



# **THE DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA**

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# **DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA**

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The Republic of Uganda

THE DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA

**WE THE PEOPLE OF UGANDA:**

**RECALLING** our history which has been characterised by political and constitutional instability;

**RECOGNISING** our struggles against the forces of tyranny and oppression;

**COMMITTED** to building a better future by establishing a new socio-economic and political order through a popular and durable national Constitution based on the principles of unity, peace, equality, democracy, freedom, social justice and progress;

**EXERCISING** our sovereign and inalienable right to determine the form of governance for our country, and having fully participated in the constitution-making process;

**NOTING** that a Constituent Assembly was established to represent us and to debate the Draft Constitution prepared by the Uganda Constitutional Commission and to adopt and enact a Constitution for Uganda:

**DO HEREBY**, in and through this Constituent Assembly **SOLEMNL**Y ADOPT, ENACT AND GIVE TO OURSELVES AND OUR POSTERITY, THIS CONSTITUTION OF THE REPUBLIC OF UGANDA, this ..... day of ..... in the year ....., and which Constitution shall come into force on the .....

**FOR GOD AND MY COUNTRY**

**CHAPTER ONE**  
**THE CONSTITUTION**

1. All power belongs to the people who shall exercise their sovereignty through the democratic institutions of the State in accordance with this Constitution.

**Sovereignty  
of the people.**

2. (1) This Constitution is the supreme law of Uganda and shall have binding force on all authorities and persons throughout Uganda.

**Supremacy  
of the  
Constitution.**

(2) If any other law or any custom is inconsistent with any provision of this Constitution, the Constitution shall prevail, and that other law or custom shall, to the extent of the inconsistency, be void.

3. (1) It is prohibited for any person or group of persons to take control of the Government of Uganda except in accordance with the provisions of this Constitution.

**Defence  
of the  
Constitution.**

(2) Any person who, by himself or in concert with others, by any violent or other unlawful means suspends or overthrows or abrogates this Constitution or any part of it or attempts to do any such act or aids and abets in any manner such a person, commits the offence of treason and shall be punished according to law.

(3) This Constitution shall not lose its force and effect even where its observance is interrupted by a Government established by the force of arms; and in any case, as soon as the people recover their liberty, its observance shall be re-established and all persons who have taken part in any rebellion or other activity which resulted in the interruption of the observance, shall be tried in accordance with this Constitution and other laws consistent with it

(4) All citizens of Uganda shall have the right and duty at all times-

(a) to defend this Constitution, and in particular, to resist any person or group of persons seeking to subvert or overthrow the established constitutional order; and

(b) to do all in their power to restore this Constitution after it has been suspended, overthrown or abrogated contrary to its provisions.

(5) Any person or group of persons who resists the suspension, overthrow or abrogation of this, Constitution commits no offence.

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

(7) The High Court shall, on application -

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

(b) by or on behalf of the legal successors of a person referred to in paragraph (a) of this clause,

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

CHAPTER TWO  
**THE REPUBLIC**

4. (1) Uganda is one unitary Sovereign State and a Republic.

**The Republic  
of Uganda.**

(2) Uganda shall consist of the districts which existed immediately before the coming into force of this Constitution or such districts as may be established in accordance with this Constitution or any other law consistent with this Constitution.

(3) The territorial boundaries of Uganda shall be as delineated in the First Schedule to this Constitution.

(4) The capital of Uganda is Kampala.

5. (1) The official language of Uganda is English.

**official  
language.**

(2) Nothing in this Constitution prohibits the use of any other language as a medium of instruction in schools or other educational institutions or the use of any other language for legislative, administrative or judicial purposes as may be prescribed by law.

6. The government of Uganda shall not adopt any religion as a State religion.

**Non-adoption  
of State  
religion.**

## CHAPTER THREE

NATIONAL OBJECTIVES AND DIRECTIVE  
PRINCIPLES OF STATE POLICY*General*

implementation  
of objectives  
and principia.

7. (1) The objectives and principles in this Chapter shall guide Parliament, the Executive, the Judiciary, the National Council of State, all organs of State, all citizens, organisations and other bodies and persons in applying or interpreting this Constitution or any other law and in taking and implementing any policy decisions for the establishment and promotion of a just, free and democratic society.

(2) The President shall report to Parliament and the nation at least once a year, all steps taken to ensure the realization of the policy objectives and principles in this Chapter and the economic development of the country.

*Sovereignty of the People*

Sovereignty  
of the  
people.

8. (1) All authority in the State emanates from the people of Uganda; and the people shall be governed only through their will and consent.

(2) All power and authority of the Government and its organs derive from this Constitution, which in turn derives its authority from the people who consent to be governed under terms agreed on in this Constitution.

(3) The people reserve to themselves all power and authority which they do not delegate to the State and its organs.

(4) The security organs shall at all times remain subordinate and answerable to the supreme political authority.

*Political Objectives*

Democrati  
c  
principia.

9. (1) The State shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance.

