appointment as a Judge of the High Court –

- (a) he is, or has been a Judge of a court having unlimited jurisdiction in civil and criminal matters or a court having jurisdiction in appeals from any such court; or
- (b) he has practiced before a court described in paragraph (a) of this clause for a period not less than seven years.

- (3) Any period during which a person has practised as a public officer holding an office for which qualification as an advocate is required shall be counted in the calculation of the period of seven years' practice required under clause (2) of this article even though he does not have a practising certificate.

116 (1) Subject to the provisions of article 108 of this Constitution, the Principal Judge shall –

- (a) be the head of the High Court, and shall in that capacity assist the Chief Justice in the administration of the High Court; and

(b) perform such other functions or duties as may be delegated or assigned to him by the Chief Justice.

(2) Where –

(a) the office of Principal Judge is vacant; or

(b) the Principal Judge is for any reason unable to perform the functions of his office,

then until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, those functions shall be performed by a Judge of the High Court designated by the President acting on the advice of the Chief Justice.

(3) Where –

(a) the office of a Judge of the High Court is vacant; or

(b) a High Court Judge is appointed Principal Judge; or

(c) a High Court judge is for any reason unable to perform the functions of his office; or

(d) the Chief Justice advises the President that the state of business in the High Court so requires,

the President may, acting on the advice of the Judicial Service Commission and with approval of the Executive Council, appoint a person qualified for appointment as a Judge of the High Court to act as such Judge even though he has attained the retirement age as prescribed in respect of that office.

(4) A person appointed under clause (3) of this article to act as a Judge of the High Court shall continue to act for the period of his appointment or, if no period is specified, until his appointment is revoked by the President, acting on the advice of the Judicial Service Commission and with the approval of the Executive Council whichever is the earlier.

117 (1) Subject to the provisions of this article, a Judge of the High Court may retire at any time after attaining the age of sixty five years, or such other age as maybe prescribed by Parliament.

(2) A person who has attained the age at which he is required by this article to vacate his office may continue in office for the period not exceeding three months necessary to enable him complete any work pending before him.

(3) Subject to clause (4) of this article, article 110 relating to the removal of Justices of the Supreme Court shall apply to Judges of the High Court.

- (4) For the purposes of investigating the removal of the Principal Judge or a Judge of the High Court –
- (a) the question of investigation shall be referred to the President by Judicial Service Commission;
 - (b) the tribunal shall consist of three persons who are or have each held office as, a Judge of a court having unlimited jurisdiction in civil and criminal matters or a court having jurisdiction in appeals from such a Court.

JUDICIAL SERVICE COMMISSION

118. (1) There shall be a Judicial Service Commission for Uganda which shall consist of –
- (a) the Chief Justice, who shall be the chairman;
 - (b) the Principal Judge;
 - (c) not Attorney-General; and
 - (d) not less than six other members appointed by the President with the approval of the Executive Council.
- (2) The following provisions shall apply in relation to members of the Judicial Service Commission appointed by the President under paragraph (d) of clause (1) of this article –
- (a) three members shall be appointed from among persons who have the qualifications prescribed in clause (2) of article 115 of this Constitution and have been elected by the Uganda Law Society;
 - (b) two members shall be appointed from among members of the Public Service Commission;
 - (c) one member shall be a person who has excelled in the public service or private sector and is a person of high moral character and proven integrity.
- (3) Subject to the provisions of this article a person appointed by the President as a member of the Judicial Service Commission –
- (a) shall vacate his office at the expiration of four years from the date of his appointment but is eligible for reappointment for one other term; and
 - (b) may be removed by the President with the approval of the Executive Council only for inability to discharge the functions of his office arising from infirmity of body or mind or any other cause, or for misbehaviour misconduct.

- 119 (1) The functions of the Judicial Service Commission are –
- (a) to advise the President in the exercise of his power to appoint persons to hold or act in any office to which this article applies which included power to confirm appointments, to exercise disciplinary control over such persons and their removal from office.
 - (b) subject to the provisions of this Constitution, to review and make recommendations on the terms and conditions of service of Judges and other judicial officers.
 - (c) To prepare and implement programmes for the education of, and for the dissemination of information to, the public about law and the administration of Justice.
 - (d) To receive and process people's recommendations and complaints concerning the Judiciary and the administration of justice and generally to act as a link between the people and the Judiciary; and
 - (e) To advise the Government on improving the administration of justice.
- (2) The functions of the President and the Judicial Service Commission under this article shall be discharged in accordance with any law made by parliament for regulation and facilitating the discharge of those functions.
- (3) The offices to which this article applies are-
- (a) the office of Justice of the Supreme court or Judge of the High Court and;
 - (b) the office of Chief Registrar.
120. (1) Subject to the provisions of this Constitution, the power to appoint persons to hold or act in any judicial office other than Officers. The offices mentioned in clause (3) of article 119 of this Constitution, to confirm appointments in, and to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office, shall be vested in the Judicial Service Commission.

MISCELLANEOUS

121. A Justice of the Supreme Court or a Judge of the High Court shall not assume the duties of this office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his offices as may be prescribed by Parliament.
122. Parliament may make laws providing for the structures, procedures and functions of Judiciary.

CHAPTER NINE

FINANCE

General

123. (1) Structure and mode of taxation in Uganda shall be determined by the Executive Council and ratified by Parliament.
- (2) No tax shall be imposed on any Uganda except under the authority of an Act of Parliament.
- (3) Where a law enacted under clause (2) of this article confers powers on any person or authority shall be subject to the prior approval of Parliament by resolution.
- (4) Parliament may by resolution supported by the votes of not less than two thirds of all the members of Parliament exempt the exercise of any power from the provisions of clause (3) of this article.
124. (1) There shall be a Consolidated Fund into which shall be paid –
- (a) all revenues or other money raised or received for the purpose of, or on behalf of, Federal Government; and
- (b) any other money raised or received in trust for or on behalf of the Federal Government.
- (2) The revenues or other moneys referred to in clause (1) of this article shall not include revenues or other moneys;
- (a) that are payable by or under an Act of Parliament, into some other fund established for a specific purpose or
- (b) that may, under the Act of Parliament be retained by the department of Government that received them for the purpose of defraying the expense of that department.
125. (1) No money shall be withdrawn from Consolidated Fund except –
- (a) to meet expenditure charged upon the fund by this Constitution or by an Act of Parliament; or
- (b) where the issue of those moneys has been authorised by an Appropriation Act, a Supplementary Appropriation Act or as provided under clause (4) of this article.

- (2) No money shall be withdrawn from any public fund of Uganda other than the Consolidated Fund, unless the issue of those moneys has been authorised by law.
 - (3) No moneys shall be withdrawn from the Consolidated Fund unless such withdrawal has been approved by the Uganda Audit Commission and in the manner prescribed by Parliament.
 - (4) If the appropriation bill in respect of any financial year has not been passed into law by the beginning of the financial year, authorise the withdrawal of money from the Consolidated fund for the purpose of meeting expenditure necessary to carry on from the beginning of the financial year or on the coming into operation of the Appropriation Act.
 - (5) The withdrawal of funds under clause (1) of this article shall not exceed the amount authorised to be withdrawn from the Consolidated fund by the Appropriation Act for the corresponding period in the immediately preceding financial year.
- 126
- (1) The Executive Council and the President shall cause to be prepared and laid before Parliament in each financial year, but in any case not later than the fifteenth day after the commencement of the financial year, estimates of revenues and expenditure of Uganda for the next following financial year.
 - (2) The head of any self-accounting department, Commission or organisation set up under this Constitution, shall cause to be submitted to the Executive Council and the President at least two months before the end of each financial year, estimates of administrative and development expenditure and estimates of revenues of the respective department, commission or organisation for the following year.
 - (3) The estimates prepared under clause (2) of this article shall be laid before Parliament by the President under clause (1) of this article without revision but with any recommendations that the Government may have on them.
 - (4) At any time before Parliament considers the estimates of revenues and expenditure laid before it by or on the authority of the Executive Council and the President, the Finance and Public Accounts Committee of Parliament may discuss and review the estimates and make appropriate recommendations to Parliament.
 - (5) Notwithstanding the provisions of clause (1) of this article, the Executive Council and the President may cause to be prepared and laid before Parliament –

- (a) fiscal and monetary programmes and plans for economic and social development covering periods exceeding one year;
 - (b) estimates of revenue and expenditure covering periods exceeding one year;
- (6) Parliament may make laws for giving effect to the provisions of this article.
- 127 (1) The heads of expenditure charged upon the Consolidated Fund by this Constitution or any Act of Parliament, shall be included in a bill to be known as an Appropriation Bill which shall be introduced into Parliament to provide for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified in the bill.
- (2) If in respect of any financial year it is found –
- (a) that the amount appropriated for any purpose under the Appropriation Act is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated for that purpose or for a purpose for which no amount has been appropriated by that Act,
 - (b) that any money have been expended for any purpose in excess of the amount appropriated for that purpose or for a purpose for which no amount has been appropriated by that Act,
- a supplementary estimate showing the sums required or spent shall be laid down before Parliament and in the case of excess expenditure within four months after the money is spent.
- (3) Where in respect of any financial year a supplementary estimate have been approved by Parliament in accordance with clause (2) of this article, a supplementary Appropriation Bill shall be introduced into Parliament in the financial year next following that financial year to which the estimates relate, providing for the purpose specified in those estimates.
- 128 (1) Parliament may on advice of the Executive Council make provisions for the establishment of a Contingencies Fund and for authorising the President to make advances from that fund if he is satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists.
- (2) Where any advance is made from the Contingencies Fund, a supplementary estimate shall be presented as soon as possible for the purpose of replacing the amount so advanced.

