**Tuesday, 11 August 2015**

*Parliament met at 2.07 p.m. in Parliament House, Kampala.*

PRAYERS

*(The Deputy Speaker, Mr Jacob Oulanyah, in the Chair.)*

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE DEPUTY SPEAKER:** Honourable members, I welcome you to this sitting. It would be a failure of duty on my part if I do not record my thanks to all of you for yesterday – *(Applause)* – when we received President Uhuru Kenyatta. You made this Parliament and country proud. That was a strong statement about our commitment to regional cooperation and our support to it; it could not have been said better. What you did yesterday said everything for this Parliament and the people of Uganda.

Honourable members, I communicated this earlier but let me repeat it for emphasis. There will be a sensitisation workshop on the Convention on the Prohibition of the Deployment, Production, Stockpiling and use of chemical weapons. This will take place on Thursday, 13 August 2015 at 9.00 a.m. in the conference hall. You are reminded to attend. I will be making some provisions for your being available to attend that meeting. So, please be there. The time will be 9 O’clock and when an elder says there will be other things done, you know that those things will be done when you get there. *(Laughter)*

Please, let us attend this meeting. It will help us understand a Bill that is already before this House. When it comes, we will be able to debate it and handle it better.

I also want to thank the Clerk’s office for the efforts it made to give notice to all the Members and I am advised that many of the Members who were abroad have come back.

Therefore, I am hopeful that what we set ourselves to do today; we will be able to do. I was upcountry and I also had the benefit of listening to one of the radios making the same call that we had said should be done. I am glad many of you are here. Honourable members, let us see how to proceed.

BILLS

SECOND READING

THE CONSTITUTION (AMENDMENT) BILL, 2015

**THE DEPUTY SPEAKER:** Honourable members, I will suspend the proceedings until 2.30 p.m. to let members who are in the canteen and different parts of this building proceed to the Chambers in order for us to proceed with this business. Is 2.30 p.m. too long? Can we say 10 or 15 minutes?

**HON. MEMBERS:** Let us take 2.30 p.m.

**THE DEPUTY SPEAKER:** Okay, let us resume sitting at 2.30 p.m. Please those of us who are here, let us sit in. I am not going anywhere. I will just be sitting around also and waiting. So, let us resume at 2.30 p.m. exactly and let the bell be rung to alert Members that we are about to take decisions on this important matter.

*(The House was suspended at 2.13 p.m.)*

*(On resumption at 2.31 p.m., the Deputy Speaker presiding\_)*

**THE DEPUTY SPEAKER:** Honourable members, in line with Rule 9 (4) of our Rule of Procedure, it is my responsibility to make sure that the Members sit comfortably. I am therefore going to order free sitting because the voting will be by roll call and tally, so it will not have any effect on whichever side you sit.

Honourable members, sit on either side of the House so that we are all comfortable. It is free sitting, so please sit where you feel comfortable. There is space this side of the House.

Honourable members, in the public gallery this afternoon, we have Eden Nursery and Primary School, represented by hon. Ahmed Awongo and hon. Margret Baba Diri, Member for Koboko. They have come to observe the proceedings. Please join me in welcoming them. *(Applause)* You are very welcome.

Honourable members, I would like you to sit and have – there are seats this side. There is still a lot of space this side. Honourable members, please take seats so that we can start. Honourable ministers, please get a seat this side. There are seats this side; we need to establish numbers and we proceed, please.

There is space all over here. We need to establish the numbers so that we can start. I cannot do that when you are standing.

Sergeant–at–Arms, can I have more chairs, please. Honourable members, I may have to ask that the non–voting Members of Parliament give space for the voting Members so that we can sit properly – of course with the exception of the Leader of Government Business. He will not vote, but he has to be in the House.

Honourable members, now we have 252 members –(*Applause*)– and I need to make sure we proceed properly. If I should call for the vote – because the Constitution requires us to approve this Bill at this stage by two–thirds of all Members of Parliament voting in favour; voting in – two thirds of all Members of Parliament should vote in favour then we will be able to go to next stage. Honourable members, that means as long as you are in this House, you must vote in one–way or the other. However, for us to be able to move forward, I need 250 members voting in favour – what numbers are we counting?

Honourable members, can we have some order? The figure we have of 256 includes ex–officio Members of Parliament. When you talk about non-ex-officio Members of Parliament, we are a total of 375. What number is two thirds of 375? Two thirds of 375 is a simple arithmetic, it comes to 250 members and not 256 unless you are using some base, which I am not using at the moment because I am using base 10. Two thirds of 375 is 250. Are we together on that? Therefore, I need 250 members to vote in favour of the motion for second reading so that we can go to the next stage.

I am still wondering how it could have taken us this long to establish that two thirds of 375 would be 250 Members. I need the concurrence of everybody and that is why I am waiting. Is it okay now? Okay, so with 252 voting Members of Parliament, we can start the vote. I will now put the question.

I put the question that the Bill entitled, “The Constitution (Amendment) Bill, 2015 be read for the second time. That is the question for our decision and voting starts now by roll call and tally.

*(Members voted by roll call and tally.)*

1. Hon. Aadroa Onzima Alex –
2. Hon. Ababiku Jesca – Aye
3. Hon. Acayo Christine – Aye
4. Hon. Acheng Joy Ruth – Aye

**THE DEPUTY SPEAKER:** Order, Members.

1. Hon. Remigio Achia –
2. Hon. Achia Terence Naco – Aye
3. Hon. Achieng Sarah Opendi –
4. Hon. Manoah Achile Mila – Aye
5. Hon. Acire Christopher –
6. Hon. Adong Lilly – Aye
7. Hon. Ajedra Gabriel – Aye
8. Hon. Ajok Lucy – Aye
9. Hon. Akello Judith Franca – Aye
10. Hon. Akello Lucy – No
11. Hon. Akello Rose Lilly – Aye
12. Hon. Akena James –
13. Hon. Akol Rose Okullu – Aye
14. Hon. Akora Maxwell Patrick – Aye
15. Hon. Alaso Alice Asianut –
16. Hon. Aleper Margaret – Aye
17. Hon. Aleper Simon Peter – Aye
18. Hon. Alero Aza Tom – Aye
19. Hon. Alengot Proscovia Oromait –
20. Hon. Ali Moses –
21. Hon. Allen Andrew – Aye
22. Hon. Alum Santa Ogwang – Aye
23. Hon. Alupo Jessica – Aye
24. Hon. Amali Caroline Okao – Aye
25. Hon. Amama Mbabazi –
26. Hon. Amero Susan – Aye
27. Hon. Amoding Monicah – Aye
28. Hon. Amodoi Cyrus – Aye
29. Hon. Amoit Judith Mary – Aye
30. Hon. Amongi Betty – Aye
31. Hon. Amongin Aporu Christine – Aye
32. Hon. Amongin Jacqueline – Aye
33. Hon. Amuge Rebecca Otengo – Aye

**THE DEPUTY SPEAKER:** Did you record the vote of hon. Amuge Otengo? Okay.

1. Hon. Amuriat Oboi Patrick –
2. Hon. Angina Charles –
3. Hon. Anite Evelyn – Aye
4. Hon. Anywarach Joshua – Aye
5. Hon. Aol Betty Ocan – No
6. Hon. Arinaitwe Rwakajara – Aye
7. Hon. Aronda Nyakairima – Aye
8. Hon. Asamo Hellen Grace – Aye
9. Hon. Asupasa Isiko Wilson –
10. Hon. Atiku Bernard – Aye
11. Hon. Atim Anywar Beatrice – No
12. Hon. Atim Joy Ongom – Aye

**MS ATIM CECILIA OGWAL:** Procedure. In view of the fact that more than three have voted no, it means we cannot –

**THE DEPUTY SPEAKER:** Would you like to take your vote? We will do that at the end.

**MS ATIM CECILIA OGWAL:** No.

1. Hon. Auma Juliana Modest –
2. Hon. Auru Anne – Aye
3. Hon. Awongo Ahmed – Aye
4. Hon. Ayena Krispus –
5. Hon. Ayepa Michael – Aye
6. Hon. Ayoo Tonny – Aye
7. Hon. Baba Diri Margaret – Aye
8. Hon. Babirye Veronica Kadogo – Aye
9. Hon. Badda Fred – Aye
10. Hon. Bagiire Vincent Waiswa –
11. Hon. Bagoole John – Aye
12. Hon. Bahati David – Aye
13. Hon. Bahinduka Mugarra Martin – Aye
14. Hon. Baka Stephen Mugabi – Aye
15. Hon. Bakabulindi Charles – Aye
16. Hon. Bakaluba Mukasa Peter – Aye
17. Hon. Bakeine Mabel Lillian – Aye
18. Hon. Bakireke Nambooze Betty – No
19. Hon. Bako Christine Abia –
20. Hon. Baliddawa Edward – Aye
21. Hon. Balyejjusa Sulaiman Kirunda – Aye
22. Hon. Balyeku Moses Grace – Aye
23. Hon. Bangirana Anifa Kawooya – Aye
24. Hon. Banyenzaki Henry – Aye
25. Hon. Barumba Beatrice Rusaniya –
26. Hon. Baryayanga Andrew Aja – Aye
27. Hon. Baryomunsi Chris – Aye
28. Hon. Bayigga Micheal Lulume –
29. Hon. Bbumba Syda Namirembe –
30. Hon. Besisira Ignatius – Aye
31. Hon. Bigirwa Julius Junjura – Aye
32. Hon. Bintu Jalia Lukumu – Aye
33. Hon. Biraahwa Mukitale Stephen – Aye
34. Hon. Biraaro Ephraim Ganshanga – Aye
35. Hon. Birekeraawo Nsubuga Mathius –
36. Hon. Bitekyerezo Medard – Aye
37. Hon. Boona Emma – Aye
38. Hon. Bucyanayandi Tress – Aye
39. Hon. Bukenya Gilbert – Aye
40. Hon. Businge Rusoke Victoria – Aye
41. Hon. Busingye Mary Karooro Okurut – Aye
42. Hon. Bwambale Bihande Yokasi –
43. Hon. Byabagambi John – Aye
44. Hon. Byamukama Nulu –
45. Hon. Byandala Abraham James –
46. Hon. Byarugaba Alex Bakunda – Aye
47. Hon. Byarugaba Grace Isingoma – Aye
48. Hon. Cadet Benjamin – Aye
49. Hon. Chebrot Stephen Chemoiko – Aye
50. Hon. Chekwel Lydia – Aye
51. Hon. Chemaswet Abdi Fadhil – Aye
52. Hon. Chemutai Phyllis – Aye
53. Hon. Daudi Migereko – Aye
54. Hon. Dombo Emmanuel Lumala – Aye
55. Hon. Drito Martin – Aye
56. Hon. Ebil Fred – Aye
57. Hon. Ecweru Musa Francis – Aye
58. Hon. Egunyu Nantume Janepher – Aye
59. Hon. Ekanya Geoffrey –
60. Hon. Ekuma George Stephen – Aye
61. Hon. Ekwau Ibi Florence – Aye
62. Hon. Engola Sam – Aye
63. Hon. Epetait Francis – Aye
64. Hon. Eriaku Peter Emmanuel – Aye
65. Hon. Fungaroo Kaps Hassan – No
66. Hon. Gudoi Yahaya – Aye
67. Hon. Hood Katuramu Kiribedda – Aye
68. Hon. Iriama Margaret – Aye
69. Hon. Iriama Rose – Aye
70. Hon. Isabirye Iddi – Aye
71. Hon. Jacan Omach Fred – Aye
72. Hon. Fred Omach – Aye
73. Hon. Kaabule Evelyn –
74. Hon. Kaahwa Tophace –
75. Hon. Kabaale Kwagala Olivia –
76. Hon. Kabahenda Flavia – Aye
77. Hon. Kabajo James – Aye
78. Hon. Kabakumba Labwoni Masiko – Aye
79. Hon. Kabasharira Noame – Aye
80. Hon. Kaddumukasa Jerome – Aye

**MR ODONGA OTTO:** Mr Speaker, I rise on a point of procedure on whether you should not consider it appropriate to call for secret voting because I have received an SMS from the Opposition Chief Whip commanding me to vote “No” *(Laughter)*

Now in the circumstance, I wonder what you will do to me if I vote otherwise because I am being commanded and the message is saying *–(Interjections)–* “The position of the Opposition in the on–going voting is No.” I need your guidance on how we can proceed under the circumstance and if we can be protected.

**THE DEPUTY SPEAKER:** Honourable members, in any election there is usually a cut–off period where you can do campaigns and try to influence the vote. It is only decent that when the voting is on–going, you let the process go, because by that time it is scheduled for voting and so it would be highly irregular to start circulating messages at voting time that such a thing should happen. It would not be proper.