(2) The people shall express their will and consent on who should govern them and how they should be governed through regular, free and fair elections of their representatives.

(3) All the people of Uganda shall have access to leadership positions at all levels, subject only to this Constitution and other laws of Uganda.

(4) The State shall be guided by the principle of the decentralisation and devolution of governmental functions and powers to the people at appropriate

levels where they can best manage and direct their own affairs.

(5) The composition of Government shall be broadly representative of the national character and social diversity of the country.

(6) All political and civic associations aspiring to manage and direct public affairs shall conform to democratic principles in their internal organisations and practice.

(7) Civic organisations shall retain their autonomy in pursuit of their declared objectives.

10. (1) All organs of State and people of Uganda shall work towards the promotion of national unity, peace and stability.

**National  
unity  
and  
stability.**

(2) Every effort shall be made to integrate all the peoples of Uganda, while at the same time recognizing the existence of the ethnic, religious and cultural diversity of the people.

(3) All the people of Uganda are entitled to their cultural values and practices which do not disturb the unity and cohesion of the State.

(4) Everything shall be done to promote a culture of co-operation, understanding, appreciation, tolerance and respect for each other's customs, traditions and beliefs.

(5) The State shall eliminate and discourage all laws, policies and practices which promote and encourage discrimination and prejudice on grounds of place of origin, circumstances of birth, race, ethnic origin, language, sex, religion, political opinion, creed or colour.

(6) There shall be established and nurtured institutions and procedures for resolution of conflicts fairly and peacefully.

(7) Measures shall be taken to ensure reasonable access by all citizens from all areas of Uganda and different backgrounds to all public facilities and services, including public and civil service offices.

(8) All Ugandans are free to move, settle and earn a living anywhere in Uganda.

11. (1) The leaders of Uganda shall at all times safeguard and strengthen the national sovereignty, independence and territorial integrity of the nation, and shall at all times act in the best interest of Uganda and its people.

**National  
sovereignty,  
Independence  
and territorial  
Integrity.**



(2) Everything shall be done to build-up national strength in political, economic and social spheres to avoid undue dependence on other countries and institutions.

(3) The State shall endeavor to mobilise, organise and empower the Ugandan people to build independent and indigenous foundations for the development of Uganda.

(4) The State shall take into account the sovereignty, independence and territorial integrity of Uganda when designing and implementing policies on foreign relations, international and regional co-operation and national defence.

#### *Protection and Promotion of Fundamental Rights and Freedoms*

Fundamental  
rights and  
freedoms.

12.(1) Fundamental rights and freedoms of individuals and groups are inherent and not granted by the State.

(2) All organs and-institutions of Government shall regard the defence and promotion of human rights and freedoms as their primary responsibility.

(3) The State shall guarantee and respect institutions which are charged with responsibility for protecting and promoting human rights by providing them with adequate resources to function effectively.

(4) The rights and freedoms guaranteed under this Constitution and other laws of the land shall be given full effect through the adoption of policies and development of programmes that promote rights of disadvantaged groups and communities in the Ugandan society, especially women, the elderly, children, peasants, workers, orphans, the sick and the disabled.

(5) Human rights education and a culture of constitutionalism shall be actively promoted in all institutions and made part of the curriculum at all levels of education.

(6) All persons who complain of human rights abuses shall have easy access to legal institutions charged with the protection and enforcement of human rights and freedoms.

(7) All individuals, groups and communities shall be free to have access to all regional, continental or international institutions dealing with breaches of human rights and freedoms.

(8) The State shall endeavor to fulfill the fundamental rights of all Ugandans to social justice and economic development.

*Protection of Women, the Family, the Disabled and the Aged.*

13. The family is the natural and basic unit of society and shall be entitled to protection by society and the State.

Protection of the family.

14. (1) The State shall recognise the significant role of women in society and provide the facilities and opportunities necessary to enhance their welfare to enable them realize their full potential and advancement.

Protection of the rights of women.

(2) The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society.

15. The rights and welfare of all widows shall be protected by the State.

Protection of rights of widows.

16. The State shall provide support services to enable the disabled or handicapped persons to live as independently as possible in the community, and as far as practicable, disabled and handicapped persons shall be given the opportunity to develop and manage those services for themselves.

Rights of the disabled.

17. The State shall make reasonable provision for the welfare and maintenance of the aged.

Protection of the aged.

*Culture of Constitutionalism and Accountability*

18. (1) All organs of the State, public bodies and citizens of Uganda have a duty to promote and protect this Constitution.

Promotion of culture of constitutionalism.

(2) No person shall assume or accede to public office, except in accordance with this Constitution or any other law made under it.

(3) Any person who violates the constitutional order shall be liable to punishment at any time that the people are in a position to punish him.

(4) It shall be the duty of every citizen and institution to resist dictatorship in all its manifestations.

(5) The distribution of powers and functions as well as checks and balances provided for in this Constitution among various organs and institutions of government shall be supported through the provision of adequate resources for their effective functioning at all levels.

19. (1) All public offices shall be held in trust for the people.