- 129 (1) Where any salary allowance of the holder of any office is charged on the Consolidated Fund, it shall not be altered to his disadvantage after he has been appointed to that office.
- (2) Subject to the provisions of this Constitution, Parliament shall prescribe the salaries and allowances of holders of offices the salaries and allowances in respect of which are charged on the Consolidated Fund by this Constitution.
- 130 (1) Subject to the approval by the Executive Council and provisions of this Constitution, government may borrow from any source.
- (2) Government shall not borrow or raise a loan on behalf of itself or any other public institution or authority except as authorised by or under an Act of Parliament.
- (3) An Act of Parliament made under clause (2) of this article shall provide –
- (a) that the terms and conditions of the loan shall be laid before Parliament and shall not come into operation unless they have been approved by a resolution of Parliament; and
- (b) that any money received in respect of that loan shall be paid into the Consolidated Fund or into some other public fund which is existing or is created for the purpose of the loan.
- (4) The President shall, at such times as Parliament may determine, cause to be presented to Parliament such information concerning any loan as necessary to show –
- (a) the extent of total indebtedness by way of principal and accumulated interests; and
- (b) the provision made for servicing or repayment of the loan.
- (5) Parliament may, by resolution authorise the government to enter into an agreement for the granting of a loan out of any public fund or public account.
- (6) An agreement entered into under clause (5) of this article shall be laid before Parliament and shall not come into operation unless it has been approved by Parliament by resolution.
- (7) For the purpose of this article, the expression “loan” includes any money lent or given to or by the government on condition of return or repayment and any form of borrowing or lending in respect of which –

- (a) moneys from the Consolidated Fund or any other public fund may be used for payment or repayment or; and
 - (b) money from any fund by whatever name called, established for the purpose of payment or repayment whether in whole or in part and whether directly or indirectly may be used for payment or repayment.
- 131 (1) The public debt of Uganda shall be charged upon the Consolidated Fund and other public funds of Uganda.
- (2) For the purposes of this article, the public debt includes the interest on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt.
- (3) Government has no power to engage foreign agents to handle loan matters on behalf of Uganda without express approval of the Executive Council.

CENTRAL BANK

- 132 (1) The Bank of Uganda shall be the Central Bank and it shall be the only authority to issue the currency of Uganda.
- (2) The authority of the Bank of Uganda shall vest in a Board which shall consist of a Governor, a Deputy Governor and not more than five other members.
- (3) The following shall apply to the members of the Board –
- (a) all members of the Board shall be appointed by the President with the approval of the Executive Council.
 - (b) The President shall with the approval of the Executive Council, appoint one of the members of the Board to be Chairman of the Board.
 - (c) Their emoluments shall not be reduced while they continue to hold office.
 - (d) They shall hold office for five years, but shall be eligible for reappointment;
 - (e) The appointment of the Chairman may be revoked by the President with the approval of the Executive Council.
 - (f) Any member of the Board may be removed by the President with the approval of the Executive Council only for inability to perform the functions of his office arising out of physical or mental incapacity or any other cause or for misbehaviour or misconduct.

- 133 (1) The Bank of Uganda shall -
- (a) promote and maintain the stability of the value of the currency of Uganda;
 - (b) regulate the currency system in the interest of the economic progress of Uganda;
 - (c) encourage and promote economic development, and the efficient utilization of the resources of Uganda through effective and efficient operation of a banking and credit system; and
 - (d) do all such other things not inconsistent with this article as may be prescribed by law.
- (2) In exercising its functions the Bank of Uganda shall conform to this Constitution and implement the fiscal and monetary policies made under it but shall be subject to direction or control of the Executive Council.
- (3) Subject to the provisions of this constitution, Parliament may make laws regulating the functions of the Bank of Uganda.

UGANDA AUDIT COMMISSION

- 134 (1) There shall be a Uganda Audit Commission which shall consist of a Chairman, a deputy Chairman and not more than three other members all of whom shall be appointed from among persons of high moral character and proven integrity who have qualifications in accountancy or finance management and experience of -
- (a) not less than seven years in the case of members other than the chairman; and
 - (b) not less than ten years in the case of the Chairman
- (2) The Chairman and members of the Uganda Audit Commission shall be appointed by the President with the approval of the Executive Council and shall hold office for five years but shall be eligible for reappointment for one other term.
- (3) The Chairman of the Uganda Audit Commission shall be responsible for the day to day management of the affairs of the Commission and shall exercise control over the staff of the Commission.
- (4) The Deputy Chairman of the Uganda Audit Commission shall assist the Chairman in the performance of his functions and shall perform such functions as the chairman may assign to him.
- (5) Parliament shall, subject to the provisions of this Constitution enact laws for giving effects to this article and article 135 of this Constitution.

- (6) A member of the Uganda Audit Commission may be removed by the President with approval of the Executive Council only for inability to perform the functions of his office, arising from infirmity of body or mind, or from any other cause, or for misbehaviour or misconduct.
- 135 (1) The functions of Uganda Audit commission are –
- (a) to approve withdrawal of funds from the Consolidated Funds;
 - (b) to audit the accounts of all Government departments and of institution and organisations in which the government holds a controlling interest including the accounts of all local Government units and other authorities which receive any grant from or are otherwise financed by tax money.
- (2) The Uganda Audit Commission shall prepare every year a report on the audited accounts and submit it to Parliament not later than six months after the end of each financial year.
- (3) The Uganda Audit Commission shall have power –
- (a) to recruit its own staff and prescribe their terms and conditions of service in consultation with the Public Service Commission; and
 - (b) to summon witnesses and call for an examine any books, records, returns, and any other documents relating to any accounts within its jurisdiction.
- (4) In exercising its functions, the Uganda Audit Commission shall not be under direction or control of any person or authority.
- (5) The Expedniture of the Uganda Audit Commission shall be charged on the Consolidated Fund.
- (6) Parliament shall not make any law exempting the accounts of any department, institution or organisation falling under paragraph (b) of clause (1) of this article from audit by the Uganda Audit Commission.
- (7) The accounts of the Uganda Audit Commission shall be audited and reported on by an Auditor appointed by Parliament.

ACCOUNTABILITY FOR PUBLIC FUNDS

136. (1) The Minister and the Principal Secretary in charge of a Government Minister or Department shall be jointly and severally accountable to Parliament for the management of the funds within their ministry or department.
- (2) A Minister or any person holding a public office who directs an accounting officer or any officer to apply or use public fund contrary to law or to existing instructions shall be accountable for any loss arising from such directions and may be required to render an account or to make good the loss even if he has ceased to be a Minister or to hold public office.
- (3) Parliament shall have power through its committee responsible for financial matters to monitor all expenditures of a public funds and all departments of governments and also all other persons shall be accountable to Parliament through that committee in respect of the expenditure of public funds.

CHAPTER TEN

THE PUBLIC SERVICE

137. (1) There shall be a Public Service Commission for Uganda.
- (2) The Public Service Commission shall consist of a Chairman and not less than eight members appointed by the President with the approval of the Executive Council.
- (3) The President may appoint not more than two members of the Commission as Deputy Chairmen of the Commission.
- (4) A person is not qualified to be appointed a members of the Public Service Commission unless he is of high moral character and proven integrity.
- (5) A person is not qualified for appointment as a member of the Commission if he is –
- (a) a member of Parliament; or
 - (b) a member of a District Council, or of the Council of any other Local government unit; or
 - (c) a member of the Executive of the Political Party; or
 - (d) a public officer.