*(Voting continued\_)*

1. Hon. Michael Werikhe – Aye
2. Hon. Kafeero Robert –
3. Hon. Kafuda Boaz – Aye
4. Hon. Kahinda Otafiire –
5. Hon. Kahunde Helen – Aye
6. Hon. Kajara Aston – Aye
7. Hon. Kajura Henry – Aye
8. Hon. Kakoba Onyango – Aye
9. Hon. Kakooza James – Aye
10. Hon. Kamanda Bataringaya – Aye
11. Hon. Kamara John –
12. Hon. Kamateeka Jovah – Aye
13. Hon. Kamba Saleh –
14. Hon. Kangwagye Stephen –
15. Hon. Karuhanga Gerald –
16. Hon. Karungi Elizabeth – Aye
17. Hon. Kasaija Matia – Aye
18. Hon. Kasaija Stephen – Aye
19. Hon. Kasamba Mathias – Aye
20. Hon. Kase–Mubanda Freda – Aye
21. Hon. Kasibante Moses – No
22. Hon. Kasirivu Atwooki – Aye
23. Hon. Kasule Lumumba Justine – Aye
24. Hon. Kasule Robert – Aye
25. Hon. Museveni Janet – Aye
26. Hon. Kataike Sarah – Aye
27. Hon. Katirima Phinehas – Aye
28. Hon. Katoto Hatwib – Aye
29. Hon. Katumba–Wamala Edward –
30. Hon. Katuntu Abdu – Abstain
31. Hon. Koyekyenga Oliver – Aye
32. Hon. Katwiremu Yorokamu – Aye
33. Hon. Kawuma Mohamed –
34. Hon. Kayagi Sarah – Aye
35. Hon. Ken–Lukyamuzi John – No
36. Hon. Khainza Justine – Aye
37. Hon. Khiddu Makubuya Edward –
38. Hon. Kiboijana Margaret – Aye
39. Hon. Kibuule Ronald – Aye
40. Hon. Kiiza Ernest – Aye
41. Hon. Kiiza James
42. Hon. Kiiza Winfred – Aye
43. Hon. Kinkungwe Issa –
44. Hon. Kintu Florence – Aye
45. Hon. Kitatta Aboud – Aye
46. Hon. Kiwanda Godfrey Ssubi –
47. Hon. Kiyingi Asuman – Aye
48. Hon. Kiyingi Bbosa Kenneth – Aye
49. Hon. Kiyingi Deogratius – Abstain
50. Hon. Kiyonga Chrispus – Aye
51. Hon. Komuhangi Margaret – Aye
52. Hon. Kusasira Peace – Aye
53. Hon. Kutesa Kahamba Samuel – Aye
54. Hon. Kwemara Ngabu William – Aye
55. Hon. Kwiyucwiny Grace Freedom – Aye
56. Hon. Kwizera Eddy Wa Gahungu – Aye
57. Hon. Kyambadde Amelia Ann –
58. Hon. Kyanjo Hussein – No
59. Hon. Kyeyune Haruna – Aye
60. Hon. Kyooma Xavier – Aye
61. Hon. Lakot Susan – Aye
62. Hon. Lanyero Sarah Ochieng – Aye
63. Hon. Lematia Ruth Molly – Aye
64. Hon. Lokeris Peter – Aye
65. Hon. Lokeris Samson – Aye
66. Hon. Lokii John Baptist – Aye
67. Hon. Lokii Peter Abrahams – Aye
68. Hon. Lokodo Simon – Aye
69. Hon. Lolem Micah –
70. Hon. Lowila Oketayot – Aye
71. Hon. Lubega Godfrey – Aye
72. Hon. Lubega Medard Ssegona –
73. Hon. Lubogo Kenneth – Aye
74. Hon. Lugolobi Amos – Aye
75. Hon. Lwanga Timothy Mutekanga – Aye
76. Hon. Lyomoki Samuel –
77. Hon. Madada Suleiman – Aye
78. Hon. Maganda Julius – Aye
79. Hon. Magyezi Raphael –
80. Hon. Makhoha Margaret – Aye
81. Hon. Mandela Amos – Aye
82. Hon. Matte Joseph – Aye
83. Hon. Mawanda Michael – Aye
84. Hon. Mayende Stephen –
85. Hon. Mbabazi Betty – Aye
86. Hon. Mbagadhi Fredrick – Aye
87. Hon. Mbahimba James –
88. Hon. Mbogo Kezekia – Aye
89. Hon. Migadde Robert – Aye
90. Hon. Mpabwa Sarah – Aye
91. Hon. Mpairwe Beatrice – Aye
92. Hon. Mpiima Dorothy – Aye
93. Hon. Mpuuga Mathias – No
94. Hon. Mubito John Bosco – Aye
95. Hon. Mugabi Muzaale Martin –
96. Hon. Mugema Peter – Aye
97. Hon. Mugume Roland –
98. Hon. Muhumuza David – Aye
99. Hon. Muhwezi Jim Katugugu – Aye
100. Hon. Mujungu Jennifer – Aye
101. Hon. Mujuni Vincent – Aye
102. Hon. Mukasa Muruli Wilson – Aye
103. Hon. Mukula George Michael –
104. Hon. Mulimba John –
105. Hon. Mulindwa Patrick – Aye
106. Hon. Mulongo Simon – Aye
107. Hon. Muloni Irene – Aye
108. Hon. Musasizi Henry – Aye
109. Hon. Musinguzi Yona – Aye
110. Hon. Mutagamba Maria – Aye
111. Hon. Mutebi Joseph Balikudembe –
112. Hon. Mutono Patrick – Aye
113. Hon. Mutonyi Rose – Aye
114. Hon. Mutyabule Florence – Aye
115. Hon. Muwanga Kivumbi – No
116. Hon. Muwuma Milton – Aye
117. Hon. Muyingo John Chrysostom – Aye
118. Hon. Mwebaza Sarah –
119. Hon. Mwesige Adolf – Aye
120. Hon. Mwesigye Fred – Aye
121. Hon. Mwiru Paul – Abstain
122. Hon. Nabbanja Robinah – Aye
123. Hon. Nabirye Agnes – Aye
124. Hon. Nabugere Flavia – Aye
125. Hon. Nabukenya Brenda –
126. Hon. Nabulya Theopista – Aye
127. Hon. Naggayi Nabilah –
128. Hon. Najjemba Rosemary Muyinda – Aye
129. Hon. Nakabale Patrick – Aye
130. Hon. Nakabira Gertrude – Aye
131. Hon. Nakadama Lukia Isanga – Aye
132. Hon. Nakato Kyabangi – Aye
133. Hon. Nakawunde Sarah – Aye
134. Hon. Nakayenze Connie –
135. Hon. Nalubega Mariam – Aye
136. Hon. Nalubega Mary – Aye
137. Hon. Namaganda Susan –
138. Hon. Namara Grace – Aye
139. Hon. Namayanja Florence – No
140. Hon. Namayanja Rose Nsereko –
141. Hon. Namoe Stella Nyomera –
142. Hon. Namugwanya Benny – Aye
143. Hon. Nandala-Mafabi Nathan –

**MR NANDALA-MAFABI:** Mr Speaker, I am very impressed with the mobilisation exercise because there are people I had never seen since I joined Parliament. *(Laughter)*

**THE DEPUTY SPEAKER:** Hon. Mafabi, please take the vote.

1. Hon. Nandala-Mafabi Nathan – No
2. Hon. Nankabirwa Ann Maria – Aye
3. Hon. Nankabirwa Ruth Sentamu – Aye
4. Hon. Nansubuga Rosemary Seninde – Aye
5. Hon. Nantaba Idah Erios – Aye
6. Hon. Nanyondo Birungi Caroline – Aye
7. Hon. Nasasira John –
8. Hon. Nauwat Rosemary – Aye
9. Hon. Ndeezi Alex – Aye
10. Hon. Nebanda Andiru Florence – Aye
11. Hon. Nekesa Barbara Oundo –
12. Hon. Ninsiima Ronah Rita – Aye
13. Hon. Niwagaba Wilfred – Aye
14. Hon. Nokrach William Wilson – Aye
15. Hon. Nsanja Patrick – Aye
16. Hon. Nsereko Muhammad – Aye
17. Hon. Nshaija Dorothy – Aye
18. Hon. Ntabazi Harriet – Aye
19. Hon. Nyakecho Annet – Aye
20. Hon. Nyakikongoro Rosemary – Aye
21. Hon. Nyanzi Vicent – Aye
22. Hon. Nyiira Zerubbabel Mijumbi – Aye
23. Hon. Nyirabashitsi Sarah Mateke – Aye
24. Hon. Nyombi Peter – Aye
25. Hon. Nyombi Thembo George William – Aye
26. Hon. Nzoghu William – No
27. Hon. Oboth Marksons Jacob – Aye
28. Hon. Obua Dennis Hamson – Aye
29. Hon. Obua–Ogwal Benson – Aye
30. Hon. Ochola Stephen –
31. Hon. Ochwa David – Aye
32. Hon. Odoi–Oywelowo Fox – Aye
33. Hon. Odoo Tayebwa – No
34. Hon. Odonga Otto Samuel –Aye
35. Hon. Oguttu Wafula Phillip – No
36. Hon. Ogwal Jacinto – No
37. Hon. Ogwang Peter – Aye
38. Hon. Okello Anthony – Aye
39. Hon. Oketta Julius – Aye
40. Hon. Okeyoh Peter – Aye
41. Hon. Okot John Amos – Aye
42. Hon. Okot Ogong Felix –
43. Hon. Okumu Reagan Ronald –
44. Hon. Okuonzi Sam Agatre – Aye
45. Hon. Okupa Elijah –
46. Hon. Olanya Gilbert – Abstain
47. Hon. Oleru Huda – Aye
48. Hon. Omara Geoffrey – Aye
49. Hon. Omolo Peter –
50. Hon. Omona Kenneth Olusegun – Aye
51. Hon. Omwonya Stanley – Aye
52. Hon. Onek Hillary – Aye
53. Hon. Obote Ongalo – Aye
54. Hon. Opolot Jacob – Aye
55. Hon. Okello Oryem Henry – Aye
56. Hon. Osegge Angelline –
57. Hon. Otada Sam – Aye
58. Hon. Oula Innocent – Aye
59. Hon. Owoyesigire Jim – Aye
60. Hon. Ruhindi Fredrick – Aye
61. Hon. Ruhunda Alex – Aye
62. Hon. Rukutana Mwesigwa – Aye
63. Hon. Rwamirama Bright – Aye
64. Hon. Sabiiti Jack – No
65. Hon. Sabila Nelson – Aye
66. Hon. Safia Nalule Juuko – Aye
67. Hon. Sebuliba Mutumba Richard – No
68. Hon. Sejjoba Isaac –
69. Hon. Sempala Mbuga Edward – Aye
70. Hon. Sezi Mbaguta Prisca – Aye
71. Hon. Ssali Baker – Aye
72. Hon. Ssasaga Isias Johny – No
73. Hon. Ssebagala Abdu Latif Ssengendo – No
74. H.E Ssekandi Edward Kiwanuka – Aye
75. Hon. Ssekikubo Theodore – Aye
76. Hon. Ssemmuli Anthony – Aye
77. Hon. Ssempijja Vincent Bamulangaki – Aye
78. Hon. Ssemugaba Samuel – Aye
79. Hon. Ssemujju Ibrahim Nganda – No
80. Hon. Ssewungu Joseph Gonzanga – No
81. Hon. Ssimbwa John – Aye
82. Hon. Ssinabulya Sylvia Namabidde – Aye
83. Hon. Taaka Kevinah Wandera – No
84. Hon. Tanna Sanjay – Aye
85. Hon. Tashobya Stephen – Aye
86. Hon. Tete Chelangat – Aye
87. Hon. Timbigamba Lyndah – Aye
88. Hon. Tinkasiimire Barnabas – Aye
89. Hon. Twodwong Richard – Aye
90. Hon. Tumwebaze Frank – Aye
91. Hon. Tumwesigye Elioda – Aye
92. Hon. Tumwine Elly – No
93. Hon. Turyahikayo Paula – Aye
94. Hon. Twa–twa Mutwalante Jeremiah – Aye
95. Hon. Wadada Femiar – No
96. Hon. Wadri Kassiano Ezati – No
97. Hon. Waira Kyewalabye Majegere – Aye
98. Hon. Wakikona David – Aye
99. Hon. Wamakuyu Mudimi – Aye
100. Hon. Wamanga–Wamai Jack – No
101. Hon. Wangolo Jacob – Aye
102. Hon. Yaguma Wilberforce – Aye

**THE DEPUTY SPEAKER:** Honourable members, there are those who did not take the vote when their names were called. We shall start with this side.

1. Hon. Kangwagye – Aye
2. Hon. Reagan Okumu – No
3. Hon. Namaganda Susan – No
4. Hon. Nabukenya Brenda – No
5. Hon. Kiwanda Godfrey Suubi – Aye
6. Hon. Kafeero Ssekitoleko – Aye
7. Hon. Nakayenze Galiwango Connie – Aye
8. Hon. Akol Okullu Rose – Aye
9. Hon. Bbumba Syda – Aye
10. Hon. Mayenda Stephen Dede – Aye
11. Hon. Charles Angina – Aye
12. Hon. Kaahwa Tophace Byagira – Aye
13. Hon. Namoe Stella Nyomera – Aye
14. Hon. Kaabule Evelyn Naome – Aye
15. Hon. Namayanja Rose Nsereko – Aye
16. Hon. Khiddu Makubuya Edward – Aye
17. Hon. Alengot Proscovia Oromait – Aye
18. Hon. Nekesa Oundo Barbara – Aye
19. Hon. Mugabi Muzaale Martin Kisule – Aye
20. Hon. Lolem Akasile Micah – Aye
21. Hon. Kikungwe Issa – No

**THE DEPUTY SPEAKER:** Order, honourable members! Is there any Member who has not yet voted? If all the Members have now voted, we will close and start the count.

1. Hon. Asupasa Isiko Wilson – Aye
2. Mr Isaac Sejjoba – Aye

**MR RUKUTANA:** Mr Speaker, I would like to be sure that the two Members who voted last were captured.

**THE DEPUTY SPEAKER:** Honourable members, two Members walked in late, that is hon. Sejjoba and hon. Isiko. We have their votes recorded.

Honourable members, the total votes cast are 327. *(Applause)* Abstentions are four, the “Nos” are 33 and the “Ayes” are 290. *(Applause)*  The ayes have it. *(Applause)*

BILLS

COMMITTEE STAGE

THE CONSTITUTION (AMENDMENT) BILL, 2015

Clause 1

**THE DEPUTY CHAIRPERSON:** I put the question that clause 1 stands as part of the Bill.

*(Question put and agreed to.)*

*Clause 1, agreed to.*

Clause 2

**MR TASHOBYA:** Thank you very much, Mr Chairman. The committee proposes a deletion of clause 2 (b). The justification is that it discriminates against independent candidates and is therefore contrary to Article 21 of the Constitution.

**THE DEPUTY CHAIRPERSON:** The amendment is to delete the provision relating to that requirement of the independents in paragraph (b). I put the question for deletion.

**MR MWIRU:** Mr Chairman, I seek for guidance on how to proceed because I have amendments I intend to introduce which are contained in the minority report. I seek guidance on how I should proceed with this.

**THE DEPUTY CHAIRPERSON:** Honourable members, if the amendments are in the Bill, then you will introduce them when the clause is called. However, if they are not in the Bill, then you propose them when we close with the Bill. You can propose new amendments if there is nowhere to insert them in the Bill as it is.

I put the question to the deletion proposed by the chairperson.

*(Question put and agreed to.)*

*Clause 2, as amended, agreed to.*

Clause 3

**MR MWIRU:** Mr Chairman, I sought guidance from you on how to proceed because I have a minority report.

**THE DEPUTY CHAIRPERSON**: Honourable members, I have ruled on that. This is my guidance: I said if the amendment relates to a clause in the Bill, raise it when the clause is called but if it does not, let us go with the Bill and then you can propose those amendments at the right time.

**MR MWIRU:** Mr Chairman, at the time I arose, it is related to the clause in the Bill concerning the Electoral Commission, for which I have views. That is why I sought for your guidance as to whether it was at that stage that I could introduce the amendments. Mr Chairman, I seek your indulgence –

**THE DEPUTY CHAIRPERSON:** Wait, honourable member. You are a member of this House. Clause 2 was called, the chairperson proposed an amendment to clause 2, we adopted it and I said if there is a provision that relates to an amendment of the provision of the Bill bring it now. However if it does not, then bring it when we finish with the provisions that are in the Bill. That is what I guided.

**MR MWIRU:** Mr Chairman, I would like to appeal to members. We are dealing with a very pertinent process in this country. I am a Member of Parliament –*(Interjections)*– Mr Chairman, I seek for you protection.

**THE DEPUTY CHAIRPERSON:** Order, Members! Let us have some order, please.

**MR MWIRU:** Mr Chairman, I represent the people of Jinja East Municipality in this House and I have a right to present an amendment. I sought for your guidance on this subject as my leader in this House. At that stage, I rose to raise an amendment but why was I seeking guidance from you? In the minority report, I propose something different even in terms of the wording that Government is actually raising. Mr Chairman, you should protect me in this House. The cardinal duty you have is to protect your members.

**THE DEPUTY CHAIRPERSON:** Honourable member, I do not need a lecture from you. I said if the amendment you are proposing relates to a clause in this Bill, then introduce it when the clause is called. However, if it does not fall within the Bill, then when we close with Bill you will bring those amendments. That is what I guided and we called clause 2 and there were amendments. You are a member of this House and you have processed Bills before in the House. If there is an amendment, like hon. Nandala-Mafabi is proposing, that is the way to proceed.

**MR MWIRU**: I think as a way of proceeding properly in this House since this is our workplace I seek to recommit a clause you have passed.

**THE DEPUTY CHAIRPERSON:** No, you do not have to recommit because we are still at committee stage. Just introduce your amendment and we review the clause. Let us proceed with the amendment; we will open it.

**MR WAFULA OGUTTU:** Mr Chairman, you have guided –

**THE DEPUTY CHAIRPERSON:** What I am saying is that we are still at committee stage and we have not yet reported to the whole House about what we have adopted. Let the Member bring the amendment if it on clause 2. It is not recommitted; we are just reopening it.