Accountability of leaders to the people.

(2) All persons placed in positions of leadership and responsibility shall be answerable to the people in their work and shall at all times place the interest and welfare of the people above their own.

(3) All measures shall be taken to expose, combat and eradicate corruption and abuse and misuse of power by those holding political and other public offices.

*Economic Objectives*

The right to development.

20. (1) The State shall take all necessary measures to provide an atmosphere that is conducive to the development of the people of Uganda.

(2) All development efforts shall be directed at ensuring the maximum social, economic and cultural well-being of the people.

(3) Necessary measures shall be taken to ensure that women have equal opportunity with men to play an active role in the development process.

(4) In order to facilitate rapid and equitable development, the State shall encourage private initiative and self-reliance.

(5) Every Ugandan shall be free to pursue any form of economic activity permitted by law for the advancement of himself and his family.

(6) The State shall endeavor to protect the health, safety and welfare of all persons in employment.

(7) The State shall promote the attainment of decent standards of living for all citizens which shall include adequate food, clothing, shelter and medical care .

Role of the people in development.

21. (1) The State shall take all necessary steps to involve the people in the formulation and implementation of development policies and programmes which affect them.

(2) Every citizen has the duty to contribute positively to the development of self, the family, the community and the country.

(3) It shall be the duty of every citizen to combat corruption and misuse or wastage of public property.

The role of the State in development.

22. (1) The State shall provide equal opportunity for all citizens to develop themselves economically.

(2) The State shall give the highest priority to the enactment of legislation establishing measures that protect and enhance the right of the people to equal economic opportunities and to remove social and cultural inequities by equitably distributing wealth.

(3) The State shall provide a peaceful, secure and stable political environment which is necessary for economic development.

(4) The State shall establish institutions, infrastructure, policies and programmes that will stimulate economic development.

(5) The State shall stimulate agricultural, industrial, technological and scientific development by adopting appropriate policies and the enactment of enabling legislation.

(6) In furtherance of social justice, the State may regulate the acquisition, ownership, use and disposition of land and other property.

(7) The promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance.

23. (1) The State shall take necessary measures to bring about balanced development of the different areas of Uganda and between the rural and urban areas.

**Balanced and equitable development.**

(2) The State shall take special measures in favour of the development of the least developed areas.

(3) The State shall take affirmative action to enhance the economic status of disadvantaged groups, including women, the youth, orphans and people with disability.

(4) The State shall ensure social justice for all groups and individuals in economic matters.

24. The State shall control important natural resources, including land, water, minerals, oil and forests on behalf of the people; and those resources shall be managed and utilized for the development and welfare of the people of Uganda.

**Sovereignty over natural resources.**

25. The State shall promote international cooperation which is beneficial to the country and work for close regional economic cooperation and integration.

**International and regional co-operation.**

### ***Social Objectives***

26. All Ugandans shall have equal rights, opportunities and access to education, health services, clean and safe water, decent shelter, food security and pension and retirement benefits.

**General social objectives.**

27. (1) The State shall promote compulsory basic education.

(2) The State shall take appropriate measures to afford every citizen equal opportunity to attain the highest educational standard possible.

**Educational objectives.**

(3) Individuals, religious bodies and other non-governmental organisations shall be free to found and operate educational institutions, if they comply with the general educational policy of the country and maintain national standards.

**Health  
services.**

28. (1) The State shall take all practical measures to ensure the provision of basic medical services to the population.

(2) All persons and in particular children, shall be entitled to protection against preventable diseases.

**Clean  
and safe  
water.**

29. (1) Every person is entitled to clean and safe water.

(2) The State shall take all possible measures to -

(a) promote a good water management system at all levels;

(b) prevent or minimise damage and destruction to water resources resulting from pollution or other causes; and

(c) promote public awareness of the need to manage water resources in a balanced and sustainable manner, for present and future generations.

30. The State shall facilitate the provision of decent and affordable housing to all citizens.

**Decent  
housing.**

31. The State shall make laws providing for the provision of adequate and regular payment of pensions and other forms of retirement benefits to persons to whom they apply.

**Pensions  
and  
retirement  
benefits.**

32. The State shall -

(a) take appropriate steps to encourage people to grow and store adequate food; and

(b) encourage and promote proper nutrition through mass education and other appropriate means in order to build a healthy State.

**Food  
security  
and  
nutrition.**

33. The State shall institute an effective machinery for dealing with any hazard or disaster arising out of natural calamities, including floods, earthquakes, volcanic eruptions, plagues or drought or any situation resulting in general displacement of people or serious disruption of their normal life.

**Natural  
disasters.**

***Cultural Objectives***

34. (1) Cultural and customary values which are consistent with fundamental rights and freedoms, human dignity, democracy and with this Constitution may be developed and incorporated in aspects of Ugandan life.

**Cultural  
objectives**

(2) The State and the citizens shall promote and preserve those cultural values which contribute to the identity of Ugandans and which are consistent with modern way of life.