- (6) A member of the Public Service Commission shall hold office for a term of four years but is eligible for re-appointment; except that of the first members appointed, four shall be appointed to hold office for three years which shall be specified in their instruments of appointment.
 - (7) The emoluments of the members of the Public Service Commission shall be prescribed by Parliament and shall be charged on the Consolidated Funds.
 - (8) The President may, in the absence of the Chairman, designate one of the Deputy Chairman to act as Chairman in the absence of a Deputy Chairman.
 - (9) A member of the Public Service Commission may be removed from office by the President with the approval of the Executive Council only for-
 - (a) inability or failure to discharge the functions of his office; or
 - (b) misbehaviour, misconduct or conduct unbecoming of the holder of the office.
- 138 (1) Except as otherwise provided in this Constitution, the functions of the Public Service Commission includes –
- (a) to advise the President in performing his functions under article 142 of this Constitution.
 - (b) To be responsible for appointments, promotions, and of Uganda as provided in article 142 of this Constitution;
 - (c) To review the terms and conditions of service, standing orders, training and qualifications of public officers, and matters connected with personnel management and development of the Public Service and make recommendations on them to Government; and
 - (d) To perform such other functions as may be prescribed by this Constitution or any other law.
- (2) In the exercise of its functions, the public Service Commission shall be subject to the direction or control of the Executive Council and shall take into account government policy relating to the Public Service.
 - (3) The Commission shall make a report to Parliament in respect of each year, on the performance of its functions.
 - (4) Parliament shall, by law, empower the Public Service Commission to make regulations for the effective and efficient performance of its functions under this Constitution or nay other law.

- 139 (1) There shall be a Teaching Service Commission for Uganda.
- (2) The Teaching Service Commission shall consist of the Chairman and not less than six other members appointed by the President with the approval of the Executive Council.
- (3) The President shall appoint not more than two members of the Commission as Deputy Chairmen of the Commission.
- (4) A person is not qualified to be a member of the Teaching Service Commission unless he is of high moral Character and proven and has substantial experience in teaching.
- (5) A person is not qualified for appointments as a member of the commission If he is –
- (a) a member of Parliament; or
 - (b) a member of the executive of a political party; or
 - (c) a member of any Board or other Authority responsible for the management of any School or College; or
 - (d) a public officer.
- (6) A member of the Teaching Service Commission shall hold office for four years; except that of the first members appointed, three shall be appointed to hold office for three years which shall be specified in their instruments of appointment.
- (7) The emoluments of members of the Teaching Service Commission shall be prescribed by Parliament and shall be charged on the Consolidated Fund.
- (8) The President may, in the absence of the Chairman, designate one of the Deputy Chairmen to act as Chairman and may also designate a member to act as Deputy Chairman in the absence of a Deputy Chairman.
- (9) A member of the Teaching Service Commission may be removed from office by the President with the approval of the Executive Council only for-
- (a) inability or failure to discharge the functions of his office; or
 - (b) misbehaviour, misconduct, or conduct unbecoming of the holder of the office.
- 140 (1) Subject to the provisions of this Constitution, the Teaching Service Commission shall –

- (a) advise the President in performing, in relation to the Teaching Service, his functions under article 142;
 - (b) have power to appoint persons to hold or act in any office in the Teaching Service including the power to confirm such appointments, to exercise disciplinary control over those persons and to remove them from office;
 - (c) review the terms and conditions of service, standing orders, training and qualifications of members of the Teaching Service and matters connected to their management and welfare and make recommendations on them to government; and
 - (d) perform such other functions as may be prescribed by this Constitution or any other law.
- (2) In the exercise of its functions, the Teaching Service Commission shall be subject to direction or control of Executive Council and shall take into account government policy relating to education.
- (3) The Teaching Service Commission may by writing delegate any of its functions to a District Service Commission or any other authority or officer.
- (4) The Teaching Service Commission shall make a report to Parliament in respect of each year on the performance of its functions.
- (5) Subject to the provisions of this article, Parliament shall make provisions by law for regulating the functions of the Teaching Service Commission.
141. Subject to the approval of the Executive Council and provisions of this Constitution and any Act of Parliament, the President may, after consultation with the respective Service Commission, or committee or Board establish offices in the public service of the Government of Uganda.
142. (1) Subject to the approval of the Executive Council and provisions of this Constitution-
- (a) the President shall, acting in accordance with the advice of the Public Service Commission, have the power to appoint persons to hold or act in any office in the public service of Uganda of the rank of Head of Department or above including the power to confirm appointments, the power to exercise disciplinary control over such persons and to remove them from office;
 - (b) the power to appoint persons to hold or act in any office of the public service of Uganda other than those referred to in paragraph (a) of this clause, including the power to confirm their appointments and the power to exercise disciplinary control over

such persons and to remove them from office is vested in the Public Service Commission.

- (2) A person shall not be appointed under this article to or to act in any office on the personal staff of the President without consultation with the President.
 - (3) Subject to the provisions of this Constitution, the President may delegate his powers under this article by directions in writing to any Service Commission, Committee or Board or any other authority or public officer as may be prescribed by Parliament and may in like manner revoke the delegation.
- 143
- (1) Subject to the provisions of this Constitution, a ministry or department of the Government of Uganda shall be under the supervision of a Principal Secretary whose office shall be a public office.
 - (2) A principal secretary shall be appointed by the President acting in accordance with advice of the Public Service Commission as approved by the Executive Council.
 - (3) The functions of the Principal Secretary under this article include –
 - (a) organisation and operation of the department or ministry;
 - (b) tendering advice to the responsible Minister in respect of the business of the department of ministry;
 - (c) implementation of the policies of the government of Uganda;
 - (d) subject to article 136 of this Constitution, responsibility for the proper expenditure of public funds by or in connection with the department or ministry.
- 144.
- (1) A public officer shall, on retirement, receive such reasonable pension as is commensurate, with his rank, salary and length of service.
 - (2) The pension payable to any person shall be exempt from tax and shall be subject to periodic review to take account of changes in the value of money.
 - (3) The payment of pension shall be prompt and regular and easily accessible to pensioners.
145. In this chapter, unless the context otherwise requires –
- “Public officer” means any person holding or acting in an office in the public service;

“Public service” means service in any civil capacity of the Government the emoluments for which are payable directly from the Consolidated Fund or directly out of the money provided by Parliament.

CHAPTER ELEVEN

POLITICAL ADMINISTRATION

Objectives and Structure of Local Government

- 146 (1) The system of political administration of Uganda shall be based on the district as a unit under which there shall be such administrative units as Parliament may by law provide.
- (2) The inhabitants of the districts shall be free to decide whether to maintain their districts as they are before the coming into force of this Constitution or to revert to the structure of the Kingdoms or districts which existed immediately after the political independence on 9th October, 1962.
- (3) The following principles shall apply to the district administration system –
- (a) the system shall be such as to ensure that functions, powers and responsibilities are government units in a coordinated manner;
 - (b) decentralisation shall be an objective applying at all levels of kingdom or local government and in particular, from higher to lower local government units;
 - (c) the system shall be such as to ensure the full realisation of democratic government at the kingdom or local government level;
 - (d) there shall be established for each kingdom or local government unit a sound financial base with reliable sources of revenue;
 - (e) appropriate measures shall be taken to enable kingdom or local government units to plan, initiate and execute policies in respect of all matters affecting the people within their jurisdiction.
 - (f) Persons in the service of kingdom or local government units shall be under the effective control of the kingdom or local authorities; and
 - (g) As far as is practicable, the kingdom or local governments shall be entitled to oversee the performance of persons employed by the

Central Government to provide services in their areas and or the implementation of projects in their areas.

- (4) The system of kingdom or local government shall be based on democratically elected councils at every local government unit.
147. (1) Subject to the provisions of this Constitution for the purposes of local government, Uganda shall be divided into the districts which existed immediately before the coming into force of this Constitution.
- (2) Subjects to this Constitution, the districts referred to in Clause (1) of this article shall be deemed to have been divided into force of this Constitution.
148. (1) Subject to the provisions of this Constitution parliament shall not
- (a) alter the boundaries of the districts;
 - (b) create new districts without consent of the inhabitants.
- (2) Any law or measure to alter the boundaries of a district or to create a new district shall be supported by not less than two thirds of all the members of Parliament
- (3) Parliament shall by law empower District Councils to alter the boundaries of local government units within their districts and to create new local government units within their districts.
- (4) Any law or measure for the alteration of the boundaries of or the creation of districts or administrative units shall be based on the necessity for effective administration and the need to bring services closer to the people and it may take into account the means of communication, geographical features, density of population and the wishes of the people concerned.