**MR MWIRU:** Thank you, Mr Chairman. I propose an amendment to clause 1 of the Bill –

**THE DEPUTY CHAIRPERSON:** Clause 1?

**MR MWIRU:** Yes, Mr Chairman, I seek for your guidance. What I call clause 1 of the Bill is the amendment of Article 60.

**THE DEPUTY CHAIRPERSON:** Honourable members, let us accommodate this so that we can move. Do you propose to amend clause 1?

**MR MWIRU:** Yes, Mr Chairman.

**THE DEPUTY CHAIRPERSON:** Proceed.

**MR MWIRU:** Mr Chairman, I propose an amendment by substituting clause 1 with the following: “Amendment of Article 60 (1) (a) There shall be an Independent Electoral Commission consisting of a Chairperson and a Deputy Chairperson together with nine other commissioners appointed by the Judicial Service Commission;

(b) The Chairperson and Deputy Chairperson, who shall be persons qualified to be judges of the High Court of Uganda;

(2) A person shall not be appointed as Chairperson, Deputy Chairperson or a member of the commission unless that person is a citizen of Uganda who–

(a) is of high moral character and proven integrity;

(b) has demonstrated competence in conduct of public affairs;

(c) holds a degree from a recognised university; and

(d) possesses considerable experience in–

(i) electoral matters;

(ii) law;

(iii) finance;

(iv) governance; or

(v) public administration.”

(2a) A person shall not be appointed to the commission if that person–

(a) has been convicted of a criminal offence by a competent court anywhere in the world;

(b) has been declared bankrupt;

(c) is of unsound mind;

(d) has, at any time within the preceding five years, held office or stood for election as a Member of Parliament, a member of the local government or a member of the governing body of a political party or organisation;

(e) being a public officer, has not obtained leave in accordance with the procedure of the service or employment to which the person belongs.”

I proceed by substituting sub clause (3) with the following: “(3) The members of the commission shall hold office for seven years and are not eligible for reappointment.”

Substitute sub clause (4) with the following: “(4) The office of the chairperson, deputy chairperson or any member of the commission shall fall vacant if he or she–

(a) dies;

(b) resigns;

(c) removed from office as a result of misbehaviour or misconduct;

(d) assumes another public office;

(e) inability to perform his or her duties arising from infirmity of body or mind, impartiality, grave misconduct or incompetence.”

Insert a new sub clause immediately after sub clause (4) to read as follows:

“(4A) Any question for the removal of a member of the Independent Electoral Commission under clause (4) (c) shall be referred to a tribunal appointed by the Judicial Service Commission and the Judicial Service Commission shall remove the member if the tribunal recommends that the member should be removed on any of the grounds specified in clause (4) (c) of this article.

(4B) Where the question for removal of a member involves an allegation that the member of the Independent Electoral Commission is incapable of performing the functions of his or her office arising from physical or mental incapacity, the Judicial Service Commission shall, on the advice of the head of the Health Services of Uganda, appoint a medical board which shall investigate the matter and report its findings to it with a copy to the tribunal.

(4C) Where a tribunal is appointed by the Judicial Service Commission under clause (4B) of this article, the Judicial Service Commission shall suspend that member from performing the functions of his or her office.

(4D) A suspension under clause 11 of this article shall cease to have effect if the tribunal advises the Judicial Service Commission that the member suspended should be removed.”

The justification, Mr Chairman, is: to provide for an elaborate and transparent manner of appointing and removal of a member of the Independent Electoral Commission. I beg to move.

**THE DEPUTY CHAIRPERSON:** Honourable members, the amendment is in the terms proposed by the mover of the minority report. You have listened to the amendment as proposed in clause 1; I put the question to the amendment as proposed.

*(Question put and negatived*.)

**MR MUWANGA KIVUMBI:** Mr Chairman, we came to this Parliament with a strict mandate to ensure the people of Uganda get a law they deserve and their aspirations can be met. We are here to ensure that the constitutional amendments we are going to make are nothing like any other. Now that the spirit of the majority of members of this House is to the effect that they have completely ignored the will of the people –(*Interjections*)– and have chosen to even put these matters concerning the Electoral Commission to vote without even debate, we would be the last people to be part of that Parliament, to be part of a debate that amends the national Constitution in that manner.

A profound amendment of how we elect our leaders cannot go on without debate. Therefore, to merely call a vote because members have not been heard on this amendment is an abuse of our procedure and we believe we cannot be entertained when we are not listened to. Therefore, our humble opinion is that if matters are going to be voted on this way, then we have no business here and we can let you have your way. With that, Mr Chairman, if that is the procedure you are going to take, then we will excuse ourselves from this debate.

**THE DEPUTY CHAIRPERSON:** Honourable members, we debated the principles of the Bill. We have just passed the principles of the Bill and we have called for amendments. You asked to review clause 1, which I reopened after passing. We went back when we had already passed clause 2 and went to clause 1. You proposed an amendment, the member spoke to his amendment and justified it and that is why we took the vote.

**MR WAFULA OGUTTU:** Mr Chairman, I am a bit surprised at the manner we are conducting these constitutional amendments. At first, I thought that the chairman was too fast because before we could open our iPads, the chairman was already conducting voting – the chairman of the House.

We thank you very much for opening up after passing the clause quickly, to allow our member introduce an amendment. What has been the practice is that when an amendment is proposed, time is allowed for people to contribute to the amendment and we eventually vote and reject or accept it. You did not give us that time. As soon as you finished talking or when the member finished presenting the amendment, you called for the vote.

I would like to appeal to you, Mr Chairman, that we should look at this process as one for the whole country and which will determine the future of this country. Members can choose to listen or they can shout or be a mob but I know you are honourable members and you are going to listen. We have people who elected us to come here, we have had consultations with people, parties have consulted, and I hope including the NRM, religious leaders and NGOs have given their opinions. We have views gathered and even our legal committee went and gathered ideas and proposals from the public across Uganda. All of them were not considered by the majority report but they were considered in the minority report, and the Speaker was good enough to accept that they will be tabled here.

The mood I see in the House is that you do not want to listen to anything from the minority report. I would like, therefore, to inform the House that as the Opposition, we are not going to be party to a debate that is not taking care of the interests of the Ugandans; so, we shall go out. Thank you very much.

**MR DOMBO:** Thank you very much, Mr Chairman. I would like to thank you very much for your indulgence and I would like to thank hon. Wafula Oguttu for his observations.

I have been in this House for some time and in the consideration of the Bill at this stage, it has not been a normal practice that the Chairperson revisits a section that has been passed and voted on unless it has been done at recommital stage. For you to have used your authority in the House – prerogative– and cushioned and accepted to go back to reopen, first you have set a precedent which we shall quote for future debates. We are dealing with the Constitution but also, you have shown magnanimity of the highest order in your Chair. (*Applause*) For any person to imagine that by doing so you have been unfair would be very unfair to the Chair and I felt this should be raised on the Floor of the House. I thank you, Mr Chairman.

**THE DEPUTY CHAIRPERSON:** We are on clause 3

**MR NANDALA-MAFABI:** Mr Chairman, the procedural issue I am raising is that what you have just done, to allow us go back to clause 1, is very good and I have seen it being practised with you when we have been in the House. This is not the first time and I think my brother, hon. Dombo, was not in the House then but this has been going on and it has been in good faith that you have been doing it.

Mr Chairman, I had also noticed in clause 1, we may refuse whatever our colleague raised but there are some issues which have been raised that are important. If you read about commissions, they have a chairperson, a deputy chairperson and the number of persons who are supposed to be members. It is now only the Electoral Commission which does not have the numbers –

**THE DEPUTY CHAIRPERSON:** Hon. Nandala-Mafabi, you have risen on a point of procedure; would you like to raise it please?

**MR NANDALA-MAFABI:** Mr Chairman, the procedural issue I am raising is that since you have opened up clause 1, would you allow further amendment on that clause? There are some items – you may refuse the others but there are some which should really be in the law. If it is allowed, I would like to make a proposal that under clause 1, after the deputy chairperson, I move an amendment that says, “and nine other members of the commission.”

The justification is that all the commissions we have in the Constitution have numbers – the Health Service Commission, the Judicial Service Commission and the Public Service Commission have numbers. Therefore, we can also put a number for the Electoral Commission, to limit them.

**MR RUHINDI:** Mr Chairman, that matter that is being proposed by hon. Nandala-Mafabi was considered by the Executive. Apparently, we need to put on record that the Executive undertakes to immediately, after this exercise, put in place a constitutional review commission that will extensively study many of our proposals that are being brought to our attention in this House and many others that are still out there and we shall come back to this House.

The idea of providing for the chairperson and vice–chairperson and such other numbers Parliament may prescribe is a rational position. In any case, whether we fix the numbers here or in another law made by Parliament, we still have the mandate, apart from the entrenched provision that may be put in the Constitution. That flexibility that Parliament may under law, where you do not for instance – You can image what we are going through today and then you find that the Electoral Commission requires a particular number, depending on the circumstances of the day, and then you come to Parliament and amend an Act of Parliament the way we normally enact laws here.

In other words, Mr Chairman, the intention is to provide flexibility so that we do not always have to come here in case we feel that we need a bigger or lesser number, but to do it under an Act of Parliament rather than amending the Constitution.

**MR NANDALA-MAFABI:** Mr Chairman, if that is the case, then we should have amended all commissions. I will quote this one on the Electoral Commission which says, “There shall be an Electoral Commission which shall consist of a chairperson, a deputy and five other members appointed by the President.” When I go to the Judicial Service Commission and the Health Service Commission, it is the same; the numbers are there.  *(Interruption)*

**MS MARIAM NALUBEGA:** Thank you, honourable member, for giving way, and thank you, Mr Chairman. Hon. Nandala-Mafabi is quoting Article 60(1) of the Constitution, which states that, *“There shall be an Electoral Commission which shall consist of a chairperson, a deputy chairperson and five other members…”* To me, in simple mathematics, these are seven members and therefore the number is stated, unless the member is moving to increase the number. I would like to know whether hon. Nandala-Mafabi is moving to increase the membership or he wants the number to be stated as seven. That is the clarification I am seeking.

**MR NANDALA-MAFABI:** Mr Chairman, my sister is reading the Constitution right but I would advise her to read the amendments. If she had read the amendments, she would not have stood up – I know you are an intelligent lady. *(Laughter)*

The justification I am raising, Mr Chairman, is that all the commissions have numbers and yet we want to leave it for Parliament. If the spirit is that all commissions must be having a law in Parliament, then we open it up for all the commissions and we appoint the chairperson, the vice–chairperson and other members. However, if the spirit in the Constitution is that these commissions must have fixed members, then we should move and put the fixed numbers here. That is the reason I am raising this, Mr Chairman. *(Interruption)*

**MR ODONGA OTTO:** Thank you, hon. Nandala-Mafabi, for giving way. Just by way of information, what hon. Nandala-Mafabi is saying is that this amendment which has been proposed is actually more dangerous than what is in the current Constitution. The day I become president and you allow me to appoint the chairperson of the Electoral Commission and the vice–chairperson and any other number of members I want, I will appoint 300 commissioners and that will be the electoral commission of Uganda. Therefore, it would be in our interest to specifically state how many people we want in the commission. We cannot leave it open–ended. It is very dangerous to do that.

Secondly – Mr Chairman, I beg for your protection. We had a problem with the IGG because at one time, there was only the chairperson of the IGG, and I think then it was *Ndugu* Raphael Baku. The whole country was at a standstill because any decision made by an individual would be rejected because the composition of the Inspectorate of Government was clearly stated in the Constitution. Therefore, I urge members to state the numbers of people we want to be in the commission.

I even propose that if we cannot retain want we have, we push it to nine. The moment you leave it open, then all of us will have a commission of 1,000 commissioners. Therefore, I move that we either state the numbers or retain the provision the way it is in the current Constitution.

**MR NANDALA-MAFABI:** Mr Chairman, as you are aware, the commission is like a board and the board has a charge, and these are boards that manage state affairs so they should be limited. In that regard, I would like to now move – Article 165 on the Public Service Commission gives numbers and Article 146 on the Judicial Service Commission gives numbers. These commissions go further to take the interest of all people like lawyers, the public for the public service and others. Now for the Electoral Commission to be independent, as much as we are going to specify the numbers, it should take the interest of both the minority, who are the Opposition –*(Interjection)*– I have heard somebody say “aye”; he has been independent –

**THE DEPUTY CHAIRPERSON:** Honourable member, I think the point is made. The proposal in the Bill is to take away the numbers in the commission. The actual provision of the Constitution as it is states a number of seven –*(Mr Tashobya rose\_)* Hon. Member, would you like to sit when I am speaking. It states the number of seven in the Constitution. Hon. Nandala-Mafabi is saying that all the commissions have numbers; so, what is your justification for removing numbers from the Electoral Commission and leaving the others with numbers? If it does not make sense, drop it and we move on.

**MR RUHINDI:** Mr Chairman, let us recall the background. The background was that we concentrate on provisions which principally relate to the electoral process. This is why the Electoral Commission came up in these amendments or proposals. The other proposals relating to other statutory bodies were to come in the review, which is coming hereafter.

However, in the spirit of this debate – the way it is proceeding – I can actually read the minds of many of our colleagues here that the best is to maintain it the way it is under the Constitution – chairperson, vice chairperson and five other members. On that position, I concede accordingly.

**THE DEPUTY CHAIRPERSON:** Would you like to propose the deletion of clause 1 of the Bill?

**MR TASHOBYA:** Mr Chairman, having listened to the submission by hon. Nandala-Mafabi and the response from the learned Attorney–General, I wish to concede that we should have the specified numbers of the chairperson, vice–chairperson and five other members.

**THE DEPUTY CHAIRPERSON:** That is what is in the Constitution. Honourable members, I need somebody to move; can you draft the amendment?

**MR TASHOBYA:** Yes, in effect dropping clause 1 of the Bill.

**MR RUHINDI:** Mr Chairman, we are not deleting the entire clause 1; we are proposing deletion of clause 1(a) and the rest remains.

**THE DEPUTY CHAIRPERSON:** But we had already deleted (b).

**MR RUHINDI:** No, we had not.

**THE DEPUTY CHAIRPERSON:** We did delete (b).

**MR RUHINDI:** No, we deleted 2(b).

**THE DEPUTY CHAIRPERSON:** Okay. Are you proposing to delete clause 1(a) from the Bill? Honourable members, can I put the question to this proposal that clause 1(a) be deleted?

*(Question put and agreed to.)*

**MR MUSASIZI:** Thank you, Mr Chairman. Article 60(3) of the Constitution reads, *“The members of the commission shall hold office for seven years, and their appointment may be renewed for one more term only.”* We all agree that commissions are like boards; I imagine someone –

**THE DEPUTY CHAIRPERSON:** Hon. Musasizi, I would like you to propose something then you speak to it.

**MR MUSASIZI:** I would like to propose that a member of the commission serves for a non–renewable term of seven years. My justification is that 14 years is such a long time that someone makes it –*(Interjection)*– Can I make my point? Mr Chairman, my justification is that we need not to allow members of the commission to be there for such a long time to avoid the possibility of them being compromised.

**THE DEPUTY CHAIRPERSON:** Honourable members, the proposal from the member for Rubanda East is that you limit the term of a commissioner to one term of seven years. That is the proposal and a departure from what the Constitution says. Can I put the question to that amendment?

*(Question put and negatived.)*

**MR NANDALA-MAFABI:** Mr Chairperson, I know that we have lost that clause but under normal circumstances, that should not have been the case. The clause on seven years – board members sit for three years and yet these ones have two terms and a half. I think we should have rethought it because maybe members were not aware.