(3) The State shall promote and encourage the emergence of a national culture which integrates the values and aspirations of the people of Uganda.

(4) The State shall encourage-

(a) the development, preservation and enrichment of all Ugandan languages;

(b) the development of a national language or languages that can -

(i) unite Ugandans; and

(ii) promote cooperation between Ugandans and the peoples of the countries within the region.

(5) The State shall promote a culture of science and technology.

35. It shall be the duty of the State and citizens to protect, conserve and restore landscapes, sites and monuments of historic, artistic, cultural and aesthetic value.

**Preservation  
of Uganda's  
heritage.**

### ***The Environment***

36. (1) It shall be the duty of the State to ensure that all persons enjoy a clean and healthy environment.

**The  
environment.**

(2) In order to attain sustainable development, environmental protection and improvement shall form an integral part of the development process.

(3) Uganda's social-economic development strategy shall aim at achieving a balance between growth, poverty alleviation and environmental protection.

(4) The people are entitled to be consulted when any policy and programme which may affect their environment is being drawn up or implemented.

(5) The utilisation of the natural resources of Uganda shall be managed in such a way as to meet the development and environmental needs of present and future generations of Ugandans.

(6) All Ugandans are entitled to accessible and readily affordable energy resources which meet their basic needs and the needs of environmental preservation.

(7) The organs of both central and local government shall create and develop parks, reserves and recreation areas so as to ensure the conservation of natural resources, including animals, plants and fish to promote- the rational use of natural resources and safeguard their capacity for renewal, regeneration and stability of the ecology.

**Environmenta  
l awareness.**

37. Public awareness and participation in environmental protection and preservation shall be facilitated and encouraged by making information regarding the environment readily and easily available to the population and by promoting environmental education in Schools.

### ***Foreign Policy Objectives***

**Foreign policy  
objectives.**

38. (1) The foreign policy of Uganda shall be based on the principles of -

- (a) promotion of the national interest of Uganda;
- (b) respect for international law and treaty obligations;
- (c) peaceful co-existence and non-alignment;
- (d) cooperation with neighbouring countries and countries in the region on the basis of equality and mutual benefit;
- (e) settlement of international disputes by peaceful means;
- (f) opposition to all forms of domination, racism and other forms of oppression and exploitation.

(2) Uganda shall actively participate in international and regional organisations that stand for peace and for the well-being and progress of humanity.

### ***Duties of a Citizen***

**Duties of  
a citizen.**

39. The exercise and enjoyment of rights and freedoms is inseparable from the performance of duties and obligations, and accordingly; it shall be the duty of every citizen -

- (a) to love the country, to be loyal to it and promote its well-being;
- (b) to uphold and defend this Constitution and the law;
- (c) to foster national unity and live in harmony with others;
- (d) to engage in gainful employment for the good of himself, the family, the common good and to contribute to national devel-

- opment;
- (e) to work diligently in his lawfully chosen occupation;
- (f) to contribute to the well-being of the community where that citizen lives;
- (g) to protect and safeguard the environment; and
- (h) to promote democracy and the rule of law.



CHAPTER FOUR

**CITIZENSHIP**

**Citizenship  
p or  
Uganda.**

40. Every person who on the commencement of this Constitution is a citizen of Uganda shall continue to be such a citizen.

**Citizenship  
p by  
birth.**

41. The following persons shall be citizens of Uganda by birth-

- (a) every person born in Uganda either of whose parents or grandparents is or was a member of any of the indigenous communities existing within the borders of Uganda as at the first day of February, 1926 and set out in the Second Schedule to this Constitution;
- (b) every person born in Uganda either of whose parents was at the time of his birth a citizen of Uganda;
- (c) every person born outside Uganda one of whose parents or grand parents was a citizen of Uganda at the time of his birth.

**Foundlings  
and  
adopted  
children.**

42. (1) A child of not more than seven years of age found in Uganda whose parents are not known shall be presumed to be a citizen of Uganda by birth.

(2) A child of not more than sixteen years of age neither of whose parents is a citizen of Uganda who is adopted by a citizen of Uganda shall, by virtue of the adoption, be a citizen of Uganda.

**Citizenship by  
registration.**

43. (1) Every person born in Uganda-

- (a) none of whose parents or grandparents had diplomatic status in Uganda or was a refugee in Uganda at the time of his birth; and
- (b) who has lived continuously in Uganda since ninth October, 1962, shall on application, be entitled to be registered as a citizen of Uganda.

(2) The following persons may apply to be registered as citizens of Uganda -

- (a) every person married to a Ugandan citizen; except that such a person shall be required to produce proof of a legal and subsisting marriage of at least three years' standing;
- (b) every person who has legally and voluntarily migrated to and has been living in Uganda for at least twenty years;
- (c) every person who having lived in Uganda for at least twenty years, has not been previously convicted of an offence which carries a sentence of not less than six months imprisonment without the option of a fine.

(3) Paragraph (a) of clause (2) of this article applies also to a person who was married to a person who, but for his or her death, would have continued to be a citizen of Uganda under this Constitution.