THE DISTRICT GOVERNMENT

149. (1) The Government of a district shall be based on a District Council which shall be the highest political authority in the district with deliberative. Legislative and executive functions which shall be exercised in accordance with this Constitution.
- (2) A District Council shall consist of –
- (a) one person from each electoral area within the district directly elected by universal adult suffrage through a secret ballot; and

- (b) two women representatives elected by each county council to represent the county.
- (3) A persons hall not be a member of a District Council unless he is a citizen of Uganda.
- 150 (1) A district shall be divided by the Electoral commission into electoral areas which shall be demarcated in such a way that the number of inhabitants in the electoral areas are as nearly as possible equal.
- (2) The number of inhabitants in an electoral area may be greater or less than other electoral areas in order to take account of means of communication, geographical features and density of population.
- (3) The demarcation of electoral areas shall ensure that each sub-county is represented at the District Council by at least one person.
- (4) A District Council shall be elected every three years.
- (5) Elections of District Councils shall be held so as not to coincide with elections of representatives to Parliament.
- 151 Subject to any procedure prescribed by law, the mandate of an elected member of a District Council may be revoked by the electorate on any of the following grounds –
 - (a) that he has since he was elected consistently behaved in a manner unbecoming of a representative of the people; or
 - (b) that he has abandoned or neglected his duties.
- 152 (1) There shall be a District chief Executive for every district who shall be elected by members of the Council from among their number.
- (2) A person shall not be declared to be elected as a District Chief Executive of a district unless at the election under clause (1) of this article, the number of votes cast in his favour is more than fifty percent of the total number of members of the Council.
- (3) The District Chief Executive shall be the political head of the district and shall –
 - (a) preside at meetings of the Executive Committee of the district;
 - (b) oversee the general administration of the district;
 - (c) coordinate the activities of the Councils of the lower local administrative units in the district.

- (d) Coordinate the government functions as between the district and the central Government.
- 153 (1) There shall be a Chairman of each District Council elected by the Council from among the members of the Council.
- (2) Clause (2) of article 152 of this Constitution shall apply to the Chairman of a District as it applies to the District Chief Executive.
- (3) The Chairman shall be the Speaker of the Council and shall, in relation to the Council perform the same functions as a Speaker of Parliament.
154. The District Chief Executive or the Chairman of a Distinct Council may be removed from office by the District Council by resolution supported by votes of not less than two-thirds of all members of the Council.
155. (1) There shall be established an Executive Committee for each District Council which shall perform the executive and administrative functions of the District Council.
- (2) The Executive Committee shall consist of the District Chief Executive who shall be Chairman and such number of Secretaries as parliament shall be law determine.
- (3) Secretaries shall be persons elected by a District Council from among its members on their own merits.
- (4) Secretaries shall be assigned responsibility, for the following subjects in any combination –
- (a) finance;
 - (b) developemnt;
 - (c) security;
 - (d) health;
 - (e) agriculture;
 - (f) education;
 - (g) social welfare;
 - (h) women’s affairs;

- (i) youth affairs;
 - (j) any other subject which the District Council considers to be essential to the welfare of the district.
- (5) The Executive Committee may co-opt any person to attend its meeting but a person so co-opted shall not have the right to vote at the meeting.
- 156 (1) Subject to such limitations as Parliament may prescribe, and as may be consistent with the decentralisation of local government, District Councils may exercise and perform functions and services other than those specified in the Fourth Schedule to this Constitution as being exclusively reserved to the Federal Government, and may initiate policies and implement programmes in respect of its functions and services.
- (2) District Councils and the Councils of lower local government units may exercise the functions specified in the Fourth Schedule to this Constitutions, only if delegated to them by the Federal Government or by law made by Parliament and subject to such conditions as may be prescribed in relations to the delegation.
- 157 (1) Subject to article 154 of this Constitution, a member of the Executive Committee of a District Council shall cease to hold that office if a vote of no confidence is passed by the Council against him supported by the votes of not less than two-thirds of all the members of the Council.
- (2) Where a vote of no confidence is passed against the Executive Committee supported by the votes of not less than two-thirds of all the members of the District Council, the Executive Committee shall cease to exist.
- (3) For the avoidance of doubt, nothing in this article shall prevent a person being re-elected to the Executive Committee of a District Council and nothing in clause (2) of this article shall affect the office of the District Chief Executive.

FINANCE OF THE DISTRICT

- 158 Parliament shall by law provide –
- (a) for the taxes that may be levied, collected or appropriated by a District Council;
 - (b) for the taxes that may be collected by a District Council for or on behalf of the Federal Government for payment into the Consolidated Fund
 - (c) that a District Council shall pay a specified portion of any tax collected under paragraph (1) of this clause into the Consolidated Fund;

- (d) that a District Council may retain for the purpose of its functions and services, a specified proportion of the revenues collected for or on behalf of the Federal Government from the district.
159. (1) The President may, with the approval of Executive Council, in each financial year present or cause to be presented to Parliament proposals as to the monies to be paid out of the public funds as grants –in-aid of the revenues of such District Councils or subsidies or other financial assistance to such Councils as may be specified in the proposals.
- (2) The proposals made by the President under clause (1) of this article shall be made at the same time as the estimates of revenue and expenditure under article 126 of this Constitution and shall state –
- (a) the sum of moneys that are to be paid to each District Council provided for in the proposals;
 - (b) the use to which the moneys shall be put by the District Councils;
 - (c) whether in the view of the Federal Government further moneys by way of grants-in-aid or subsidies or other financial assistance should be required by the District Council concerned;
 - (d) any special provision required to be made for assisting needy areas.
- (3) The proposals of the President under this article shall form part of the Appropriation Act as provided for in article 127 of this Constitution.
160. The Executive Council shall advise the President on –
- (a) all matters concerning the distribution between the Federal Government and the District Councils and the allocation between the District Councils or revenue out of the Consolidated Fund; and
 - (b) the formula for making grants-in-aid or granting subsidies
- or other financial assistance out of public funds to District Councils and for making special provision for needy areas.
161. Subject to the approval of the Executive Council, a District Council may, for the carrying out of its functions and services, borrow money or accept and use any grant or assistance.

RELATIONSHIP BETWEEN THE DISTRICT AND THE CENTRAL GOVERNMENT

162. The functions of a District Government shall be exercised in accordance with this Constitution and any law but the exercise of those function shall not detract from the order, peace and good government of any part of Uganda.

163. The President may, with the approval of the Executive Council, delegate to a District Council any of the function and services within the exclusive jurisdiction of the Federal Government if satisfied that the function or service can be effectively carried out by the District Government.
164. (1) There shall, for every district be a representative of the Central Government who shall be known as the Federal Government Representative.
- (2) The Federal Government Representative shall be appointed by the President with the approval of the Executive Council.
- (3) The Federal Government Representative shall –
- (a) coordinate the administration of the Federal government services in the district;
- (b) advise the Executive Committee of the district on matter of a national nature that may affect the district or its plans and programmes and particularly on the relationship between the district and the Federal government.

COMMITTEES OF THE DISTRICT COUNCIL

165. (1) A District Council shall have a District Development Committee which shall consist of all the heads of departments in the service of the district.
- (2) The District Development Committee shall be presided over by the District Chief Executive of the district and it shall be responsible for initiating plans for development and improving of services in the district for consideration by the District council.
- 166 (1) A District Council shall also have a District Finance and Accounts Committee which shall consist of –
- (a) the Secretary in charge of finances as its chairman;
- (b) such other members not exceeding ten as the District Council may determine, elected from among the members of the District Council.
- (2) The District Finance and Accounts Committee may consult professionals with expert knowledge in the fields of financial management, accountancy, or employ such professional.
- (3) The District Finance and Accounts Committee shall –

- (a) identify sources of revenues and plan for their collection and utilisation;
- (b) such other members not exceeding ten as the District.

Council may determine, elected from among the members of the District Council.

- (2) The District Finance and Accounts Committee may consult professionals with expert knowledge in the fields of financial management, accountancy, or employ such professionals.
- (3) The District Finance and Accounts Committee shall –
 - (a) identify sources of revenues and plan for their collection and utilisation;
 - (b) advise the Executive Committee on the appropriate allocation of funds to different departments in the district or to lower councils within the district
 - (c) monitor the expenditure of the revenues of the district;
 - (d) advise the District Council on all matters relating to the collection, allocation and utilisation of the revenues of the district;
 - (e) scrutinize the audited accounts of the district for purposes of making a report on them to the Council; and
 - (f) take measures for instilling discipline in officials and persons managing district funds.

167. A District Council may create such other Committees as are necessary for the proper discharge of its functions and services.

DISTRICT SERVICE COMMISSION

- 168 (1) There shall be a District Service Commission for every district.
- (2) The District Service Commission shall –
 - (a) consists of a chairman and four members, all of whom shall be appointed by the Executive Committee of the district on the recommendation of the District Council with the approval of the Public Service Commission.

- (b) Hold office for a period of four years but shall be eligible for re-appointment for another term of four years.
 - (3) Members of a District Service Commission shall be appointed from among persons of high moral character and proven integrity.
 - (4) A member of the District Service Commission may be removed from office by the Executive Committee of the district with the approval of the District Council and after consultation with Public Service Commission but he may be removed only for –
 - (a) inability to perform the functions of his office arising from physical or mental incapacity or from any other cause;
 - (b) misbehaviour or misconduct; or
 - (c) conduct unbecoming of the holder of the office.
169. Subject to the provisions of this Constitution, the power to appoint persons to hold act in any office in the service of a district including the power to confirm appointments, to exercise disciplinary control over persons holding or acting in such offices and to remove such person from office is vested in the District Service Commission.