I also would like to move a proposal in that line that the Electoral Commission, which should be independent, should have both the ruling party and the Opposition being taken into consideration.

**THE DEPUTY CHAIRPERSON:** Would you like to propose and then justify what you are proposing?

**MR NANDALA-MAFABI:** I would like to move an amendment that of the seven members, three must represent the interests of the Opposition. The justification is that the President will be nominating people and there will be a process, which will ask for specific persons to be able to nominate. We believe that in the nomination of the Electoral Commission so that the Opposition is represented *–(Interruption)*

**MR NZOGHU:** I thank you, Mr Chairman, and I also thank hon. Nandala-Mafabi. What we are looking at is actually a process that leads all of us here.

In the circumstances that the President is an independent or belongs to a political party like in the current situation and he appoints the chairperson and vice–chairperson – and they may even double as the leader in his or her political party, it would therefore be pertinent that we give the other side of the House the chance to propose members who can be part of the Electoral Commission.

Without that, it would mean that the President, using his or her powers, can in a way nominate people or candidates who are likely to favour his or her political party.

Considering that, we can also give an opportunity for the Opposition to nominate some members to the commission because already there is a President who belongs to a political party or an independent with interests in the process.

**THE DEPUTY CHAIRPERSON:** Okay, hon. Member, please wind up.

**MR NANDALA-MAFABI:** Mr Chairman, the reason I am raising it is that during the debate, my brother, hon. Oboth said that this Electoral Commission of the “internal elections” is the main cause that some of them became independents and that he –

**THE DEPUTY CHAIRPERSON:** Procedure.

**MR OBOTH:** I do not want to rise on order but a procedural issue. Whereas I may consider the concerns of my brother in trying to make a good case, I actually do not believe that we should have a partisan commission because a commission is an executive function and we should therefore do the same.

I did not, for the record, speak here that any electoral commission was determinant in making me what I am. I believe that it was a matter of choice and the people of West Budama South are the ones that decided that I should be an independent member in Parliament. I therefore rise to ask whether it is procedurally correct for my honourable colleague to put not only frogs but words that I did not speak while I am in this House.

**THE DEPUTY CHAIRPERSON:** Honourable members, there is no way that the Electoral Commission in the Constitution can create independent members in this House. The Electoral Commission creates losers and winners only. You either lose or you win to come to this House. If you lose, you don’t come here and you cannot be independent under the general elections vote, which is conducted by the Electoral Commission.

**MR NANDALA-MAFABI:** I thank you, Mr Chairperson. My proposal is that we need an independent Electoral Commission but it should take the interests of all the parties in the country.

**THE DEPUTY CHAIRPERSON:** Okay, thank you. Let me take the member from Bugweri County.

**MR KATUNTU:** I thank you very much, Mr Chairperson. Any constitution is a political document, which is usually arrived at by political negotiation where all views should as much as possible be reflected in that political consensus document.

I am a member of the Legal and Parliamentary Affairs committee and during our meetings, I tried to put a case of consensus or political negotiation but that did not happen. I note the sort of adversarial atmosphere within the House which, in my honest view, does not reflect what a constitution should be.

I am also comfortable that I did not move around this country together with my colleagues on the committee listening to the views of the people. Honourable colleagues, take comfort that all the views reflected in those reports were people’s views. They therefore need time to think about them since they reflect the people’s views. This atmosphere of putting people’s views for voting for and against does not take a democratic process forward. Patience, as they call it in English, is for decent people.

Mr Chairman, I need to put this clearly. Having listened to that background, it is my view that we have a more consultative process before voting on these amendments. What is this consultative process I am talking about? You see all those views, which are contained in the minority report; you could even check them out through any process. They are not a creation of the members of Parliament who wrote them. That is why I am talking about the adversarial atmosphere; I support 90 per cent of the majority report for the purposes of the record. However, I am also aware that what is contained in the minority report are views of the people because I participated in the process. My view therefore is that we do not have to vote on the views of the minority report now.

If that pleases the charged hon. Rukutana – and he does not have to be charged any way because there is no reason why we should be quarrelling about something where we are trying to build consensus – I have no feelings in them. If you reject them, that is okay. However, what we are saying is that let there be an opportunity and maybe to some extent I agree with the proposal of the majority report to have those views.

This is so because, Mr Chairperson, as the chairman of the committee will tell you, we said those views are legitimate but can we have a more consultative process. That was the only reason the majority members of the committee came to that conclusion; that can we have a more elaborative consultative process. However, what is happening now is that we have started voting on them and debating them and maybe even rejecting what could have been the people’s views. This is absolutely wrong.

Therefore, if we are conscious of the proposal made by the majority report, I implore colleagues and please listen to me, I am proposing this in good faith. Let us shelve these amendments now because many of us have not even critically examined those details and consulted –(*Interjection*)

Read the majority report because for we, the members of the committee, said we do not have enough time to critically consult and make an informed position. That was the only reason. However, people who were not even members of the committee who did not investigate this matter like the hon. Rukutana are busy saying –(*Interruption*)

**THE DEPUTY CHAIRPERSON:** Honourable member, must you rise every time your name is called?

**MR RUKUTANA:** Mr Chairman, is it in order for the honourable member to continuously refer to me imputing some ill motives when I am just listening to his statements without saying anything. Is he in order?

**THE DEPUTY CHAIRPERSON:** Are you a member of the Committee on Legal and Parliamentary Affairs? If you are not, please sit.

**MR RUKUTANA:** Mr Chairperson, then why bring my name here?

**THE DEPUTY CHAIRPERSON:** Because you are not a member.

**MR RUKUTANA:** As an honourable member, I would have –

**THE DEPUTY CHAIRPERSON:** Hon. Rukutana, it is not every time that a name is called that you must rise on order. Please let us see a way to proceed with these matters.

**MR KATUNTU:** Thank you very much, Mr Chairperson, for your wise ruling. I am imploring my side not to present those views for voting on now. That is the point I am trying to make. If hon. Rukutana thinks it is okay, that is fine with me. However, I am imploring my side not to bring those views for voting on now. Let us find time and opportunity after thorough consultation like the majority report proposes. I am having problems in appreciating any contrary view to that because it is fairly enough. That is what formed the basis of the decision of the majority committee.

Where is this enthusiasm? Bring them and we reject them. Where is it coming from? Therefore the point I am trying to make and I really implore honourable colleagues and many members here – we were members of the CA; they know what went on during the CA. It is back and forth, give and take. It was negotiation, reaching the middle point; that is what we should be looking forward to as a House. Where that side sits with this side, there is an opportunity and we come and say may be that is okay and we move on as a House and as a country.

I really implore all my colleagues that let us shelve these proposals because the truth is that there is no opportunity now to discuss them thoroughly and reach an informed position. Mr Chairperson, I implore you.

**MR TASHOBYA:** Thank you very much, Mr Chairperson. I would really like to thank hon. Katuntu for the views he is expressing because if some of our colleagues had heeded part of the advice that you gave in the committee, we should not have been forced in the situation we are in. This is because as members, we must have read the report. When we got the Bill, we consulted very many stakeholders on the Bill that was before us. We had more than 50 submissions but then we also went outside, we only visited 16 out of 112 districts. Therefore, when we came back we said we have only considered a very small part of the population, we need more time. Some of these views are good.

We also looked at the views, which are now contained in the minority report. We said these views need more time and consultations so that a considered position can be arrived at. Therefore, I really agree with hon. Katuntu that if for example this minority report had not come up, in any case in our own report we gave a summary of all the views that had been received but were not included in our report and the views given in the compact of the Opposition and several others were in that document which we submitted before the House.

Therefore, if our colleagues can heed that advice, which I think is good – the minority report, the people who authored the report will not bring the proposed amendments and therefore, the solution will have been found. We consider the Bill and then at an appropriate time we give time to the process of consultations, all the views that had been submitted in the compact and even those outside, we have a process of a comprehensive process and Government has already conceded to having a Constitution Review Commission. That is the view that has been stated by the Executive. We would go by that and that would save us the antagonism that the Shadow Attorney General is alluding to. I thank you, Mr Chairperson.

**MR BAKA:** Mr Chairman, having listened to hon. Katuntu and the chairman of the committee, I move a motion that this House resolves that the views in the minority report be shelved for further consultations such that the House proceeds to debate and make recommendations in the Constitution (Amendment) Bill, 2015 in view of the majority report.

**THE DEPUTY CHAIRPERSON:** Honourable members, that motion will attract debate. I was prepared to proceed with the proposal made by hon. Katuntu and his appeal to the authors of the minority report if they could agree to that principle so that we can start proceeding on the Bill as it is and entertain those amendments that came from the committee and thereafter see how we can conclude instead of bringing a motion that can cause another debate of its own.

**MR ODONGA OTTO**: Mr Chairman, I would like to submit as follows: Save for Article 83 of the Constitution, honestly speaking, there is no need whatsoever for this Parliament to engage in constitutional amendments. First of all, the House is charged; we are in a mood that is not good for listening to others and yet we are about to change a document that will guide this country for maybe the next a hundred years.

Therefore, honourable minister and the chairperson of the committee, other than Article 83 where some people want to cross from here to there; is there any other need to amend any other Article of the Constitution? It is because the rest can wait and Uganda is not ending today. In the current mood, we may make mistakes. Check the mistake we almost made by throwing out what hon. Nandala-Mafabi and hon. Mwiru – we were now saying the commission should have an endless number of people because we were already charged.

Therefore, why don’t we proceed with Article 83, amend it and close the rest? Uganda is not ending tomorrow. The rest we can do in future. Mr Chairman, I beg to move.

**MR RUHINDI:** Mr Chairman, I would like to appreciate the submission of hon. Odonga Otto for further simplifying our task. However, I would like to assure you that with the submission of hon. Katuntu, supported by the chairperson of Legal and Parliamentary Affairs committee, the task is as good as simplified. It is because the provisions in this Bill are measured. In what sense do I say this? There is a provision here on the Salary and the Remuneration Commission, which is also controversial. Even that, the Executive side had already agreed that we also stand over it and refer it to the Constitutional Review Commission for further study.

That leaves us with a few other provisions: one on the issues of independence. In Article 83, there is a provision, honourable colleagues, relating to the Judiciary. As far as the retirement age is concerned, the committee is also of the view that we leave it as it is in the Constitution.

However, we would wish to concede as the Executives but there is also an area on the Judiciary – you remember, Mr Chairman, we had to have a battle in this House with a private member wishing to move a Private Members’ Bill in respect of the administration of the Judiciary Bill. He said why don’t we wait for the process of the constitutional amendment in order to push that Bill forward? It is because there is one clause here that we wish to pass so that we could also bring the administration of the Judiciary Bill here. That clause which is here is to ensure that the Judicial Service Commission has powers to hire, fire and discipline support staffs in the Judiciary, which is not the case now.

It is because as it is now constitutionally, the Judicial Service Commission can only deal with the appointment and discipline of judicial officers and support staff are not part of the judicial officers. Therefore, we thought by passing this, we would create a passage for bringing that Bill into the House at a later stage.

Another critical area in my view is in respect to city land boards. We have had an impasse; there is no transaction in land in Kampala City because of the challenges we have in terms of the contradictions of the district land board *vis–a–vis* the city land board. Therefore, we thought by clarifying this position here, we would rest this issue properly and we finish our task. To me, those are the key elements in this Bill.

**THE DEPUTY CHAIRPERSON:** Honourable members, I will listen to the author of the minority report and I will guide on how we will proceed now.

**MR MWIRU:** Thank you, Mr Chairman. It would appear to the people out there who brought their views to Parliament that they did it either three or seven months to the end of the current process. The people who brought their views to the committee where I am a member had submitted the same views almost a year ago to the government and Government actually had those views.

When you go to High Court where all political parties are represented, there were agreed positions between Government and the Opposition. However, the government brought out a Bill, which excluded all the views which had been submitted. Mr Chairman, while in the committee, hon. Obua here asked the Attorney–General to submit the views we received from the people so that we know it is the base of operation.

What am I saying, Mr Chairman? The game which we are about to delve into is what has been taking place all the time. We have been saying there is no time and we shall deal with this issue in the election. However, as the mover of the minority report, I have no control of the process Government is going to conduct.

Mr Chairman, when I presented before this House, at first, there had been a notion that the committee did not have time and yet the rules provide for extension of time when the committee does not have time. I said we had the benefit, as the authors of the minority report, to process the views of the people.

Ordinarily, I would have no problem if there was trust even on the part of the people out there that their views are going to be considered. I will give an example; I moved an amendment on clause 1. The gist of clause 1 is about appointment. How is the process? Is it transparent? Of course, the move was that we vote against and then we move on.

Having said that, Mr Chairman, I would like to give a well thought view that I consider the constraint Government put itself in by receiving people’s views, sitting on them and bringing almost an empty Bill. I appreciate the situation they are in, but I have a duty and a bigger duty to the people of Uganda who appeared before the committee and gave their views. We have pronounced ourselves on those views and I think it is only fair that we give a verdict to those people who are waiting to see what Parliament has done.

Mr Chairman, we cannot sit in this Parliament and abdicate our duties and say let Government put a Constitutional Review Commission. We have no control over that. What is going to happen is that we shall still demand for it.

The Speaker of this House is on record. She demanded for these amendments from Government three years back. Unfortunately, that did not yield. We are going to go into the same game. After this business passing, the other question will be that we shall now start asking for the same. The Ministry of Justice will receive them and shelve them. Six months again, they will come.

I am of the considered opinion that it is only fair to the people of Uganda that this Parliament takes a decision on these issues either by rejecting them – because even if they have been rejected, there is no law which stops the government from constituting the Constitutional Review Commission. They can pick the same views, constitute them, process it and then that happens. I beg to move.

**THE DEPUTY CHAIRPERSON:** My understanding of the submission of hon. Katuntu was that instead of moving in a way that will portray the House in another way, we could move with what is in the Bill. In the spirit of cooperation and consensus, we could agree as a House that whatever has been proposed should be considered when time is due.

It was not because anybody is very ready to vote against or for something. That is why I say he was imploring members from this side to see the possibility of dealing with the Bill, then putting on record what is there and seeing how to proceed with it.

**MR MWIRU:** Hon. Kantutu and I are both members of the Legal and Parliamentary Affairs committee. He advanced the same view. I think we can benefit from him since he is here. I asked him at what point are we going to negotiate with Government? He was saying that we can engage Government.

In this House, I have had the benefit of talking to the Minister of Justice. We had come to some negotiation. We were telling them that not all the views that we have should be accepted. It is not possible. It has to be a give and take situation. What are you giving us? We are getting away with nothing apparently. That is why I was saying a Bill was brought to this House –

**THE DEPUTY CHAIRPERSON:** Please, let me have the hon. Otada.

**MR OTADA:** Thank you, Mr Chairman. I am a member of the committee and the co–author of the minority report. I voted “Aye” because I wanted us to get to this point. I am glad we are getting somewhere.

I therefore rise to support what my colleague hon. Kantutu said and like he already submitted, to find a situation where members of the minority report agree by over 90 per cent with members of the majority report, which is a true reflection of what happened is something that shows that consensus can work. I would like us to continue with that.

I completely appreciate the justification of time being of the essence as correct. We may not proceed with a wide and deep analysis of what probably the people of Uganda need in terms of constitutional amendments over and above what has been presented to us by the Executive. We all agree that in those eight pages, you can substantially say that the five pages met some consultation of some extent.