(4) Where a person has been registered as a citizen of Uganda under paragraph (a) of clause (2) of this article and the marriage by virtue of which that person was registered is -

- (a) annulled or otherwise declared void by a court or tribunal of competent jurisdiction; or
- (b) dissolved,

that person shall, unless he or she renounces that citizenship, continue to be a citizen of Uganda.

(5) Any child of a marriage of a person registered as a citizen of Uganda under paragraph (a) of clause (2) of this article to which clause (4) of this article applies, shall continue to be a citizen of Uganda unless he renounces that citizenship.

44. (1) An application for citizenship by registration or for immigration into Uganda shall be made to and considered by, a National Citizenship and Immigration Board which shall be established by Parliament.

**National  
Citizenship  
and  
Immigration  
Board.**

(2) The Board shall be composed of a Chairman and not less than four other people each of whom shall be of high moral character and proven integrity, appointed by the President with the approval of the National Council of State.

(3) The functions of the Board shall be prescribed by Parliament and shall include -

- (a) registration and issue of national identity cards to citizens;
- (b) issue of Uganda passports and other travel documents; and
- (c) granting and cancellation of citizenship by registration.

(4) The functions of the Board set out in paragraphs (a) and (b) of clause (3) shall be decentralised to the district level and the Board shall be accessible to all persons.

45. A person may be deprived of his citizenship if acquired by registration, on any of the following grounds -

- (a) voluntary acquisition of the citizenship of another country;

**Loss of  
citizenship  
by  
registration.**

- (b) voluntary service in the Armed Forces or security forces of a country hostile to, or at war with, Uganda;
- (c) acquisition of Ugandan citizenship by fraud, deceit, bribery, or having made intentional and deliberate false statements in his application for citizenship; and
- (d) espionage against Uganda.

**Promotion of  
dual citizenship.**

**46.** (1) A Ugandan citizen shall not hold the citizenship of another country concurrently with his Uganda citizenship.

(2) Subject to this article, a citizen of Uganda shall cease forthwith to be a citizen of Uganda if, on attaining the age of eighteen years, he, by a voluntary act other than marriage, acquires or retains the citizenship of a country other than Uganda.

(3) A person who-

(a) becomes a citizen of Uganda by registration; and

(b) is immediately after the day upon which he becomes a citizen of Uganda also a citizen of another country,

shall cease to be a citizen of Uganda unless he has -

(i) renounced his citizenship of that other country;

(ii) taken the oath of allegiance specified in the Third Schedule to this Constitution; and

(iii) made and registered such declaration of his intentions concerning residence as may be prescribed by law; or,

(iv) obtained an extension of time for taking those steps and the extended period has not expired.

(4) A Ugandan citizen who loses his Ugandan citizenship as a result of the acquisition or possession of the citizenship of a country other than Uganda shall, on the renunciation of his citizenship of that other country, become a citizen of Uganda.

(5) Where the law of a country, other than Uganda, requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage, a citizen of Uganda who is deprived of his citizenship by virtue of that marriage shall, on the dissolution of that marriage, if he thereby loses his citizenship acquired by that marriage, become a citizen of Uganda.

**47.** (1) It shall be the duty of every citizen of Uganda -

Duties of  
a citizen.

- (a) to honour and promote the prestige and good name of Uganda and respect the national anthem, flag, coat of arms and currency;
- (b) to respect the rights, freedoms and legitimate interests of others and generally to refrain from doing acts detrimental to the welfare of other persons;
- (c) to protect children and vulnerable persons against any form of abuse, harassment or ill-treatment;
- (d) to protect and preserve public property;
- (e) to defend Uganda and to render national service when necessary;
- (f) to co-operate with lawful agencies in the maintenance of law and order;
- (g) to pay taxes; and
- (h) to register for electoral purposes.

(2) It is the duty of all able-bodied citizens to undergo military training for the defence of this Constitution and the protection of the territorial integrity of Uganda whenever called upon to do so; and the State shall ensure that facilities are available for such training.

**48.** Parliament may, subject to this Constitution, make provision-

Powers of  
Parliament  
relating to  
citizenship  
and  
immigration.

- (a) for the acquisition of citizenship of Uganda by persons who are not eligible or who are no longer eligible to become citizens of Uganda under the provisions of this Chapter;
- (b) for the deprivation of citizenship of Uganda any person who is a citizen of Uganda otherwise than by virtue of his birth;
- (c) for the renunciation by any person of his citizenship of Uganda;
- (d) prescribing circumstances in which non-citizens may vote;
- (e) generally for regulating citizenship of Uganda and immigration into Uganda; and
- (f) for according preferential treatment to citizens of any country which is a member of any international organisation of which Uganda is a member or with which Uganda is in association, on a reciprocal basis.

**49.** (1) A reference in this Chapter to the citizenship of the parent of a person at the time of the birth of that person shall, in relation to a person born

Interpretation. person

after the death of the parent, be construed as a reference to the citizenship of the parent at the time of the parent's death.