MISCELLANEOUS

170. The following provisions shall apply in relation to local government election other than election for District Council -
- (a) voting shall be by open ballot;
 - (b) a Council may at any time, after consultation with the Electoral Commission, by a resolution supported by not less than two-thirds of the members of the Council, decide that an election to the Council shall be by secret ballot;
 - (c) where a Council adopts a secret ballot under this article the secret ballot shall apply from the next general election to the Council;
 - (d) a Council which adopts a secret ballot under this article may, at any time, after consultation with the Electoral Commission, revert to the open ballot and paragraph (c) of this article shall apply to the decision as it applies to the decision in relation to the secret ballot; and

- (e) the electorate may exercise a right to revoke the mandate of an elected representative to the Council for the same reasons and in the same manner as provided in respect of a representative to a District Council.
- 171.
- (1) Members of a District council shall be paid such allowances as may be approved by Parliament.
 - (2) The District Chief Executive and Secretaries shall be paid such remuneration as may be determined by the District Council with the approval of Parliament.
 - (3) Members of Committees of a District Council may be paid such allowances as the District Council may approve.
 - (4) Members of a District Service Commission shall be paid such remuneration as may be determined by the District Council with the approval of Parliament.
- 172
- (1) Parliament shall make laws relating to local government and in particular, for the purpose of giving full effect to this Chapter.
 - (2) Without prejudice to the general effect of clause (1) of this article, Parliament may make laws –
 - (a) to give effect to the principles specified in article 146 of this Constitution;
 - (b) to prescribe the limits of allowances to be paid to member so the Councils;
 - (c) to limit the number of political offices that may be created by the local authorities;
 - (d) to prescribe the procedure for conducting elections to Councils;
 - (e) enabling Councils to make by-laws, regulations or other instruments for the administration of their areas of jurisdiction;
 - (f) providing that with appropriate modifications, the system of government as it operates in the district shall apply at the lower levels of local government units;
 - (g) prescribing the procedure by which the electorate may exercise a right to revoke the mandate of an elected member of a Council;

- (h) prescribing the qualifications for election to a Council and a law made for the purpose of this paragraph shall have as one of the qualifications that the candidate shall be resident in or should have been resident for a specified period in the area of jurisdiction of the Council to which he seeks election.
173. In this Chapter, a reference to a county or sub-county includes a reference to a unit provided by law to replace the county or sub-county howsoever described.
174. (1) Subject to the provisions of this Constitution, the urban authorities in existence at the coming into force of this Constitution under the Urban Authorities Act, (Cap 27) other than the Kampala City Council, shall constitute lower local government units under the District Councils within whose districts they fall.
- (2) Subject to the powers of Parliament, the laws applicable to urban authorities immediately before the commencement of this Constitution, shall continue to apply with such modifications as may be necessary to give effect to the provisions of this Chapter.

CHAPTER TWELVE

DEFENCE AND NATIONAL SECURITY

Uganda Armed Forces

- 175 (1) There shall be armed forces to be known as “the Uganda Armed Forces”.
- (2) The Uganda Armed Forces shall be nationalistic, professional, disciplined, productive and subordinate to the civilian authority established under this Constitution.
- (3) Members of the Uganda Armed Forces shall be citizens of Uganda of good character and shall be recruited from every district of Uganda.
- (4) No person shall raise an armed force except by or under the authority of an Act of Parliament.
175. The functions of the Uganda Armed Forces are –
- (a) to preserve and defend the sovereignty and territorial integrity of Uganda;
 - (b) to cooperate with the civilian authority in emergency situations and incases of natural disaster;

- (c) to foster harmony and understanding between the Armed Forces and civilians; and
 - (d) to engage in productive activities for the development of Uganda.
177. (1) There shall be the office of the Commander of the Armed Forces.
- (2) There shall be such other offices in the Uganda Armed Forces as Parliament may create by law.
178. (1) The President shall, with the approval of the Executive Council, appoint the Commander of the Armed Forces.
- (2) The President may, with the approval of the Executive Council for good cause shown or in the public interest, remove from office the Commander of the Armed Forces.
- (3) Subject to the approval of the Executive Council and the provisions of this Constitution and any laws made by Parliament, the President and the Army Council shall be responsible for the recruitment, appointment, promotion, discipline and removal of all members of the Uganda Armed Forces.
- (4) The President shall exercise his powers under this article through the Armed Forces Service Board subject to any conditions specified by him under any laws made by Parliament.
179. (1) There shall be an Armed Forces Council comprising –
- (a) the President as Chairman
 - (b) the Minister responsible for defence;
 - (c) the Secretary for Defence;
 - (d) the Commander of the Armed Forces; and
 - (e) such other members including not less than five members of the Uganda Armed Forces as Parliament shall by law determine.
- (2) The Armed Forces Council shall advise the President on matters relating to the establishment, command, control and administration of the Uganda Armed Forces, and shall perform such other functions as are prescribed by this Constitution or any other law.
180. (1) There shall be an Armed Forces Service Board comprising-

- (a) the Commander of the Armed Forces as Chairman;
 - (b) two representatives of the Public Service Commission;
 - (c) two representatives of the Armed Forces Council elected by the Council; and
 - (d) not less than three members of the Uganda Armed Forces as Parliament shall by law establish.
- (2) The Armed Forces Service Board shall advise the President on the recruitment, appointments, promotions, discipline, removal and retirement of members of the Uganda Armed Forces.
181. The President shall not deploy troops within or outside Uganda except with the approval of Parliament.
182. Parliament shall make laws regulating the Uganda Armed Forces and, in particular, the manner of the recruitment and appointment of the members of the Armed Forces and the delegation of the powers of the President in relation to their appointment, promotions, discipline and removal and their terms and conditions of service.

THE POLICE

- 183 (1) There shall be a Police Force to be known as “Uganda Police Force” and such other police forces in Uganda shall be organised and administered in such a manner and shall have such functions as Parliament may by law prescribe.
- (2) Subject to the provisions of this Constitution, every police force in Uganda shall be organised and administered in such a manner and shall have such functions as Parliament by law prescribe.
- (3) The Uganda Police Force shall be nationalistic, professional, disciplined, competent and productive and its members shall be citizens of Uganda of good character recruited from every district of Uganda.
183. The functions of the Uganda Police Force are –
- (a) to preserve law and order;
 - (b) to prevent and detect crime;
 - (c) to co-operate with the civilian authority established under the Constitution and with the population generally; and

- (d) to perform such other functions as shall be determined by Parliament.
- 185.
- (1) There shall be an Inspector-General of Police and a Deputy Inspector-General of Police.
 - (2) The Inspector-General and the Deputy Inspector-General of Police shall be appointed by the President after consultation with the Police Council and with the approval of the Executive Council.
 - (3) The Uganda Police Force shall be under the command of the Inspector-General of Police.
 - (4) In the performance of his functions, the Inspector-General of Police shall not be subject to the direction or control of any person or authority.
 - (5) The President may, after consultation with the National Security Council, give to the Inspector-General of Police directions in writing on matters of general policy with regard to the maintenance of security and public safety, public order and the Inspector-General shall give effect or cause to be given to such directions.
 - (6) The Inspector-General or the Deputy Inspector-General may be removed from office by the President for good cause shown in the public interest with the approval of the Executive Council.
 - (7) The Deputy Inspector-General of Police shall assist the Inspector General in the performance of his functions.
186. There shall be a Police Council comprising –
- (a) the Minister responsible for internal affairs as Chairman;
 - (b) the Attorney General;
 - (c) the Inspector-General of Police; and
 - (d) such other members including at least three members of the Uganda Police Force as Parliament shall by law determine.
187. (1) The functions of the Police Council are –
- (a) to advise the President on matters concerning the appointment of the Inspector-General of Police and the Deputy Inspector-General;

- (b) to hear appeals from the Police Service Board; and
 - (c) to perform such other functions as Parliament may by law, determine.
- (2) In the exercise of its functions, the Police Council shall be answerable to the Parliament Committee on defence and national security.
188. There shall be a Public Service Board comprising -
- (a) the Inspector-General of Police as Chairman;
 - (b) the Deputy Inspector-General of Police;
 - (c) a representative of the Public Service Commission; and
 - (d) two prominent citizens appointed by the President on the advice of the Police Council.
189. The functions of the Police Service Board are –
- (a) to effect recruitment of persons into the Uganda Police Force including power to confirm, promote, and discipline members of the Police Force;
 - (b) to review the terms and conditions of services, standing orders, training and qualifications of police officers and matters connected with the personnel management in the Uganda Police Force and to make recommendations on them to the Government; and
 - (c) to carry out in relation to Uganda Police Force any other functions exercisable by the Public Service Commission in relation to the public service generally.
190. (1) There shall be a Prisons Service known as “the Uganda Prisons Service”.
- (2) The Uganda Prisons Service shall be nationalistic, professional, disciplined, competent and productive and its members shall be citizens of Uganda of good character recruited from every district of Uganda.
191. (1) There shall be a Commissioner of Prisons and Deputy Commissioner of Prisons appointed by the President after consultation with the Prisons Service Council and with the approval of the Executive Council.
- (2) The Commissioner or the Deputy Commissioner of Prisons may be removed by the President of good cause shown or in the public interest with the approval of the Executive Council.
192. (1) There shall be a Prisons Service Council comprising –
- (a) the Minister responsible for internal affairs as Chairman;

- (b) the Attorney General;
- (c) the Commissioner of Prisons; and
- (d) not more than three other members appointed by the President after consultation with the Prisons Service Council and with the approval of the Executive Council.