When you look at both the majority and the minority report, you realise that the majority report is almost two times bigger than the majority report. It has many more issues and without doubt, it requires more time for members to internalise. After all these are issues that came outside the Bill anyway that none of us had contemplated. We could have contemplated what was in the Bill in the first place.

In support of hon. Katuntu’s position supported by my Chairman, I would like also to state that this House in 2005 rejected an amendment to Article 83. Subsequently, whereas there are other reasons that were alluded to for the government to have withdrawn that particular proposed Article; one of them was that this House has rejected it before anyway. Therefore, we may not deal with it.

It is on that basis that I do not want to agree with hon. Mwiru. If we bring ideas only for them to die and in the end we say let us dispose of them anyway, I do not think that we shall have done justice to the people who have brought those ideas in the first place.

Mr Chairman, I beg that we allow to save the minority report. After all there is already good will on the part of Government, which we are yet to see anyway, that there is going to be a thorough process. This minority report is one of the documents to begin working with other than stampeding it out of this House.

Sometimes as honourable members, we want to blame the Executive for no good reason. The Executive will take another three years and they will not bring legislation. However, honourable members can bring legislation on their own volution as private members. We have done it before. We can do it again. Members always say that they are waiting for Government especially on constitutional amendments.

My plea to honourable members especially those who will be lucky to bounce back and the new ones is, if you are so convicted on this matter and that it is the matter that should take the front row seats, we can build consensus on it. As much as the Executive is bound to do it, we are also bound to do it by ourselves. I beg to submit.

**MR MUWANGA:** Mr Chairman, there comes a time for big decisions and we shall not dilly–dally forever. We would like to be clearly understood. I have consulted hon. Kantutu, hon. Mwiru and the Leader of the Opposition because I have been to his office. We better be understood where we stand from here and you move forward.

Our principle deposition on this matter is that we strongly feel that the views of the people have been ignored. That notwithstanding, our considered view is that the government is at liberty at any time to do what hon. Kantutu suggested. It is not up to Parliament. They can set up a review commission at a time of their willing. You do not have to legislate or compromise it.

Since you have ignored our views, let it be on record that you are passing a small amended version of our Constitution without our consent and you are at liberty to do that. We will make a struggle for these views in other forms. They will be delivered one day, God willing.

Therefore, proceed with what you want. Do not consider our position that we compromised on the set up of the commission because that is not our position. Our position is that you have ignored people’s views and you are at liberty to do as you wish. We make a struggle for these reforms outside this Parliament and there will be a real struggle and we will deliver them one way or another.

**THE DEPUTY CHAIRPERSON:** Honourable members, I think the spirit of this House is that we respect it. You cannot stand as a Member of Parliament and make this House look like it is not a House of the people. As the presiding officer of this House, I reject it. It cannot be entertained. When these reports were presented, all those views were captured on the record of Parliament from the minority report.

The minority report presented the report of the committee and they said that there are these views, which we have attached and I beg to lay them on the Table. There is a record of this Parliament. What this House is saying and what members from both sides are suggesting is that let those views have their own time when they can be properly considered.

For you to come and say that the House has ignored the views of the people, I think is to try and demean the House, which is something an honourable Member of Parliament should not do. Honourable member, let us proceed in the best way we can and then conclude this business. Let us not open up these things again.

Clause 3

**THE DEPUTY CHAIRPERSON:** We had finished with clause 2. Did we vote on clause 1, as amended? Clause 1, as we re–open it, can we now conclude it? Was there any amendment to clause 1? We deleted paragraph (a).

Clause 1, as amended

**THE DEPUTY CHAIRPERSON:** I now put the question that clause 1 as amended stand as part of the Bill.

*(Question put and agreed to.)*

Clause 3

**MR NANDALA-MAFABI:** Mr Chairman, clause 3(b) where it says “a registrar shall transmit to the clerk a copy of the judgment of court within 10 days after declaration...” This can only be done in 10 days if that is the last court – the Court of Appeal. This is because I can be in the High Court preparing my appeal and by the time I reach the Court of Appeal, the 10 days are over.

Mr Chairman, there should be normal procedures up to the appeal stage. It is always 30 days, after which somebody will have sat on his rights. However, within the 30 days, somebody could have appealed.

In clause 81, the Registrar of Court shall transmit a copy of the court ruling within – in fact after 30 days, which is after the declaration. The justification is that somebody should be given an opportunity to appeal unless this is the final court. I have an example here, if –

**THE DEPUTY CHAIRPERSON:** I think the point is made. Yes, 10 days in (b) “the clerk shall notify the Independent Electoral Commission in writing of the vacancy within 10 days.” However, a member is proposing 30 days.

**MR RUHINDI:** Mr Chairman, we are talking about a decision made by Court and we are saying that let that decision be transmitted to the Clerk to Parliament in 10 days. I would like to ask; do you know in what period – because this whole thing arises from the period in which the by–election is supposed to be conducted, which I think is 60 days. The moment you extend it to 30 days, you will leave the Electoral Commission with hardly enough time to conduct a by–election. Where there is an appeal, it is automatic.

Whoever is the party concerned with the appeal, will let the Clerk to Parliament know about it. Once there is an appeal, of course – interestingly, I think it is the only area where you do not need a stay of execution. As long as there is an appeal, it is automatic and that fact can always be brought to the attention of the clerk and the necessary action will be taken.

**THE DEPUTY CHAIRPERSON:** Honourable member, that would be the position in law.

**MR NANDALA-MAFABI:** Mr Chairman, if you get a zealous registrar, after the judgment is passed, the following day it could be transmitted here. The next day if there is a zealous clerk, it could be transmitted to the Electoral Commission. The law is clear that the moment the Electoral Commission receives it, within 60 days, they must conduct an election. You cannot achieve your goal *– (Interjections)* – no, just listen. Our colleagues have gone through this process. If it were not something, they would have been –

**THE DEPUTY CHAIRPEASON:** Honourable member, all that process can be stopped once you have brought the appeal. There is no worry about that.

**MR ANYWARACH:** Mr Chairman, I think from the submission of the learned Attorney–General, he says that an appeal amounts to a stay; that is the clear position of the law.

Two, in law we talk of customs and usage; sometimes customs and usage will constitute a basis for the law or sometimes the law generates custom and usage.

In this case, Article 21 of the Constitution, which is the law that has been guiding most electoral malpractices cases, it provides for 10 days and it reads *“Whenever a vacancy exists in Parliament, the Clerk to Parliament shall notify the Electoral Commission in writing, within 10 days after the vacancy has occurred.”*

Let us juxtapose it with the proposed amendment. What the proposed amendment is trying to do here is only inserting the words “Independent Electoral Commission” in line to the preceding amendment. Therefore, it would be good enough to act from people who have suffered cases of electoral malpractices and so on to tell us whether they suffered any injustice, therefore the reason of 10 days.

I think if we leave it the way the amendment is and the 10 days remain and we simply transcribe from the Constitution, it will really do no harm. The 10 days is okay and the 60 days is okay as well. Thank you very much.

**MR TASHOBYA:** Thank you very much, Mr Chairman. I think for the information of honourable members, the proposed amendment brings in – the current law provides that within 10 days after the clerk has received notice of a position falling vacant, he or she should notify the Electoral Commission.

However, it does not provide for the process between the time one loses an election to the time the clerk gets the information. Therefore, this is to oblige the registrar to provide that information to the clerk within the 10 days. This is what and was initially in the old law and then in the next 10 days, the clerk informs the Electoral Commission.

**THE DEPUTY CHAIRPERSON:** Are you okay with that, hon. Nandala-Mafabi?

**MR NANDALA-MAFABI**: Mr Chairman, I have no problem with clause 2(a). I never talked about (a) because a Member of Parliament can pass on and it becomes a fact known to everybody that he must be replaced.

The issues I am raising are when there are court issues and that is in (b). Somebody has gone to court and the High Court has ruled and within 10 days, the judgment is in Parliament. The judgment says, hon. Oboth has lost an election, declare the seat –(*Laughter)*– not him, there is another one. Okay, somebody else has lost an election.

Before you can even appeal, they have declared your seat vacant yet the law says that the clerk should be notified within 10 days – the moment you receive that, you must transmit. That is why we are saying, Mr Chairman, that there is always a court procedure because the moment there is a ruling, they give you either 30 days in which you can make an appeal –(*Interruption)*

**MR OBOTH:** Thank you, hon. Nandala-Mafabi. You mentioned my name because you know I suffered. I am one of those who got their election set aside but there was no law like this being proposed. I believe the Speaker of Parliament had to get it from the press because of politics. To get the registrar to even give you a record of proceedings is a tag of war. I think this is the best provision that you make it a constitutional provision that when there is a vacancy, it is not saying that you are not going to appeal. The moment anybody appeals, like the Attorney– General said, it is a stay of execution.

The worry would be that – I do not mind if there is an overzealous clerk, an overzealous registrar or an overzealous electoral commission but I should be able also to file the appeal within the prescribed time by law, in the Rules of Procedure. Therefore, when I file it, whether the Electoral Commission has gazetted or whatever, I will suffer no harm. It stays. I would like to implore my colleague and neighbour who hosted me for eight years in Bugisu, to concede.

**THE DEPUTY CHAIRPERSON:** Hon. Nandala-Mafabi, I think you need to take a decision on this and we move forward. Please.

**MR OBOTH:** This is the practical one from a survivor.

**MR KATUNTU:** The law says it does not favour indolence. Once you have a judgment in your favour, the first thing you do is to inform whoever you think is necessary. What we have been doing – I am talking about this as somebody who has won an election petition and somebody who has represented people in the courts of law who have won election petitions.

We forward the court orders to this institution; that has been the practice. However, what the Bill is proposing is to get official communication from the Court. If you have lost, you have only one option to cure what hon. Nandala–Mafabi is worried about; to inform the Clerk to Parliament that you have filed a notice of appeal.

Once the Clerk to Parliament receives that notice of appeal, she cannot act therefore on even the information she would have got from the court because a notice of appeal is an automatic stay of the judgment and orders of the High Court.

Therefore, the duty and burden and responsibility are on the person who is wishing to appeal to file with the Clerk to Parliament a notice of appeal. Therefore, the Clerk will not go ahead and declare the seat vacant.

**THE DEPUTY CHAIRPERSON:** Honourable members, we do not want to open up debate on this, please. I think the issue is clear; that is what the law says and we cannot –

**MR SSEKIKUBO:** Thank you very much, Mr Chairman. I have listened to members making submissions on this point. However, I would like to draw your attention and the attention of this House. Following the recent events – and I wish hon. Oboth could listen to this because he made a statement to that effect – an appeal does not serve as an automatic stay.

Members of Parliament, you must know the circumstances we have been in. Therefore, for us now to proceed with that impression that an appeal is an automatic stay, unless we shall enforce it and reinforce it in the Parliamentary Elections Act because we –*(Interjections)*– had appealed but that did not stop the Electoral Commission to proceed to even declare the dates for by–elections in our case. Unless we are categorically clear on this, an appeal is not an automatic stay in these matters.

**MR OBOTH:** Thank you, hon. Ssekikubo. The information I would like to give you is to distinguish – whereas you are an elected Member of Parliament and aware that you went through what you went through, yours could not qualify as an election petition. The law we are referring to is in regard to election petitions which is automatic and it is a provision of the law. Unless you are telling us that being in the middle class position, you were cushioned and that overruled that provision.

In other civil matters or criminal matters, it is not a stay. You must get an order to stay. However, in an election petition, it is a question of law unless the Attorney– General is going to advise me that that position has been amended.

**THE DEPUTY CHAIRPERSON:** No**,** that is the position of the law. Honourable members, let us not argue over things that are clear, please. In an election petition, filing of an appeal or notice of appeal operates as an automatic stay of any further procedure on that matter. That is what the law is.

Honourable members, can I make progress on this? There being no amendment in clause 3, can I put the question that clause 3 stand part of the Bill? I put the question that clause 3 stand part of the Bill.

*(Question put and agreed to.)*

*Clause 3, agreed to.*

Clause 4

**MR TASHOBYA:** Thank you very much, Mr Chairman. I think this is the clause that is mostly awaited.

**THE DEPUTY CHAIRPERSON:** Honourable member, can I have the formal withdrawal of clause 4(a) by the learned Attorney–General because that was what we agreed. 4(a) was withdrawn by motion; would you like to now record it?

**MR RUHINDI:** Mr Chairperson, I wish to state that the Executive has considered this matter in clause 4(a) and we wish to save it so that it can be further considered in the Constitutional Review Commission – *(Laughter)*. In other words, it is not actually for consideration now. It is in the spirit of further consultation –

**THE DEPUTY CHAIRPERSON:** No, hon. Ruhindi, the agreement was that it should be deleted from the Bill. Please propose.

**MR RUHINDI:** Accordingly, Mr Chairperson, it should now be deleted from the Bill. (*Laughter)*

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question for deletion of clause 4(a). I put the question to that motion.

*(Question put and agreed to.)*

**THE DEPUTY CHAIRPERSON:** Sub clause (a) of clause 4 is deleted. Any further amendments on clause 4?

**MR TASHOBYA:** Thank you very much, Mr Chairman. The committee proposes an amendment in clause 4. Substitute for clause 4 (b) the following:

*“(2a) Clause (1) (g) and (h) shall not apply to an independent member joining a political party or organisation, or a member leaving one political party or organisation to another political party or organisation or to come as an independent member within 12 months before the end of a term of Parliament, to participate in activities or programmes of a political party or political organisation relating to general elections.”*

Mr Chairman, the justification is for clarity and to allow members of Parliament to cross the Floor within 12 months from the end of a term of Parliament, given that the general election dates are not easily ascertainable.

(b) Insert a new clause (2b) immediately after clause (2a) as follows; – Mr Chairman, after the deletion of –

**THE DEPUTY CHAIRPERSON:** Just proceed, they will reconcile.

**MR TASHOBYA:** *“Clause (2b) Parliament shall by law prescribe the grounds and procedure that every political party or organisation must follow before terminating a person’s membership to a political party or organisation.”*

The justification was to ensure that political parties or organisations follow a transparent and fair process in disciplining their members.

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question to that amendment from the committee.

*(Question put and agreed to.)*

*Clause 4, as amended, agreed to.*

*Clause 5, agreed to.*

Clause 6

**MR TASHOBYA:** Thank you very much, Mr Chairman. I notice that there is wide celebration –

**THE DEPUTY CHAIRPERSON:** Proceed, Mr Chairman.

**MR TASHOBYA:** Thank you very much, Mr Chairman. The committee proposes to delete clause 6 of the Bill and the justification, is that the proposed amendment does not allow growth within the Judiciary and increasing the age will curtail the promotion of lower cadres to the Bench.

(2) The Constitution has given special consideration to judges, compared to other professionals whose retirement age is set at 65. Therefore, in increasing the retirement age, it will make the situation worse.

(3) Judges can be appointed on contract upon attaining retirement and therefore, it is not necessary to increase their retirement age.

(4) There is need to provide avenue for young people to serve in the Judiciary and rise to the Bench.

**THE DEPUTY CHAIRPERSON:** Honourable members, that is the proposal from the committee that clause 6 be deleted. I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 6, deleted.*

*Clause 7, agreed to.*

*Clause 8, agreed to.*

Clause 9

**THE DEPUTY CHAIRPERSON:** I put the question that clause 9 stands as part of – do you have an amendment?

**MR TASHOBYA:** We are proposing deletion of clause 9 of the Bill. The justification is that the office of the Attorney–General is competent and empowered to represent the Inspector General of Government in accordance with Article 119 of the Constitution.