(2) For the purposes of clause (1) of this article, where the death occurred before the coming into force of this Constitution, the citizenship that the parent would have had if he or she had died on the coming into force of this Constitution, shall be deemed to be his or her citizenship at the time of his or her death.

CHAPTER FIVE

**FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS**

*General*

50. (1) The fundamental rights and freedoms of the individual enshrined in this Chapter shall be respected, upheld and promoted by the Executive, the Legislature and the Judiciary and also by all organs and agencies of Government and by all persons in Uganda.

Protection or fundamental human rights and freedoms.

(2) Every person shall enjoy equal protection of the law.

(3) Men and women shall be equal under the law in all spheres of political, economic, social and cultural life.

(4) No person shall be discriminated against on grounds of sex, race, colour, ethnic origin, tribe, creed or religion, or social or economic standing or political opinion.

51. (1) Every person in Uganda shall enjoy the fundamental rights and freedoms of the individual, namely, the right to each and all of the following

Enjoyment or rights and freedoms.

- (a) life, liberty, dignity, education, culture, security of the person, fair hearing and protection of the law;
- (b) freedom of conscience, creed or religion, expression, the press, assembly, association and movement;
- (c) protection of the privacy of the person, home, family, correspondence, communication and property;
- (d) protection from slavery and forced labour;
- (e) protection from deprivation of property without compensation; and
- (f) other rights and freedoms enshrined in this Chapter.

(2) In the enjoyment of the rights and freedoms prescribed in this Chapter, no person shall prejudice the rights and freedoms of others or the public interest.

52. (1) No person shall be deprived of life intentionally except in execution of a sentence of a court of law in a fair trial in respect of a criminal offence under the law of Uganda of which he has been convicted.

Protection or right to life.

(2) No law shall be made by Parliament depriving any person of the right to life except in very grave circumstances acceptable in a just and democratic society.

**Protection  
or  
personal  
Liberty.**

53. (1) No person shall be deprived of personal liberty except as may be authorised by law.

(2) A person who is arrested, restricted or detained shall be informed immediately, in a language that he understands, of the reasons for his arrest, restriction or detention and of his right to a lawyer of his choice.

(3) A person who is arrested or detained -

(a) for the purpose of bringing him before a court in execution of an order of a court; or

(b) upon reasonable suspicion of his having committed or being about to commit a criminal offence under the laws of Uganda,

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

(4) Where a person arrested, restricted or detained under clause (3) of this article is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular, conditions reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

(5) A person who is unlawfully arrested, restricted or detained by any other person or authority shall be entitled to compensation from that other person or authority whether it is the State or an agency of the State or other person or authority.

(6) Where a person is convicted and sentenced to a term of imprisonment for an offence, any period he has spent in lawful custody in respect of that offence before the completion of his trial shall be taken into account in imposing the term of imprisonment.

(7) The right to an order of habeas corpus, that is, the right to an order requiring a person to be brought before a judge or court to investigate the lawfulness of restraining or the detention of a person shall be inviolable, and shall not be suspended except in the case of a state of emergency as provided by this Constitution.

**Respect for  
human dignity  
and protection  
from Inhuman  
treatment.**

54. No person shall be subjected to any form of torture, cruel, inhuman or degrading treatment or punishment.

55. (1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour except in circumstances prescribed by law and acceptable in a free and democratic society.

56. No property of any description shall be compulsorily acquired or taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied -

- (a) the taking of possession or acquisition is necessary in the public interest and in the interests of defence, public safety, public order, public morality or public health; and
- (b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for -
  - (i) prompt payment of fair and adequate compensation prior to the taking of possession or acquisition of the property; and
  - (ii) a right of access to a court of law by any person who has an interest or right over the property;

57. (1) No person shall be subjected to unlawful search of the person, property or the entry by others on that person's premises.

(2) No person shall be subject to interference with the privacy of his home, correspondence, communication or other property.

(3) The enjoyment and observance of the rights under this article, shall be subject to any laws made by Parliament in the public interest to the extent acceptable in a free and democratic society.

58. (1) In the determination of civil rights and obligations or any criminal charge, a person shall be entitled to a fair, speedy and public hearing before an impartial court or tribunal established by law.

(2) Nothing in clause (1) of this article shall prevent the court or other adjudicating authority from excluding the press or the public from all or any proceedings before it for reasons of morality, public order or national security, as is necessary in a free and democratic society.

(3) Every person who is charged with a criminal offence shall (a) be presumed to be innocent until proved guilty or until that person has pleaded guilty;



- (b) be informed as soon as reasonably practicable, in a language that the person understands of the nature of the offence;
- (c) be given adequate time and facilities for the preparation of his defence;
- (d) be permitted to appear before the court in person or, at that person's own expense, by a lawyer of his choice;
- (e) in any offence which carries a death penalty, be entitled to legal representation at the expense of the State;
- (f) be permitted to have without payment the assistance of an interpreter if that person cannot understand the language used at the trial;
- (g) be afforded facilities to examine witnesses and to obtain the attendance of other witnesses before the court.