(2) The functions of the Prisons Service Council are –

- (a) the Minister responsible for internal affairs as Chairman;
- (b) the Attorney General;
- (c) the Commissioner of Prisons; and
- (d) not more than three other members appointed by the President after consultation with the Prisons Service Council and with the approval of the Executive Council.

(2) The functions of the Prisons Service Council are –

- (a) to advise the President on matters concerning the appointment of the Commissioner and Deputy Commissioner of Prisons;
- (b) to hear appeals from the Prisons Service Board; and
- (c) to perform such other functions as Parliament may by law determine.

193. There shall be a Prisons Service Board comprising –

- (a) the Commissioner of Prisons as Chairman;
- (b) the Deputy Commissioner of Prisons;
- (c) a member of the Public Service Commission; and
- (d) two prominent citizens appointed by the President on the advice of the Prisons Service Council.

194. The functions of the Prisons Service Board are –

- (a) to effect recruitment of persons into the Uganda Prisons Service including power to confirm, promote and discipline members of the Prisons Service;

- (b) to revise the terms and conditions of service, standing orders, training and qualification of prisons officers and matters connected with personnel management within the Uganda Prisons Service and to make recommendations on them to the Government; and
- (c) to carry out in relation to the Prisons Service other functions exercisable by the Public Service Commission in relation to the public service generally.

INTELLIGENCE ORGANISATIONS

195. (1) Parliament may by law establish intelligence organisation and may prescribe their composition, functions and procedures.
- (2) No intelligence organisation shall be established by the Government except, by or under an Act of Parliament.

NATIONAL SECURITY COUNCIL

196. There shall be a National Security Council which shall consist of -
- (a) the President as Chairman;
 - (b) the Vice-President, who shall preside in the absence of the President;
 - (c) the Minister responsible for internal affairs;
 - (d) the Minister responsible for defence;
 - (e) the Minister responsible for foreign affairs;
 - (f) the Commander of the Armed Forces;
 - (g) the Inspector-General of Prisons; and
 - (h) the Commissioner of Prisons; and
 - (i) the head of intelligence organisations established under article 195 of this Constitution.
197. The functions of the National Security Council are –
- (a) to promote national stability and the security of Uganda;
 - (b) to inform and advise the President of matters relating to national security;

- (c) to foster co-operation and enhance coordination between the Uganda Armed Forces, the Uganda Police Force, the Uganda Prisons Service and the intelligence organisations; and
 - (d) to consider and devise means of defusing threats to national security within Uganda.
198. It shall be the duty of the Uganda Armed Forces and any other armed force and any other police force, the Uganda Prisons Service, all intelligence organisations and the National Security Council to observe and respect human rights and freedoms, in the performance of their functions.
199. Parliament shall make laws for the purpose of giving effect to this Chapter and in particular –
- (a) for the organisation and administration of the Uganda Police Force; and
 - (b) for the organisation, administration and functions of the Uganda Prisons Service.

CHAPTER THIRTEEN

LEADERSHIP CODE OF CONDUCT

- 200 (1) Parliament shall by law establish a Leadership Code of Conduct for persons holding such offices as may be specified by Parliament whether or not any such office is in the public service.
- (2) The Leadership Code of Conduct shall –
- (a) specify the categories of offices to which the Code applies;
 - (b) require specified officers to declare their incomes, assets and liabilities from time to time;
 - (c) prohibit conduct likely to compromise the honesty, impartiality and integrity of specified officers or to lead to corruption in public affairs, or which is detrimental to the public good or welfare;
 - (d) prescribe the penalties to be imposed for breach of the Code;
 - (e) prescribe powers, procedures and practices for ensuring the effective enforcement of the Code; and

- (f) make other provision as may be necessary for ensuring the promotion and maintenance of honesty, probity, impartiality and integrity in public affairs and the protection of public funds and other public property.
- 201 (1) The Leadership Code of Conduct shall be enforced by the Inspectorate of Government or such other authority as Parliament may by law prescribe.
- (2) The authority empowered by law to enforce the Code of Conduct shall, in relation to the enforcement have the same powers as the High Court for enforcing its orders.
- 202 Parliament may by law provide that a person who has been dismissed or removed from office by reason of breach of the Code of Conduct shall be disqualified from holding any other office whether appointive or elective and either generally or for a prescribed period.
- 203 In this Chapter, unless the context otherwise requires, “specified officer” means the holder of an office to which the Leadership Code of Conduct applies.

CHAPTER FOURTEEN

LAND AND ENVIRONMENT

Land

204. (1) All land in Uganda belongs to the people and its use shall be regulated by the Kingdom Governments and District Administrations.
- (2) In regulating and managing the utilisation of land, the following principles shall apply –
- (a) land shall be utilized according to established customs and persons lawfully occupying and utilising land shall –
 - (i) be guaranteed security of tenure;
 - (v) be enabled to register their interests and acquire certificates of title in accordance with the law;
 - (b) there shall be maximum utilisation of land while ensuring equitable distribution of land among the people within the kingdom or district areas;
 - (c) the division of land into uneconomic units shall be avoided.

- (3) Federal Government may own land in a kingdom or district for public purposes.
 - (4) Subject to clause (5) of this article, all land tenure systems in existence immediately before the coming into force of this Constitution may continue in existence.
 - (5) Federal Parliament shall make laws to give effect to the ownership of land by kingdoms and districts according to the principles in this article and may, by such laws, regulate estates and interests in and the transfer of land.
- 205
- (1) There shall be a land commission for each kingdom and district.
 - (2) The Kingdom or District Land Commission shall consist of a Chairman and not less than four members elected by the Lukiiko or District Council
 - (3) A person shall not be qualified to be a member of the Kingdom or District Land Commission if he is a member of Parliament or a member of a District Council or the Council of any other local government unit.
 - (4) The members of the Kingdom or District Land Commission shall hold office for a period of five years subject to renewal.
 - (5) A member of the Kingdom or District Land Commission may be removed from office by the Lukiiko or District Council for inability to perform his functions or for misbehaviour or misconduct.
 - (6) In the performance of its functions, the Kingdoms or District Land Commission shall be independent and shall not be subject to the direction or control of any persons or authority but shall take into account Federal Government policy on land.
 - (7) The Kingdom or District Land Commission shall be self-accounting and the salaries and allowances of its members shall be provided for separately under the Kingdom or District Annual Budget.
206. The functions of the Kingdom or District Land Commission are –
- (a) to allocate land which is not occupied or owned by any persons or authority;
 - (b) to regulate the use of land in the Kingdom or District in accordance with this Constitution and any other law;

- (c) to make recommendations to Federal Government on the land tenure system, land use, and the system of land registration;
 - (d) to advise the Federal Government and local authorities on the carrying out of a planned and co-ordinated development of particular areas; and
 - (e) to perform such other functions as Parliament may, by law prescribe.
- 207 (1) Parliament may by law provide for the establishment of land tribunals.
- (2) The jurisdiction of a land tribunal may include –
- (a) the determination of disputes relating to the grant, lease, transfer or repossession of land by the Kingdom or District Land Commission or other authority with responsibility relating to land; and
 - (b) the determination of any disputes relating to the amount of compensation to be paid for land compulsory acquired.
- (3) The Chairman of a land tribunal established under this article shall be appointed on the advice of the Chief Justice or other person designated by the Chief Justice.
- (4) A member of a land tribunal shall hold office on such terms and conditions determined under a law made under this article.
- (5) A law made under this article may prescribe the practice and procedure for land tribunals and shall provide for a right of appeal from a decision of a land tribunal to a court of law.
- 208 (1) The entire property in and control of all minerals and minerals ores in, or upon any land or waters in any land shall be vested in the Federal Government of Uganda.
- (2) For the purposes of this article, “mineral” does not include clay, murram, sand or any stone commonly used for building or similar purposes.
- 209 Federal Parliament may, subject to the provisions of this Constitutions, make laws providing for –
- (a) the land tenure system in Uganda;
 - (b) the composition of Kingdom and District Land Commission.