**THE DEPUTY CHAIRPERSON:** I put the question to that amendment for deletion of clause 9.

*(Question put and agreed to.)*

*Clause 9, deleted.*

Clause 10

**MR TASHOBYA:** Thank you very much, Mr Chairman. The committee proposes deletion of clause 10 of the Bill and the justification was that the matter is *sub judice*.

**THE DEPUTY CHAIRPERSON:** Honourable members, we made a ruling on that.

**MR RUHINDI:** Mr Chairman, we have consulted on this. The chairman, I believe, is presenting the position as it is in the committee report. However, I have consulted with him that in any case, the principle of sub judice is not to pre–empt the work of Parliament at all.

The legislative part of making laws is the function of Parliament. The courts are there and they can only question decisions that are already made. For instance, Article 92 precludes Parliament from enacting a law on a decision that has been made inter–parties. For instance, if court has made a decision that I owe hon. Fox Odoi Shs 10 million, it would be absolutely irregular and illegal for Parliament to come here and say we make a law that I will not pay the money I owe to hon. Fox Odoi.

However, as far as filling a gap within the legislative arm of Government, it is absolutely in order unless the s*ub judice* rule is articulated the way it is cast in our Rules of Procedure. Therefore, Mr Chairman, I feel that the matters in court in respect of city land boards and district land boards should not prejudice us from filling the necessary gaps in the law because that is our job, anyway.

**THE DEPUTY CHAIRPERSON:** Honourable members, you will recall that I made a ruling on this subject and the other issue is, this should not be a bar because we are only talking about the Kampala City Council Authority and yet there might be cities elsewhere in the country. We cannot use the situation of Kampala to block others from making provisions for other cities that might come in the future. It certainly should not work that way.

**MR SSEKIKUBO:** Mr Chairman, yes it is true you made a ruling on the question of sub judice but I thought we should make a clear distinction. For example, when a matter is presented before Parliament and someone rushes to court, then that would be clear that someone is trying to frustrate the work of Parliament to stop Parliament from performing its cardinal role. However, where a matter is originated when the court process is already underway, I think we should take exception of that and this should be clear.

If one runs to court, then that is very clear and Government new this very well. The best they would have done would be to expedite the matters, to hear them and have them decided in court. Then they come to Parliament when the matter is clear and the positions have been decided by court but we run a risk of Parliament disregarding other arms of Government.

To that extent, the Judiciary is one of the three arms of Government and I do not think under the guise of legislating and doing our work, we should undermine what is already in court. Therefore for this matter, Mr Chairman, unless we say that the question of Kampala is clearly pronounced on but leaving it the way it is will not stop on this; we would have set a precedent. I do not think it is proper for this Parliament to proceed to particularly legislate on a matter that was already under way in court.

Ultimately, that will be fundamentally changing the status quo. It will be changing the provisions and indeed sub–judicing parties before court.

For that matter, Mr Chairman, I pray that Members of Parliament take this with caution; and we should draw a distinction between those bent on frustrating Parliament and those areas where Parliament is now invading the areas that have already been forwarded and are in possession of court.

**MR KATUNTU:** Thank you very much, Mr Chairman. I think there are two points here where we need to have a conversation. The first one, as you write a rule and a blanket one could pledge that other cities are that not affected by this particular clause. That should not attract more debate. First of all, because you have ruled but more importantly, because I do think that you are correct; like you have always been. (*Laughter*)

However, there is this second point where, first of all, the learned Attorney–General is a party to the matter in court. It will set a dangerous precedent that a party to court in a case comes to Parliament to change the law such that he benefits in court. Really, I do not expect that from my learned senior brother –(*Interruption*)

**MR RIHINDI:** Mr Chairman, I am here putting on two hats. However, as far as this Bill is concerned and if you see the signatories to this Bill, it is the Minister of Justice and Constitutional Affairs whom I am representing here. Thank you very much. (*Laughter*)

**MR KATUNTU:** It can only come from the Learned Attorney General that I will take it with respect. You see, he is now representing the interests of his client and he has brought them to Parliament such that his client wins.

Therefore, Mr Chairman, that is a point of departure between my learned friend and I. We do not have to undermine a just process. It is very dangerous that if we – in fact, we have a duty to protect that process and more importantly, the learned Attorney– General. It is my humble request that to that extent, the Attorney–General concedes because it is fairly enough. These are rules – actually, the rule of subjudice is a rule of natural justice that if somebody has gone to court to seek refuge, do not do anything that preempts that process.

There is – because we took trouble to study that case in detail and indeed, there is already an interim order against both parties not to do anything to disband the current Kampala Land Board until the final determination of that case.

Thirdly, it is not true that as of now, there is a problem. In fact, the Minister for the Presidency has already appointed other members including one who was a former member of this House the hon. Basajjabalaba to be a member of the Board and the Board is actually sitting making transactions within Kampala City. Therefore, it is not correct that there is a void and a lot of work stuck at the Kampala Land Board. It is not true. Work is on and I implore the Attorney–General, to that extent, let us – you could concede. However, there is that raider, as the Speaker ruled, it cannot be affected by this particular amendment.

**MR RUHINDI:** Mr Chairman, I appreciate the submission of my colleague the shadow Attorney–General. In your ruling, although I was not in the House at that time, I believe you must have touched the last leg of our subjudice law in our Rules of Procedure where, in summing up whether some matter is subjudice or not, you need to reflect on whether it is prejudicial to the interests of the parties.

Mr Chairman, I would like to understand. First of all, what is the mischief? Why does a person get aggrieved to go to court on a matter of this nature? My view is that a person goes to court on a matter of this nature because it is not clear whether a city land board is governed by the same applicable law that applies to a district land board.

What prejudice will it be for Parliament to enact a law to clarify that position even when there is a matter in court on that same subject? What prejudice, really?

**THE DEPUTY CHAIRPERSON:** Honourable members, you see, the proposed amendment does not repeal Article 240 and 241 of the Constitution. The existence of district land boards is not repealed by this particular amendment. If there are matters that are against a district land board, those matters are not ceased; they will continue because there is an existing district land board and in the case of Kampala, there is a Kampala District Land Board. Those matters will continue without prejudice.

This Constitution if adopted will apply prospectively and not retrospectively. Therefore, the rights that have been affected by the operation of Article 240 or 241 of the Constitution will continue to be valid right until they are determined by the responsible organs. I do not see any conflict at all that by creating city land board; therefore, you have outlawed district land boards. No, not at all, because Kampala District Land Board is a district land board and it is saved under the Constitution. I do not see any conflict honourable members. I do not see any reason we should fear moving forward with this matter.

**MR MUJUNI:** Thank you very much, Mr Chairman. I cannot agree with you more especially to the effect that the subjudice rule relates to this House discussing the principles of a matter before court. I agree with you that in the near future, we may have very many cities. Actually, in offing we have very many cities coming up. Therefore, in the event that cities are created and there is no provision for a city land board, what happens?

Therefore, this Parliament and I am aligned to Article 79 (1) “*Subject to the provisions of this Constitution, Parliament shall have power to make laws on any matter for the peace, order, development and good governance of Uganda.”* What harm does it really make to the public or even this House to make a law that will rescue city land boards? I thank you. (*Members rose\_)*

**THE DEPUTY CHAIRPERSON:** Honourable members, can we move forward on this?

**MR ODONGA–OTTO:** Mr Chairman, thank you very much. I am yet to be persuaded that someone is running from court to come to this Parliament of over 400 Members of Parliament to win a case before court. If that person wins that case, what would be the benefits to that person? In Article 5 of the Constitution, Kampala is not a district; therefore, we have district land boards for districts like Pader and Katakwi district land boards.

Kampala is not a district; we had a very long debate here on defining the status of Kampala. Therefore, if it is not a district, how does a district land board operate in Kampala to start allocating the land? Can we just close our eyes and ask ourselves; what is the mischief the minister is trying to cure? My understanding is that it is not a district, we passed it here under schedules and we listed all the districts. Unless, I am persuaded by my senior colleague, hon. Abdu Katuntu, that if we create a city land board, then it is going to be prejudicial to what is in court.

What is actually in court from my political view is that a few individuals claim they are being edged out from dealing with land issues within Kampala.

**THE DEPUTY CHAIRPERSON:** Now, you are going into demerits, the specifics of the case. (*Laughter)*

**MR ODONGA–OTTO:** In my own opinion, I still say we need a city land board. However, the minister should tell us because here he says that it shall hold and allocate land in the city, which is not owned by any person or authority. I do not know if that kind of land, which is not owned by anyone and any authority, is still there in Kampala. (*Interruption*)

**MR KATUNTU:** Thank you, hon. Odonga–Otto, for yielding the floor. Mr Chairman, the issue being raised by hon. Odonga–Otto is very paramount and we grappled with it during our committee meetings. Hon. Odonga, you do not have to make that statement in passing; we will need a real answer from the Attorney–General to tell us where in this country you get land, which is not owned by any person or authority before we go ahead to legislate and constitutionalise it. Where in this country, not only about Kampala, but in the whole country where do you get land and it is not owned by individuals, Government, clan and tribe and it is there for this city land board you are creating?

**MR RUHINDI:** Mr Chairman, I am not a physical planner within Kampala or anywhere in this country but my understanding of this provision is that we are enacting a principle and giving power to this city land board or even for that matter, the district land board within the constitutional provision of Article 241. This power is given to you as that body to allocate any land, which is not owned by anybody or authority. (*Interjections*) Listen to me. That is the power. Where it is do not ask me. (*Interjections)* Should you allocate you as a district or city land boards any land that belongs to any authority or person, that allocation is illegal.

**THE DEPUTY CHAIRPERSON:** I think it is clear.

**MR ANYWARACH:** Mr Chairman, you instituted a select committee to go and investigate the illegal degazettement on Nonve Forest and I was on that committee. We interacted with very many stakeholders including the Chairperson Uganda Land Commission, Executive Director of National Forest Authority and very many of these people. We realised that we have a lot of land in this country not owned by anybody or authority but presumed to be Government land. How? Government holds land in this country customarily. People just respect boundaries but in reality, some of these pieces of land do not have titles.

Here the question would be, wouldn’t we draw a city authority into an organ or a conduit to grab land and allocate it irregularly; that is where we need now to be very careful.

The other issue that I would conclude with is, what harm does it do for us to – he was using a term “to save” – we should not delete it totally but we save it for the Constitution amendment process so that we come up with a city land board, which is well constituted, not in a rush, to save Kampala situation. Tomorrow, Arua or Mbarara will also become cities. So, I would propose that we save this whole proposal forward for Constitution amendment. (*Applause)* Thank you very much.

**MR RUHINDI:** I would like to give some further information, without prejudice to the statement I made at first on this matter. Take an example in the urban areas or even upcountry, where the responsible bodies, for instance, give leases. The eminent title belongs to the state where there is a lease –

**THE DEPUTY CHAIRPERSON:** Learned Attorney–General, are you considering looking at this in the constitutional review process or should we bog ourselves down discussing this now?

**MR RUHINDI:** This matter is very urgent, [Honourable Members: “No.”] We must enact a law.

**MR OBOTH:** Thank you, the learned Attorney–General. Mr Chairman, I would just like to share constitutional information under Article 241. If we are suggesting that there is no land, which is not owned by any person or authority, in effect, we should be amending this other Act because that is what applies for even the district land boards. When you read Article 241 under the functions of district land boards, it is the same words and phrasing and I think this is for the purposes of uniformity. So, Attorney–General, it would be in order to retain this. In any case, why should we say that the city land board should be able to give land, which is owned by anybody? It should be able to allocate land, which is not owned by any person or authority?

The concern should not be for this House where that land is but we are creating a function.

**MR RUKUTANA:** Mr Chairman, in addition to being consistent with Article 241 regarding the issue as to whether there is land not belonging to anybody –

**THE DEPUTY CHAIRPERSON:** No, honourable minister, that is not the point now; the point is do we proceed with this or not. Please, help us?

**MR RUKUTANA:** We proceed.

**THE DEPUTY CHAIRPERSON:** Should we proceed? (*Members rose\_)–* No, I will put it to vote. (*Members rose*\_)– I am putting this matter to vote honourable.

**MR RUKUTANA:** I would like to inform Members –

**THE DEPUTY CHAIRPERSON:** No, your time is up. Honourable members, I keep guiding you that I am in charge of this House and I know the parameters and the dynamics. I keep saying that laws are made to pass just like razors are made to sell. If it cannot pass, leave it. Should I put the question?

**HON. MEMBERS:** Yes.

**MR RUHINDI:** Mr Chairman, considering the mood in the House –(*Laughter*)– allow me to save this provision and have it deleted from here and we shall come back to it. (*Applause*)

**THE DEPUTY CHAIRPERSON**: Honourable members, the motion is for deletion of clause 10. I put the question to the deletion.

(*Question put and agreed to*.)

*Clause 10 deleted.*

Clause 11

**MR RUHINDI:** Mr Chairman, I had earlier proposed that the Executive shelves clause 11 for further consultation and accordingly, we propose that it should be deleted from here.

**THE DEPUTY CHAIRPERSON**: Honourable members, the motion is for deletion of clause 10. I put the question to the deletion.

(*Question put and agreed to*.)

*Clause 10, deleted.*

Clause 11

**MR RUHINDI:** Mr Chairman, I had earlier proposed that the Executive shelves clause 11 for further consultation and accordingly, we propose that it should be deleted from here.

**THE DEPUTY CHAIRPERSON:** Honourable members, the motion is for deletion of clause 11. I put the question.

*(Question put and agreed to.)*

*Clause 11 deleted.*

*Title agreed to.*

**MR MWIRU:** Thank you, Mr Chairman. While we were proceeding on these matters, as a mover of the minority report, on the views on the minority report, you had indicated that after dealing with the Bill, I would have an opportunity to present these views. I thought this was the right time to present these views.

**THE DEPUTY CHAIRPERSON:** Honourable members, I thought I was going by the spirit of what was discussed; I thought we had acceded to the fact that we put them together and see how to process them.

**MR MWIRU:** No, Mr Chairman. That was the view of the members. As a mover of the minority report, I strongly feel that if my colleagues listened to these amendments, they would actually support them. Like the issue of time, which they were advancing, most of them do not need a lot of time for them to be implemented.

**THE DEPUTY CHAIRPERSON:** Honourable members, I listened to the submission from hon. Katuntu; I had also listened to the submissions from hon. Sam Otada, who was one of the authors of the minority report. I thought there was concurrence on how we are going to proceed. Hon. Otada said he also authored the minority report. That is why I was persuaded to be moving this way.

**MR MWIRU:** Mr Chairman, the minority report – yes, hon. Otada had indicated that he shared the views of the people in the minority report but at the last moment, he did not append his signature. And therefore, the views of the people, which have been expressed, do not form part of the views in the minority report. This is because the report has people who have signed it and you can refer to the last page of the minority report –(*Interruption)*

**MR OTADA:** Mr Chairman, I usually do not rise on points of order but I have risen because I take exception of what hon. Mwiru has just said. We worked on the minority report; I am the one who put the meeting on notice – my chairman is here – that we shall author a minority report. Now, the issue about signing was the issue of time – there was a constraint of time. When we eventually wanted to sign – my chairman bears me witness – we were told that the issue was already on the Order Paper and we could not sign.

But I associate myself with it because I did not sign the other one either. My chairman bears me witness that I put the meeting on notice that we shall author a minority report. And, therefore, Mr Chairman, is it in order for my colleague to come and portray me as somebody who is not capable of telling the truth before this august House? Is he in order?