(4) Nothing done under the authority of any law shall be held to be inconsistent with -

- (a) paragraph (a) of clause (3) of this article to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts;
- (b) paragraph (g) of clause (3) of this article to the extent that the law imposes conditions that must be satisfied if witnesses called to testify on behalf of an accused are to be paid their expenses out of public funds.

(5) Except with his own consent, the trial of any person shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court makes an order for him to be removed and the trial to proceed in his absence.

(6) A person tried for any criminal offence, or any person authorised by him, shall, after the judgment in respect of that offence, be entitled to a copy of the proceedings upon payment of a fee prescribed by law.

(7) No person shall be charged with or convicted of a criminal offence which is founded on an act or omission that did not at the time it took place constitute an offence.

(8) No penalty shall be imposed for a criminal offence that is severer in degree or description than the maximum penalty that could have been imposed for that offence at the time when it was committed.

(9) A person who shows that he has been tried by competent court for a criminal offence and convicted or acquitted of that offence, shall not again be tried for the offence or for any other criminal offence of which he could have been convicted at the trial for that offence, except upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.

(10) No law shall be taken to be in contravention of clause (9) of this article merely because it authorizes a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force; except that any court which tries and convicts him shall, in sentencing him to any punishment, take into account any punishment imposed on him under the disciplinary law.

(11) No person shall be tried for a criminal offence if the person shows that he has been pardoned in respect of that offence.

(12) Subject to this Constitution, a person being tried for a criminal offence shall not be compelled to give evidence at the trial except in such circumstances as may be prescribed by law and acceptable in a free and democratic society.

(13) Except for contempt of court, no person shall be convicted of a criminal offence unless the offence is defined and the penalty for it prescribed by law.

59. (1) All persons shall have the right to -

- (a) freedom of speech and expression, which shall include freedom of the press and other media;
- (b) freedom of thought, conscience and belief which shall include academic freedom in institutions of learning;
- (c) freedom to practice any religion and manifest such practice;
- (d) assemble peacefully; and
- (e) freedom of association, which shall include freedom to form and join associations or unions, including trade unions, political and other civic organisations.

Protection or freedom of conscience, expression, movement, etc.

(2) Every Ugandan shall have the right-

- (a) to move freely throughout Uganda and to reside and settle in any part of Uganda;

(b) to enter, leave and return <sup>LV</sup> Uganda; and

(c) to a passport.

(3) The enjoyment of the rights under this article shall be subject to any laws made by Parliament in the public interest to the extent acceptable in a free and democratic society.

**Protection of the family.**

60. (1) Men and women of full age shall have the right to marry and to found a family and shall be entitled to equal rights in marriage, during marriage and at its dissolution ..

(2) Marriage shall be entered into with the free consent of the intending parties.

(3) It is the natural right of parents to care for and bring up their children.

(4) Children may not be separated from their families against the will of the persons entitled to bring them up, except in accordance with the law.

**Rights of women.**

61. (1) Women shall be accorded full and equal dignity of the person with men.

(2) Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.

(3) Women shall have the right to affirmative action for the purpose of redressing the imbalance created by history and traditional customs.

(4) Laws, cultures and customs or traditions which are against the dignity, welfare or interest of women or which undermine their status are prohibited by this Constitution.

**Rights of children.**

62. (1) Children shall have the right, subject to laws enacted in their best interests, to know and be cared for by their parents or those entitled by law to bring them up.

(2) Parents shall ensure that all children of primary school age are given primary education which shall be compulsory in Uganda.

(3) No child shall be deprived by any person of medical treatment, education or any other social or economic benefit by reason of religious or other beliefs.

(4) Children are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.

(5) For the purpose of clause (4) of this article, children shall be persons under the age of sixteen years.

(6) A juvenile offender who is kept in lawful custody or detention shall be kept separately from adult offenders.

(7) The law shall accord special protection to orphans and shall encourage the establishment of special institutions to provide for the welfare, upbringing and education of orphans.

63. (1) The right of the disabled and the handicapped to respect and human dignity shall be recognised by the State and society; and the disabled and the handicapped shall be encouraged by the State and society to realise their full mental and physical potential.

**Rights or disabled or handicapped persons.**

(2) Parliament shall enact laws appropriate for the protection of the disabled and handicapped persons.

64. (1) Every person shall have the right to enjoy, practise, profess, maintain and promote any culture, language, tradition or creed or religion subject to the provisions of this Constitution and to the condition that the rights protected by this provision do not impinge upon the rights and freedoms of others or the national interest, especially unity.

**Right to culture.**

(2) All customary practices which undermine the dignity of or are injurious to the well-being of a person are prohibited.

65. Every Ugandan citizen has the right to participate in the affairs of government, either directly or through representatives elected by the people in accordance with law.

**Civic rights and activities.**

66. (1) Every Ugandan shall have the right to a clean and healthy environment.