- (c) the powers, procedures, and terms of service of members of the Kingdom and District Land Commission.;
- (d) the regulation of the size of land granted to any person or authority by the Kingdom and District Land Commission and the conditions under which land is held;
- (e) the control, possession and transfer of land by non-citizens;
- (f) the imposition of taxation on land;
- (g) any other matter connected with or touching on land.

ENVIRONMENT

- 210 (1) Federal Parliament shall, by law provide for measures intended to protect and preserve the environment from abuse and degradation and to manage the environment for sustainable development, including provisions for –
- (a) protecting game parks and game reserves, forest reserves, historical sites and other objects of social and cultural significance;
 - (b) taking all possible measures to prevent or minimise or minimise soil erosion;
 - (c) preventing the importation of any harmful or dangerous plant or animal or thing;
 - (d) regulating the importation of chemical, insecticide, pesticide or any substance that may be harmful to the environment;
 - (e) prohibiting the dumping of any nuclear or toxic waste on the soil or territory of Uganda;
 - (f) regulating the dumping of refuse and the location of any factory, plant or dwelling house;
 - (g) regulating physical planting;
 - (h) preventing or minimising the effect of any pollution, contamination or unwholesome interference with the air or water;
 - (i) regulating biophysical state of any area in Uganda and promoting a sound ecological balance; and

- (j) promoting environmental awareness through environment education in the school circular and other appropriate means of mass sensitization; and establishment of appropriate –institutional framework and national programmes for the protection of the environment.

CHAPTER FIFTEEN

GENERAL AND MISCELLANEOUS

211. Federal Parliament shall –
- (a) by law establish an efficient, fair and expeditious machinery for the administration and management of the estates of deceased persons;
 - (b) under the law referred to in paragraph (a) of this article, ensure that the services of the department or organisation established by the law for the purpose are decentralised and accessible to all persons who may reasonably require those services and that the interest of all beneficiaries are adequately protected.
- 212
- (1) There shall be a Law Reform Commission for Uganda which shall consist of a Chairman and six other members appointed by the President with the approval of the Executive Council.
 - (2) The Chairman and two of the members of the Commission shall each be appointed from among persons who have held or are qualified to hold office as a Judge of the High Court or a Justice of the Supreme Court and shall serve on a full-time basis.
 - (3) Two of the members of the Commission other than those mentioned in clause (2) of this article shall be appointed from among persons who are not lawyers but who have distinguished themselves in disciplines relevant to the functions of the Commission.
 - (4) A member of the Commission shall vacate his office at the expiration of four years from the date of his appointment but shall be eligible for re-appointment.
 - (5) A member of the Commission may be removed by the President with the approval of the Executive Council only for inability to discharge the functions of this office arising from infirmity of body or mind or any other cause, or for misbehaviour or misconduct.
 - (6) It shall be the duty of the Commission to study and keep under constant review the laws of Uganda with a view of making recommendations for

their systematic improvement, development, modernisation and reform with particular emphasis on –

- (a) bringing the laws into conformity with this Constitution;
- (b) the elimination of anomalies in the law, the repeal of obsolete and unnecessary laws and the simplification and translation into Uganda languages of the law;
- (c) the reflection in the laws of Uganda of the customs, values and norms of the society in Uganda as well as concepts consistent with all international conventions and other instruments on human rights and freedoms to which Uganda is a party;
- (d) the development of new areas in the law by making the laws responsive to the changing needs of the Uganda society;
- (e) the adoption of new or more effective methods or both, for the administration of the law and the dispensation of justice; and
- (f) the integration and unification of the laws of Uganda.

- 213 (1) Where a person has a claim against the Government, that claim may be enforced as a right by proceedings taken against the Government for that purpose.
- (2) Civil proceedings by or against the Government shall be instituted by or against the Attorney –General and all documents required to be served on the Government for the purpose of or in connection with those proceedings shall be served on the Attorney-General.
- (3) Subject to clause (1) of this article, Parliament may by law make provision for proceedings against the Government.
- (4) In the title of any criminal proceedings the prosecution shall be designated by the word “Uganda”.
- 214 (1) Any Commission established by this Constitution may, subject to the provision of this Constitution, regulate its own procedure or confer powers or impose duties on any officer or authority of the Government for the purposes of discharging its functions.
- (2) Subject to the provisions of this Constitution, any decision of any Commission, established by this Constitution shall require the concurrence of a majority of all its members; and it may act notwithstanding the absence of any member or any vacancy in the office of a member.

- (3) In this article “Commission” included a council and a committee.
- 215 (1) Any person who is appointed or elected to any office established by this Constitution may resign from that office by writing signed by him addressed to the person or authority by whom he was appointed or elected; except that in the case of the Speaker or Deputy Speaker of parliament his resignation from that office shall be addressed to the Clerk to Parliament, and in the case of a member of Parliament his resignation shall be addressed to the Speaker.
- (2) The resignation of a person from any office established by this Constitution shall take effect in accordance with the terms on which he was appointed or, if there are no such terms, when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorised by that person or authority to receive it.
- (3) Any reference in this article to an office does not include a reference to the office of the President or the Vice President.
- (4) For the purpose of clause (1) of this article, “office” includes –
- (a) the Speaker and Deputy Speaker of Parliament;
 - (b) a Minister or a Deputy Minister;
 - (c) the Attorney-General;
 - (d) a member of Parliament;
 - (e) a member of any Commission, Council or Committee established by this Constitution;
 - (f) a public office.
216. (1) Where any person had vacated any office established by this Constitution, he may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Constitution.
- (2) Where a power is conferred by this Constitution on any person to make any appointment to any office, he may appoint a person to that office even while some other person holds the office, when that other person is on leave of absence pending the relinquishment of the office.
- (3) Where two or more persons hold the same office by reason of an appointment made by virtue of clause (2) of this article, then, for the

purposes of any function conferred on the holder of that office, the person last appointed shall be taken to be the sole holder of that office.

- (4) Any reference in this article to an office does not include a reference of the office of the President or the Vice-President.
- 217 (1) In this Constitution, unless the context otherwise requires –
- “Act of Parliament” means a law made by Parliament;
- “article” means an article of this Constitution;
- “court” means a court of judicature established by or under the authority of this Constitution;
- “district” means a district referred to in article 147;
- “District Council” means the District Council established by article 149;
- “Financial year” means the period of twelve months ending on the thirtieth day of June in any year or such other days as Parliament by law may prescribe;
- “functions” includes powers and duties;
- “Gazette” means the Uganda Gazette and includes any supplement of that Gazette;
- “Government” means the Government of Uganda;
- “High Court” means the High Court of Uganda;
- “Judgement” includes a decision, an order or decree of the court;
- “Judicial Power” means the power to dispense justice among persons and between persons and the State under the laws of Uganda;
- “Minister” means a Minister of the Government
- “Oath of allegiance” means such oath of allegiance prescribed by law;
- “President” means the President of Uganda;
- “Public Office” means an office in the public office;

“Session” means a series of meetings parliament within a period of twelve months;

“Sitting” means a period during which Parliament continuously without adjournment and a period during which it is in committee;

“Speaker” means the Speaker of Parliament and “Deputy Speaker” shall be construed accordingly;

“Supreme Court” means the Supreme Court of Uganda;

- (2) In this Constitution –
 - (a) “public service” means service in any civil capacity of the Government, any District Government or other local authority;
 - (b) unless the context otherwise requires, a reference to an office in the public service included –
 - (i) a reference to the office of a Justice of the Supreme Court, or a Judge of the High Court and the office of a member of any other court of law established by or under the authority of this Constitution, other than a court-martial, being an office the emoluments of which are paid directly from the Consolidated Fund or directly out of moneys provided by parliament; and
 - (ii) a reference to the office of a member of the Uganda Police Force, the Uganda Prisons Service and the Teaching Service;
 - (c) reference to an office in the public service does not include a reference to the office of the President, the Vice-President, the Speaker or deputy Speaker of Parliament, a Minister of a Deputy Minister, the Attorney general, a member of parliament, a Minister of a Deputy Minister, the Attorney General, a member of any commission, Council or Committee established by this Constitution.
- (3) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his office includes a reference to any person for the time being lawfully acting in or performing the functions of that office.
- (4) For the purpose of this Constitution, a person shall not be considered as holding a public office or permit that officer to retire from public service except that nothing in this clause confers on any person or authority power to require the retirement of a person holding a public office for which the

method of retirement or removal is specifically provided for by this Constitution.