**THE DEPUTY CHAIRPERSON:** Honourable members, I would understand very well if the chairman of a committee includes the name of a member on the list of the committee members. But what I would not understand easily is how an honourable member’s name appears on a minority report without his consent. Unless hon. Mwiru is suggesting that they sneaked into the minority report the name of hon. Sam Otada and expected him to sign but he was not there to sign.

**MR MWIRU:** Mr Chairman, I think the time I have been in this House, I normally comment on matters very objectively. Hon. Otada expressed –*(Interjections)*– Mr Chairman, you should protect me from the members; this is my workplace.

**THE DEPUTY CHAIRPERSON:** No, I asked you a question: How did his name end up on the list of the minority report authors?

**MR MWIRU:** Mr Chairman, hon. Otada and I – (*Interruption)*

**MR OBOTH:** Mr Chairman, this is my colleague, a learned colleague. If this was as important to him as he is trying to put it, is the honourable member who even felt that he had no side to vote for or against and he abstained in order? Is he in order to waste the time of this House oscillating back and forth as if we have no other business? Is he in order? *(Hon. Otada rose\_)*

**THE DEPUTY CHAIRPERSON:** Are you ruling on the point of order?

**MR OTADA:** Mr Chairman, I just want to give further information –

**THE DEPUTY CHAIRPERSON**: I have not ruled.

**MR OTADA:** Again because of the constraint of time, even my colleague, hon. Katuntu, did not sign. That is the additional information I wanted to give.

**THE DEPUTY CHAIRPERSON:** I have not ruled. Honourable members, I see hon. Joseph Mutebi’s name is there but he has not signed; I see hon. Abdu Katuntu’s name but he has also not signed. I also see hon. Sam Otada’s name is there but he has not signed. Is hon. Mwiru suggesting that he put these people’s names there by mistake or expected them to sign?

**MR MWIRU:** Mr Chairman, I think by being honourable Members of Parliament, one issue must come out very clearly; we had the benefit to discuss with hon. Abdu Katuntu, hon. Sam Otada, hon. Balikuddembe Mutebi and we all agreed on a minority report. When it came to signing, they advanced reasons in as far as time was concerned. Mr Chairman, I am a vice chairman of a committee. When our rules say that a report must be signed by a third of the members of a committee, but if their names appear on the report and they have not signed that report is authentic and therefore, that report binds the members who have not signed it.

**THE DEPUTY CHAIRPERSON:** No. Honourable member, you have not got my point. My point is for the majority report of the committee I can understand why the full names are there even if it is not signed. But for a minority report, it is a different situation where a member must agree to the minority to have his name there – he does not need to agree to have his name on the committee report.

**MR TASHOBYA:** Thank you, Mr Chairman. I think I should throw some light on this matter. I think my friend, hon. Mwiru, you are taking this matter a bit personal. We have, as a committee, tried as much as possible in all circumstances to come out with consensus on the Bills that we consider and that is why we have not been getting these minority reports.

However, on the point raised by hon. Otada, I think it would be unfair to him because you recall that when we were in the committee concluding the report, the first person that brought up the issue of the minority report was hon. Sseggona. He put the committee on notice that you were going to come up with a minority report and hon. Otada stood up to second hon. Sseggona on that matter.

I can also confirm that when we returned from writing the committee report, we were already on the Order Paper by the time we got here. I can confirm that hon. Otada, indeed, came asking for the report but the report had already been submitted to the Clerk to Parliament. It would really not be fair to him to say that for some reason, he avoided or chickened out, when he –

**MR MWIRU:** Mr Chairman, I did not say that hon. Otada chickened out. I would like to be understood correctly – *(Interruption)*

**MR SSEMUJJU NGANDA:** I thank you very much, Mr Chairman. I chair a committee in this Parliament and the rules actually say that members must sign and initial on each page. Once members have not done so, whether by the explanation of the committee chairman, you cannot come here and tell Parliament that they had indicated that they would sign. This cannot happen because it would be a new procedure.

Hon. Mwiru who is now being put under trial is actually following our Rules of Procedure. Hon. Otada cannot come and tell Parliament that he had indicated that he would sign. Hon. Otada did not sign any report and, therefore, you cannot turn around and tell Parliament that you had indicated you would sign because there was a time constraint.

The procedural point that I am, therefore, raising is that hon. Mwiru had asked for your guidance to make proposals after we had completed the process of the consideration of this Bill. Actually, some of us were waiting for your guidance on whether that would be done or not.

I am really shocked that senior legislators can now derail this Parliament to begin discussing a matter that is already settled in our rules. It is not an expression of wish that he wanted to sign. You either sign or not.

Is it, therefore, procedurally right for hon. Otada and those backing him to derail this Parliament on a matter that is settled by our rules and divert us from a very crucial matter on whether amendments can be proposed at this stage or not and for which people are seeking guidance?

**THE DEPUTY CHAIRPERSON:** Honourable members, the rules as to a third of members signing does not apply to minority reports. There are minority reports of one member and now what would a third of a member be? *(Laughter)* This rule does not apply to minority reports. If there are two members signing a minority report, what is a third of them? Please, let us be realistic. That rule applies to the committee.

A committee report to be legitimate before the House must be signed by a third of the members because that is the quorum of Parliament. You cannot begin imposing quorum on minorities – a third of one person is what? One leg or what? (*Laughter)*

**MR MWIRU:** Mr Chairman –

**THE DEPUTY CHAIRPERSON:** What I had guided, honourable members, is that we would deal with the Bill and then, if there are additions of amendments that were outside the Bill, we would then consider them after the Bill.

However, in the middle of the submission, hon. Katuntu stood and there was a debate on this matter. Hon. Otada came and there was even a motion proposed, which I over ruled for purposes of building consensus and that is how we were proceeding. I had thought that by now, we had agreed on how we were going to proceed so that we can conclude the Bill and move forward. That was the spirit I had read from the House.

Now, if the honourable member still wants to proceed the way he had initially proposed, which I thought had been overtaken by the general debate that we had on the subject then I do not know.

**MR ODOI–OYWELOWO:** Mr Chairman, I think the House appreciate the way in which you have handled this debate today and as always. But you have been extraordinary calm and you gave time to everyone. I, therefore, move that a question should be put to the effect of: saving the minority report for future discussion and then a question be moved that the House resume. I thank you very much. *(Laughter)*

**THE DEPUTY CHAIRPERSON:** Honourable members, I do not know how to process this motion. If the second question that the question be put is determined, then the other motion does not arise because there are two parallel motions. I would ask the honourable member to make up his mind as to which motion he wants us to process.

**MR ODOI–OYWELOWO:** I thank you very much. I choose the one of saving the minority report. (*Interjections*) Or if the House be resumed, we still pronounce ourselves on saving the minority report because the chairperson of the committee, the minister, hon. Katuntu and the head of the independents were in agreement.

**MR ODONGA OTTO:** The procedure of amending this Constitution is very clear and we all know how much effort it took to get the required two thirds. I think it would be a very unique precedent that issues the House has refused deliberately to pronounce themselves on are saved. What is the implication of saving it? This means that it is adopted but is waiting for a time where it can be reconsidered. In the 14 years I have been in Parliament, that is not how we do business. If we do not need it, then we get rid of it but if you want to bring it, you know the procedure of bringing it. We can even bring an amendment next week.

In the circumstances, I would like to move a motion that the question be put because we really have to go home. I beg to move the motion. *(Applause)*

**THE DEPUTY CHAIRPERSON:** Honourable members, the motion requires me to put the question on whether the question should be put. That would be the first motion that I need to propose. I put the question.

*(Question put and agreed to.)*

MOTION FOR THE HOUSE TO RESUME

6.59

**THE ATTORNEY–GENERAL (Mr Freddie Ruhindi):** Mr Chairman, I beg to move that the House do resume and the Committee of the whole House reports thereto.

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question to that motion.

*(Question put and agreed to.)*

*(The House resumed, the Deputy Speaker presiding.)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.00

**THE ATTORNEY–GENERAL (Mr Freddie Ruhindi):** Mr Speaker, I beg to report that the Committee of the whole House has considered a Bill entitled, “The Constitution (Amendment) Bill, 2015” and passed it with amendments.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.00

**THE ATTORNEY–GENERAL (Mr Freddie Ruhindi):** Mr Speaker, I beg to move that the report from the Committee of the whole House be adopted.

**MS OGWAL:** Mr Speaker, I am not rising on the issue of quorum because that is automatic. However, I would like to know how we are going to deal with matters, which have been saved because before we pronounce ourselves we should know how we are going to proceed with the pending matters because they are of great importance to some of us. I am just asking for guidance on how we are going to proceed. Thank you.

**THE DEPUTY SPEAKER:** Honourable members, those issues have all been captured on the record of Parliament; when hon. Paul Mwiru made the presentation of the minority report; when the chairman of the committee presented the majority the report, there was a catalogue of all those issue that were presented that now constitute the minority report. They are on the record of Parliament. How we move on with them is up to us to activate them and see how we move forward.

**MS OGWAL:** Mr Speaker, that is the guidance I want. How do we activate them? After we have concluded the Constitution (Amendment) Bill, how do we activate what we have saved? That is the guidance I want. I would like to be guided on how it can be activated.

**THE DEPUTY SPEAKER:** Honourable members, there are many vehicles of how you move matters in this House. You move them by motions, Bills, reports, resolutions. That is how you initiate the process and then, you move it forward.

**MR DOMBO:** Thank you very much, Mr Speaker. Recently, the Committee on Statutory and Government Assurances came with a report and it was capturing many issues: some of the statements that had been made during campaigns or rallies outside the floor of this House. Mr Speaker, at that time, you guided that what amounts to a government assurance is a commitment that has been made by a minister or a representative of Government in the House.

I have been attentively listening right from the time we started debating these Constitution amendments and I have heard the Government side most especially the Attorney–General and the other ministers making a series of commitments about the institution of the constitution review commission.

Before the expiry of this Parliament, what the minister did state would constitute to a Government commitment and the Committee on Government Assurances has a right to make a follow up and insure that it is put in action. That could be one of the ways through how this House can make a follow up or it could be reactivated given what has happened. I beg to move. Thank you, Mr Speaker.

**MR KATUNTU:** Thank you very much, Mr speaker. I think by the time the assurances were being made, we were in the Committee for the whole House. May we at this stage have this assurance from either the Leader of Government Business or the line minister such that it is on record in Parliament and not in the committee? I thank you, Mr Speaker.

7.05

**THE ATTORNEY–GENERAL (Mr Freddie Ruhindi):** Mr Speaker, I am reliably informed that the Committee of Legal and Parliamentary Affairs had an interaction with the Head of State. In that good and fruitful interaction, seeing the constraint of time and other challenging factors at this time of our electoral process, there was an undertaking from the Head of State that the Executive undertakes to put in place, in the near future, a constitutional review commission that will handle those matters that we have not been able to handle in this particular session and sitting. I assure you colleagues that Government is committed to that undertaking and we shall do the needful. Thank you very much, Mr Speaker.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.07

**THE ATTORNEY–GENERAL (Mr Freddie Ruhindi):** Mr Speaker, I beg to move that the report from the Committee of the whole House be adopted.

**THE DEPUTY SPEAKER:** Honourable members, the motion is for the adoption of the report of the Committee of the whole House. I put the question.

*(Question put and agreed to.)*

*Report adopted*

BILLS

THIRD READING

THE CONSTITUTION (AMENDMENT) BILL, 2015

**THE DEPUTY SPEAKER:** Honourable members, at this stage, I need to be satisfied that the numbers are sufficient to take this vote. Members who are in the lobby, please, come into the Chamber for a head count before we take this vote.

Honourable members, please, let us move as quickly as possible. Take seats, there are many vacant seats. Please, make sure that you are seated so that we proceed with business.

Honourable members, according to the head counts at the moment, I have 272 Members of Parliament. Let me again say that for this Bill to be approved for third reading, it is important that we have 250 members voting in favour of it.

Attorney–General, can you now propose the motion?

7.15

**THE ATTORNEY–GENERAL (Mr Freddie Ruhindi):** Mr Speaker, I beg to move that the Bill entitled, “The Constitution (Amendment) Bill, 2015” be read the third time and do pass.

**THE DEPUTY SPEAKER:** Honourable members, the motion is that the Bill entitled, “The Constitution (Amendment) Bill, 2015” be read the third time and do pass. I put the question and those in favour will vote “aye” and those against will vote “No” and those abstaining will vote accordingly.

I now start the vote by roll call and tally.