- (5) The power to remove a public officer from his office included the power to require or permit that officer to retire from public service; except that nothing in this clause confers on any person or authority power to require the retirement of a person holding a public office for which the method of retirement or removal is specifically provided for by this Constitution.
- (6) Any provision in this Constitution that vests in any person or authority power to remove a public officer from his office shall not prejudice the power of any person or authority to abolish any office or any law providing for the compulsory retirement of public officers generally of any class of public officer on attaining an age specified in that law.
- (7) Where power is vested by this Constitution in any person or authority to appoint any person or to act in or perform the functions of any office if the holder of the office is himself unable to perform those functions, no such appointment shall be called in question on the ground that the holder of the office was bale to perform those functions.
- (8) Where any power is conferred by this Constitution to make any statutory instrument or rule, or pass any resolution, or give any direction, the power, exercisable in like manner to amend or revoke any such statutory instrument, rule, resolution or direction.
- (9) In this Constitution, reference to the alteration of any of the provisions of this Constitution or any Act of Parliament include references to the amendment or modification, or that provision, the suspension or a repeal of that provision and the making of a different provision in place of that provision.
- (10) In this Constitution and in any other law –
 - (a) words importing male persons include female persons and corporations;
 - (b) words in the singular include the plural, and words in the plural include the singular;
 - (c) words directing or empowering a public officer to do any at or thing, or otherwise applying to him by the designation of his office, include his successors in office and all his deputies and all other assistants.

CHAPTER SIXTEEN

AMENDMENT OF THE CONSTITUTION

- 218 (1) Subject to the provisions of this Constitution, Parliament may amend by way of addition, variation or repeal, any provision of the is Constitution in accordance with the procedure laid down in this Chapter.
- (2) This Constitution shall not be amended except by an Act of Parliament –
- (a) The sole purpose of which is to amend this Constitution; and
 - (b) The Act had been passed in accordance with this Chapter.
- 219 (1) The provisions of this Constitution specified in clause 92) of this article shall not be amended unless the question as to whether they should e amended has been referred to a decision of the people in a referendum and the amendment has been approved at the referendum.
- (2) The provisions referred to in clause (1) of this article are as follows:-
- (a) article 2- Supremacy of the Constitution;
 - (b) article 56 – Prohibition of one-party state.
- 220 (1) A bill for an Act of Parliament seeking to amend any of the provisions specified in clause (2) of this article shall not –
- (a) be taken as passed by Parliament unless it is supported at the second and third readings by not less than two-thirds of all the districts of Uganda.
 - (b) have the effect of amending this Constitution unless ratified by the District Councils of not less than two-thirds of all the districts of Uganda.
- (2) The provisions referred to in clause (1) of this article are as follows –
- (a) Chapter One – The Constitution, whole Chapter other than article 2;
 - (b) Chapter Two – Federal Nation of Uganda, article 5, and First Schedule;
 - (c) Chapter Four – Human Rights, whole Chapter;

- (d) Chapter Five – Representation of the People, Article 45,46 and 48;
- (e) Chapter Six – The Executive article 59, 63, 65, 67, 77 and 78;
- (f) Chapter Nine – Finance, article 123 – Taxation;
- (g) Chapter Eleven – Local Government, article 146, Local Government System;
- (h) Chapter Twelve – Defence and National Security, clause (4) of article 175 (no person to raise an armed force except by or under an Act of Parliament (and
- (i) Chapter Sixteen – Amendment of the Constitution, the whole Chapter.

221. A bill for an Act of Parliament to amend any provision of the Constitution other than those referred to in article 219 and 220 of this Constitution shall not be taken as passed unless it is supported at second and third readings by the votes of not less than two-thirds of all the members of Parliament.

222. A bill for the amendment of the Constitution which has been passed in accordance with this Chapter shall be assented to by the President only if

- (a) it is accompanied by a certificate of the Speaker of Parliament that the provisions of this Chapter have been complied with in relation to it; and
- (b) in the case of a bill to amend a provision to which article 219 of 220 of this Constitution applies, a certificate of the Electoral Commission that the amendment has been approved at a referendum or, as the case may be, ratified by the District Councils in accordance with this Chapter.

SCHEDULES

FIRST SCHEDULE

THE BOUNDARIES OF UGANDA

Commencing at the highest point of Mr. Sabino; thence in a north-easterly direction to the southern extremity of the Mdagana ridge marked by Boundary pillar 1; thence along the watershed of Mdagana to its highest point, marked by BP 2; thence in a north-westerly direction in a straight line to summit of the knoll Chienshire, marked by BP3; thence in a straight line in north easterly direction to the confluence of the Rivers Nyarugando and Nkaka (Kanga); thence following the thalweg of the River Nyarugando to its source; thence in a straight line in a north-westerly direction to the highest point of the hill Giskio, marked by BP4; thence following the watershed between the hill Giskio, and the hill Lubona and its continuations as far as a point marked by BP5; about 400 meters north-west of the summit of the hill Lubona; thence along the crest of the spur running in a north-westerly direction to River Sinda (Lulangala); thence along the crest of the opposite spur, as shown on the map, to the summit of the hill Kirambo, marked by BP 6; thence in a curved line, as shown on the map, along the crest of a spur running from Kirambo in a north-easterly and northerly direction to the northern most elbow of the River Kaku or Rutshuru; thence in a straight line across this river to the mouth of the stream Kasumo (Sumo); thence along the thalweg of this stream to its source; thence in a straight line to the lowest point, marked by BP 7 of the col north-east of the above-mentioned elbow of the River Kaku or Rushuru; thence following the thalweg of the Rivers Murungu down-stream to its junction with the thalweg of the River Chonga; thence in a straight line to the summit of a hill (Muko), marked by Bp 8, about 700 metres north—east of this junction; thence in a straight line in a northerly direction to the summit of a hill (Nteko) about 3 km north by west of Deko North; thence in a straight line to the point marked by BP 10; where the Kayonsa road crosses the river Ivi; thence in a straight line to a point marked BP 11; about 1 km to the north of BP 10, on a prominent spur of the Nkabwa-Salambo range; thence following the crest of this spur of the summit of the hill Salambo; thence along the watershed of the Nkabwa-Salambo range to the summit of the hill Nkabwa, marked by BP 12.

15 180⁰ 05'

193⁰ 47'

252⁰ 36'

175⁰ 13'

108⁰ 18'

136⁰ 07'

118⁰ 30'

5,313ft

3,942ft.

SECOND SCHEDULE

UGANDA'S ETHNIC COMPOSITION AS AT 1ST FEBRUARY, 1926

Group

- | | |
|-----------------|-------------------|
| 1. Acholi | 25. Iteso |
| 2. Alur | 26. Jie |
| 3. Baamba | 27. Jonam |
| 4. Baganda | 28. Jopadhola |
| 5. Bgisu | 29. Kebu (Okebu) |
| 6. Bagwe | 30. Kuku |
| 7. Bagwere | 31. Kakwa |
| 8. Bahehe | 32. Karamojong |
| 9. Bahororo | 33. Kumam |
| 10. Bakenyi | 34. Labwor |
| 11. Bakiga | 35. Langi |
| 12. Bakonjo | 36. Lendu |
| 13. Banyankole | 37. Lugbara |
| 14. Banyarwanda | 38. Madi |
| 15. Banyole | 39. Mvuba |
| 16. Banyoro | 40. Mening |
| 17. Basamia | 41. Nangai-Napore |
| 18. Basoga | 42. Nubi |
| 19. Batoro | 43. Nyakwai |
| 20. Batuku | 44. Oropom |
| 21. Batwa | 45. Sebei |

22. Chope

23. Dodoth

24. Ik (yeuso)

46. So (Tepeth)

47. Suk

48. Vonoma

THIRD SCHEDULE

OATH OF ALLEGIANCE

I swear/solemnly affirm that I will be faithful and bear true allegiance to the sovereign state of Uganda and that I will preserve, protect and defend the Constitution. (So help me God).

To be sworn before the Chief Justice or other Justice of the Supreme Court or Juge of the High Court.

PRESIDENTIAL OATH

I..... swear in the name of the almighty God/solemnly affirm/that I shall faithfully exercise the functions of the President of Uganda and shall uphold, preserve, protect, and defend the Constitution and observe the laws of Uganda and that I shall promote the welfare of the people of Uganda (So help me God).

To be sworn before the Chief Justice or other Justice of the Supreme Court or Judge of the High court.

FOURTH SCHEDULE

FUNCTIONS AND SERVICES EXCLUSIVELY RESERVED TO THE CENTRAL GOVERNMENT

1. Arms, ammunition and explosives.
2. Defence, security maintenance of law and order.
3. Banks, banking, promissory notes, currency and exchange control.
4. Taxation of incomes, profits and such taxation as arises by way of implementation of the services on the exclusive list.
5. Citizenship, immigration, emigration, deportation, extradition and passports.
6. Copyrights, patents and trademarks and all forms of intellectual property; incorporation and regulation and regulation of business organisations.
7. National parks, as may be prescribed by Parliament
8. Public holidays.
9. National monuments, antiquities, archives and public records, as Parliament may determine.
10. Foreign relations and external trade including the control of prices and customs and duties as Parliament may deem appropriate.
11. Making national plans for the provision of all services, including those to be run by the Local Governments.
12. Any matter incidental to the services mentioned in this Schedule.