(*Voting by roll call and tally)*

1. Aadroa Alex Onzima –
2. Ababiku Jesca – Aye
3. Acayo Christine – Aye
4. Acheng Joy Ruth – Aye
5. Achia Remigio – Aye
6. Achia Terence Nacho – Aye
7. Achieng Sarah Opendi –
8. Achile Manoah Mila – Aye
9. Acire Christopher –
10. Adong Lilly – Aye
11. Ajedra Gabriel Aridru – Aye
12. Ajok Lucy –
13. Akello Judith Franca – Aye
14. Akello Lucy – Aye
15. Akello Rose Lilly – Aye
16. Akena James Michael Jimmy –
17. Akol Rose Okullo – Aye
18. Akora Maxwell Patrick –
19. Alaso Alice Asianut –
20. Aleper Margret Achilla – Aye
21. Aleper Simon Peter – Aye
22. Alero Tom Aza – Aye
23. Alengot Proscovia Oromait –
24. Ali Moses –
25. Allen Andrew –
26. Alum Santa Ogwang – Aye
27. Alupo Jessica Rose Epel – Aye
28. Amali Caroline Okao – Aye
29. Amama Mbabazi –
30. Amero Susan – Aye
31. Amoding Monicah – Aye
32. Amodoi Cyrus Imalingat – Aye
33. Amoit Judith Mary – Aye
34. Amongi Betty Ongom – Aye
35. Amongin Christine Aporu – Aye
36. Amongin Jacquiline – Aye
37. Amuge Rebecca Otengo – Aye
38. Amuriat Patrick Oboi –
39. Angina Charles – Aye
40. Anite Evelyn – Aye
41. Anywarach Joshua – Aye
42. Aol Betty Ocan –
43. Arinaitwe Rwakajara –
44. Aronda Nyakairima – Aye
45. Asamo Hellen Grace – Aye
46. Asupasa Wilson Isiko – Aye
47. Atiku Benard – Aye
48. Atim Anywar Beatrice –
49. Atim Joy Ongom – Aye
50. Atim Ogwal Cecilia – Aye
51. Auma Modest Juliana –
52. Auru Anne – Aye
53. Awongo Ahmed – Aye
54. Ayena Krispus –
55. Ayepa Michael – Aye
56. Ayoo Tonny – Aye
57. Baba Diri Margaret – Aye
58. Babirye Veronica Kadogo –
59. Badda Fred – Aye
60. Bagiire Vincent –
61. Bagoole John – Aye
62. Bahati David – Aye
63. Bahinduka Martin Mugarra – Aye
64. Baka Stephen Mugabi – Aye
65. Bakabulindi Charles – Aye
66. Bakaluba Mukasa Peter –
67. Bakeine Mabel –
68. Bakireke Nambooze Betty – No
69. Bako Christine Abia –
70. Baliddawa Edward –
71. Balyejjusa Sulaiman Kirunda – Aye
72. Balyeku Moses Grace – Aye
73. Bangirana Anifa Kawooya – Aye
74. Banyenzaki Henry – Aye
75. Barumba Beatrice Rusaniya –
76. Baryayanga Andrew Aja –
77. Baryomunsi Chris – Aye
78. Bayigga Michael Lulume –
79. Bbumba Syda Namirembe – Aye
80. Besisira Ignatius – Aye
81. Bigirwa Julius Junjura – Aye
82. Bintu Jalia Lukumu – Aye
83. Biraahwa Stephen Mukitale – Aye
84. Biraaro Ephraim Ganshanga – Aye
85. Birekeraawo Mathias Nsubuga –
86. Bitekyerezo Medard – Aye
87. Boona Emma – Aye
88. Bucyanayandi Tress – Aye
89. Bukenya Gilbert –
90. Businge Victoria Rusoke – Aye
91. Busingye Mary Karooro Okurut – Aye
92. Bwambale Bihande Yokasi –
93. Byabagambi John – Aye
94. Byamukama Nulu –
95. Byandala James Abraham – Aye
96. Byarugaba Alex Bakunda –
97. Byarugaba Grace Isingoma – Aye
98. Cadet Benjamin – Aye
99. Chebrot Stephen – Aye
100. Chekwel Lydia – Aye
101. Chemaswet Abdi Fadhil – Aye
102. Chemutai Phyllis – Aye
103. Migereko Daudi – Aye
104. Dombo Emmanuel Lumala – Aye
105. Drito Martin Andi – Aye
106. Ebil Fred – Aye
107. Ecweru Musa Francis – Aye
108. Egunyu Janepher Nantume – Aye
109. Ekanya Geofrey –
110. Ekuma George Stephen –
111. Ekwau Florence Ibi – Aye
112. Engola Sam – Aye
113. Epetait Francis – Aye
114. Eriaku Emmanuel Peter – Aye
115. Fungaroo Hassan Kaps –
116. Gudoi Yahaya – Aye
117. Katuramu Hood Kiribedda – Aye
118. Iriama Margret – Aye
119. Iriama Rose – Aye
120. Isabirye Iddi – Aye
121. Jacan Omachi Fred – Aye
122. Kabuule Evelyn Naome –
123. Kahwa Byagira Tophace – Aye
124. Kabaale Olivia Kwagala –
125. Kabahenda Flavia Rwabuhoro – Aye
126. Kabajo James Kyewalabye – Aye
127. Kabakumba Masiko Labwoni – Aye
128. Kabasharira Naome – Aye
129. Kaddu Mukasa Ssozi –
130. Kafabusa Michael Werikhe – Aye
131. Kafeero Robert Ssekitoleko – Aye
132. Kafuda Boaz – Aye
133. Kahinda Otafiire –
134. Kahunde Hellen – Aye
135. Kajara Aston Peterson – Aye
136. Kajura Henry Muganwa –
137. Kakoba Onyango – Aye
138. Kakooza James – Aye
139. Kamanda Cos Bataringaya – Aye
140. Kamara John Nizeyimana – Aye
141. Kamateeka Jovah – Aye
142. Kamba Moses Saleh –
143. Kangwagye Stephen Rwakanuma – Aye
144. Karuhanga Kafureka Gerald –
145. Karungi Elizabeth – Aye
146. Kasaija Matia – Aye
147. Kasaija Stephen Kagwera – Aye
148. Kasamba Mathias – Aye
149. Kase–Mubanda Freda – Aye
150. Kasibante Moses –
151. Kasirivu Atwooki – Aye
152. Kasule Justine Lumumba – Aye
153. Kasule Robert – Aye
154. Kataha Janet Museveni – Aye
155. Kataike Sarah Ndoboli – Aye
156. Katirima Phenehas Manoni – Aye
157. Katoto Hatwib – Aye
158. Katumba Wamala – Aye
159. Katuntu Abdu – Aye
160. Katwesigye Oliver Koyekyenga – Aye
161. Katwiremu Yorokamu Bategana – Aye
162. Kawuma Muhamed –
163. Kayagi Sarah Netalisire – Aye
164. Ken–Lukyamuzi John –
165. Khainza Justine – Aye
166. Khiddu Makubuya Edward –
167. Kaboijana Margret Namara – Aye
168. Kibuule Ronald – Aye
169. Kiiza Ernest Monday – Aye
170. Kiiza Rwebembera James –
171. Kiiza Winfred – Aye
172. Kikungwe Isa –
173. Florence Kintu – Aye
174. Kitatta Aboud – Aye
175. Kiwanda Godfrey Ssuubi – Aye
176. Kiyingi Asuman – Aye
177. Kiyingi Bbosa Kenneth – Aye
178. Kiyingi Deogratius – No
179. Kiyonga Chrispus – Aye
180. Komuhangi Margret – Aye
181. Kusasira Peace Kanyesigye – Aye
182. Kutesa Samuel Kahamba – Aye
183. Kwemara William Ngabu – Aye
184. Kwiyucwiny Grace Freedom – Aye
185. Kwizera Eddie Wa Gahungu – Aye
186. Kyambadde Amelia Anne –
187. Kyanjo Hussein – Aye
188. Kyeyune Haruna –
189. Kyooma Xavier Akampurira – Aye
190. Lakot Susan – Aye
191. Lanyero Sarah Ochieng – Aye
192. Lematia Ruth Molly – Aye
193. Lokeris Peter – Aye
194. Lokeris Samson – Aye
195. Lokii John Baptist – Aye
196. Lokii Peter Abrahams – Aye
197. Lokodo Simon – Aye
198. Lolem Micah Akasile – Aye
199. Lowila Oketayot – Aye
200. Lubega Godfrey – Aye
201. Lubega Medard Sseggona –
202. Lubogo Kenneth – Aye
203. Lugoloobi Amos – Aye
204. Lwanga Timothy Mutekanga –
205. Lyomoki Samuel – Aye
206. Madada Suleiman – Aye
207. Maganda Julius – Aye
208. Magyezi Raphael –
209. Makhoha Margaret – Aye
210. Mandera Amos – Aye
211. Matte Joseph – Aye
212. Mawanda Michael Maranga – Aye
213. Mayende Stephen Dede –
214. Mbabazi Betty Ahimbisibwe – Aye
215. Mbagadhi Frederick Nkayi – Aye
216. Mbahimba James –
217. Mbogo Kezekia – Aye
218. Migadde Robert Ndugwa – Aye
219. Mpabwa Sarah – Aye
220. Mpairwe Beatrice – Aye
221. Mpiima Dorothy Christine – Aye
222. Mpuuga Mathias –
223. Mubito John Bosco – Aye
224. Muzaale Martin Mugabi – Aye
225. Mugema Peter –
226. Mugume Roland –
227. Muhumuza David – Aye
228. Muhwezi Jim Katugugu – Aye
229. Mujungu Jennifer – Aye
230. Mujuni Vicent Kyamadidi – Aye
231. Mukasa Wilson Muruli – Aye
232. Mukula George Michael –
233. Mulimba John –
234. Mulindwa Patrick – Aye
235. Mulongo Simon – Aye
236. Muloni Irene – Aye
237. Musasizi Henry – Aye
238. Musinguzi Yona – Aye
239. Mutagamba Maria –
240. Mutebi Joseph Balikudembe –
241. Mutono Lodoi Patrick – Aye
242. Mutonyi Rose Masaba – Aye
243. Mutyabule Florence Tibafana – Aye
244. Muwanga Muhammad Kivumbi –
245. Muwuma Milton – Aye
246. Muyingo John Chrysestom – Aye
247. Mwebaza Sarah –
248. Mwesige Adolf – Aye
249. Mwesigye Fred – Aye
250. Mwiru Paul – Aye
251. Nabbanja Robinah – Aye
252. Nabirye Agnes – Aye
253. Nabugere Flavia – Aye
254. Nabukenya Brenda – No
255. Nabulya Theopista – Aye
256. Naggayi Nabilah Sempala –
257. Najjemba Rosemary Muyinda – Aye
258. Nakabale Patrick –
259. Nakabira Gertrude Lubega – Aye
260. Nakadama Rukia Isanga – Aye
261. Nakato Kyabangi Katusiime – Aye
262. Nakawunde Sarah – Aye
263. Nakayenze Connie Galiwango – Aye
264. Nalubega Mariam – Aye
265. Nalubega Mary – Aye
266. Namaganda Susan –
267. Namara Grace – Aye
268. Namayanja Florence –
269. Namayanja Rose Nsereko – Aye
270. Nyomera Namoe Stella – Aye
271. Namugwanya Benny – Aye
272. Nandala-Mafabi Nathan –
273. Nankabirwa Ann Maria – Aye
274. Nankabirwa Ruth Sentamu – Aye
275. Nansubuga Rosemary Seninde – Aye
276. Nantaba Idah Erios – Aye
277. Nanyondo Birungi Carolyn – Aye
278. Nasasira John –
279. Nauwat Rosemary – Aye
280. Ndeezi Alex –
281. Nebanda Andiru Florence – Aye
282. Nekesa Barbara Oundo – Aye
283. Ninsiima Ronah Rita – Aye
284. Niwagaba Wilfred –
285. Nokrach William Wilson – Aye
286. Nsanja Patrick Mabirizi – Aye
287. Nsereko Muhammad – Aye
288. Nshaija Dorothy – Aye
289. Ntabazi Harriet – Aye
290. Nyakecho Okwenye Annet – Aye
291. Nyakikongoro – Aye
292. Nyanzi Vicent – Aye
293. Nyiira Zerubabel Mijumbi – Aye
294. Nyirabashitsi Sarah Mateke – Aye
295. Nyombi Peter – Aye
296. Nyombi Thembo George William – Aye
297. Nzoghu William –
298. Oboth Marksons Jacob – Aye
299. Obua Denis Hamson – Aye
300. Obua–Ogwal Benson – Aye
301. Ochola Stephen – Aye
302. Ochwa David – Aye
303. Odoi Oywelowo Fox – Aye
304. Odo Tayebwa –
305. Odonga Otto Samuel – Aye
306. Oguttu Wafula Phillip –
307. Ogwal Jacinto Deusdedit –
308. Ogwang Peter – Aye
309. Okello Anthony –
310. Oketta Julius –
311. Okeyoh Peter – Aye
312. Okot John Amos – Aye
313. Okot Ogong Felix – Aye
314. Okumu Ronald Reagan – Abstain
315. Okuonzi Sam Agatre – Aye
316. Okupa Elijah –
317. Olanya Gilbert –
318. Oleru Huda Abason – Aye
319. Omara Geoffrey – Aye
320. Omolo Peter –
321. Omona Kenneth Olusegun – Aye
322. Omwonya Stanley – Aye
323. Onek Hillary – Aye
324. Ongalo Obote Kenneth – Aye
325. Opolot Jacob Richards – Aye
326. Oryem Henry Okello –
327. Osegge Angelline –
328. Otada Sam Amooti – Aye
329. Oula Innocent – Aye
330. Owoyesigire Jim – Aye
331. Ruhindi Fredrick – Aye
332. Ruhunda Alex –
333. Rukutana Mwesigwa – Aye
334. Rwamirama Bright – Aye
335. Sabiiti Jack –
336. Sabila Nelson – Aye
337. Safia Nalule Juuko – Aye
338. Sebuliba Mutumba Richard –
339. Sejjoba Isaac – Aye
340. Sempala Edward Mbuga – Aye
341. Sezi Prisca Mbaguta –
342. Ssali Baker –
343. Ssasaga Isaiah Johny –
344. SSebagala Abdu Lafif – No
345. Sekandi Kiwanuka Edward –
346. Ssekikubo Theodore – Aye
347. Ssemmuli Anthony – Aye
348. Ssempija Vincent Bamulangaki – Aye
349. Ssemugaba Samuel –Aye
350. Ssemujju Ibrahim Nganda – No
351. Ssewungu Joseph Gonzanga –
352. Ssimbwa John – Aye
353. Ssinabulya Sylvia Namabidde – Aye
354. Taaka Kevin Wandera –
355. Tanna Sanjay – Aye
356. Tashobya Stephen – Aye
357. Tete Everline Chelangati – Aye
358. Timbigamba Linda – Aye
359. Tinkasimire Barnabas – Aye
360. Todwong Richard – Aye
361. Tumwebaze Frank –
362. Tumwesigye Elioda –
363. Tumwine Elly – Aye
364. Turyahikayo Paula – Aye
365. Twa–twa Mutwalante Jeremiah – Aye
366. Wadada Femiar – Aye
367. Wadri Kassiano Ezati –
368. Waira Kyewalabye Majegere – Aye
369. Wakikona David – Aye
370. Wamakuyu Mudimi – Aye
371. Wamai Wamanga Jack –
372. Wangolo Jacob – Aye
373. Yaguma Wilberforce – Aye

**THE DEPUTY SPEAKER:** Honourable members, there were those who were not in when the vote started. I will again start from the left side.

1. Mugema Peter – Aye
2. Taaka Wandera Kevina – No
3. Baryayanga Andrew – Aye
4. Arinatiwe Rwakajara – Aye
5. Ekuma George Stephen – Aye
6. Khiddu Makubuya – Aye
7. Alengot Oromait Proscovia – Aye

**THE DEPUTY SPEAKER:** Honourable members, any member who has not yet voted? Can you do the counting? Let us have some order.

Honourable members, here is the verdict of the voting. The total vote cast in this House is 284 members; one abstention, six Noes and 277 ayes. (*Applause*)

Honourable members, on the motion that the Bill entitled “The Constitution (Amendment) Bill, 2015” be read for the third time and do pass, the ayes have it. (*Applause*)

A BILL FOR AN ACT ENTITLED, “THE CONSTITUTION (AMENDMENT) ACT, 2015”

**THE DEPUTY SPEAKER:** Congratulations honourable members and learned Attorney–General, Mr Chairman and the team of the committee members and the biggest congratulations goes to all of you honourable members! (*Applause*)

This goes on the record of this House as the greatest demonstration of commitment in the history of this Parliament. (*Applause*) We can all go and see we have been tested and we have not been found wanting. (*Applause*) So, you can go knowing we have been able to deliver the Constitution amendment in time for preparation for things to go on. We know that by passing this Constitution amendment, there are other processes but we know there might be laws that might come to implement other provisions of the Constitution. Duty still calls and we should heed the call. Each time we are called, you should respond the way you have responded. I congratulate you, honourable members. (*Applause)*

This week is going to be a big week; tomorrow we have big business again and I urge honourable members that we come tomorrow. If we can come in this number, it will be good because tomorrow, it is likely that we will receive a motion on other important issues that we might need to address and this time, we will be able to deal with it here right on and finish it. There are other pending motions that are still likely to come which require the full attention of this House and I am going to continue appealing to you, members that we give them time until we finish all of them.

I had kind of desired, in consultation with the H. E. the President, that I could have sent Parliament on recess by Thursday, but it is not going to be possible – honourable members, it is in my interest that I also do that. I also have a constituency just like all of you and I also need to do some work somewhere else outside here but duty still calls that we might not be able to complete work by Thursday. There is a high likelihood – I will make this communication on Thursday that we might have to go on just for one more sitting next week and that will have to be Tuesday and we finish. After that, honourable members, if I still call on you to continue you can say, “He has violated our trust.”

I am advised that Members of Buganda Caucus you have a meeting immediately after this session, it is now 8.15 p.m.

Honourable members, tomorrow it is supposed to be Prime Minister’s Question Time but we have dispensed with the Prime Minister’s Question Time for a while. I do not know whether we will be able to execute it tomorrow but we have urgent business tomorrow that we all need to come and do. If we would come in this same numbers, as I said, I would be very glad.

Thank you, honourable members. Let us press on; it is only a few more sittings and then we will be free to go and press on elsewhere. This House stands adjourned to tomorrow at 2.00 p.m.

*(House rose at 8.30 p.m. and adjourned to Wednesday, 12 August 2015 at 2.00 p.m*.)