**Right to clean and healthy environment.**

(2) Parliament shall for the purposes of this article enact laws for the taking of necessary measures against pollution and destruction of the environment, and generally for the protection of the environment.

67. (1) Every person has the right to work under satisfactory, safe and healthy conditions, and shall receive equal pay for equal work without discrimination.

**Economic : rights.**

(2) Every worker shall be accorded rest, and reasonable working hours and periods of holidays with pay, as well as remuneration for public holidays.

**Administrative justice.**

68. Any person appearing before any administrative official or body has a right to be treated justly and fairly and shall have a right to appeal to a court of law in respect of any administrative decision taken against him.

**Human rights and freedoms additional to other rights.**

69. The rights, duties, declarations and guarantees relating to the fundamental human rights and freedoms specifically mentioned in this Chapter shall not be regarded as excluding others not specifically mentioned, and which are considered to be inherent in a free and democratic society, and intended to secure the freedom and dignity of a human being.

### ***Human Rights and Freedoms During a State of Emergency***

**Effect of laws enacted for state of emergency.**

70. (1) An Act of Parliament shall not be taken to contravene the rights and freedoms granted in this Chapter, if that Act authorises the taking of measures that are reasonably justifiable for dealing with a state of emergency.

(2) The provisions of any enactment other than an Act of Parliament dealing with a state of emergency declared under this Constitution shall apply only to that part of Uganda where the emergency exists.

**Detention under emergency laws.**

71. Where a person is restricted or detained under a law made for the purpose of a state of emergency, the following provisions shall apply -

- (a) he shall, within twenty-four hours after the commencement of the restriction or detention, be furnished with a statement in writing specifying the grounds upon which he is restricted or detained;
- (b) the spouse, or other available next-of-kin of the person restricted or detained shall be informed of the detention or restriction within seventy-two hours after the commencement of the detention or restriction and shall be permitted access to the person at the earliest practicable opportunity;
- (c) not more than thirty days after the commencement of his restriction or detention, a notification shall be published in the Gazette and in the media stating that he has been restricted or detained and giving particulars of the provisions of law under which his restriction or detention is authorised and the grounds of his restriction or detention.

72. The existence of a state of emergency shall not affect the enjoyment of the right to human dignity, life or fair trial as guaranteed by this Constitution.

**Derogation from particular human rights and freedoms prohibited.**

73. (1) The Uganda Human Rights Commission shall review the case of a person who is restricted or detained and to whom article 71 of this Constitution applies, not later than twenty-one days after the commencement of the restriction or detention, and after that, at intervals of not more than three months.

**Review by Uganda Human Rights Commission.**

(2) A person who is restricted or detained shall be afforded every possible facility -

- (a) to consult a lawyer of his choice or any group of persons who shall be permitted to make representations to the Uganda Human Rights Commission for the review of his case;
- (b) to appear in person or by a lawyer of his choice at the hearing or review of his case.

(3) On a review of the case, the Uganda Human Rights Commission may recommend the release of that person, or uphold the grounds of his restriction or detention.

74. (1) In every month in which there is a sitting of Parliament, the Minister responsible shall make a report to Parliament in respect of -

**Report to Parliament**

- (a) the number of persons restricted or detained under the state of emergency; and
- (b) the action taken in compliance with the recommendations of the Uganda Human Rights Commission.

(2) The Minister responsible shall publish every month in the Gazette and in the media -

- (a) the number and the names and addresses of the persons restricted or detained;
- (b) the number of cases reviewed by the Uganda Human Rights Commission; and
- (c) the action taken in compliance with the recommendations of the Uganda Human Rights Commission.

(3~ For the avoidance of doubt, it is hereby declared that at the end of the emergency declared under this Constitution, any person in or under restriction, detention or custody as a result of the declaration of emergency shall be released immediately.

***Enforcement of Rights and Freedoms by Courts***

**Enforcement  
of rights  
and  
Freedoms  
by courts.**

75. (1) Any person who claims that a fundamental right or freedom guaranteed under this Constitution has been infringed or threatened, shall be entitled to apply to a competent court for redress including compensation.

(2) Any person aggrieved by any decision of the court may appeal to the appropriate court.

(3) Any person or organisation may bring an action against the violation of another person's or group's human rights.

(4) Parliament shall make laws for the enforcement of the rights and freedoms under this Chapter.

***Uganda Human Rights Commission***

**Uganda Human  
Rights  
Commission.**

76. (1) There shall be a Commission called the Uganda Human Rights Commission.

(2) The Commission shall be composed of a Chairman and not less than three other persons appointed by the President with the approval of the National Council of State.

(3) The Chairman of the Commission shall be a Justice of the Supreme Court or a Judge of the High Court or a person qualified to hold such office.

(4) The Chairman and members of the Commission shall be persons of high moral character and proven integrity and shall serve for a period of six years and be eligible for reappointment.

**Functions  
of the  
Commission.**

77. (1) The Commission shall have the following functions -

(a) to investigate, at its own initiative or on a complaint made by any person or group of persons against any human rights violations;

(b) to visit jails, prisons, and places of detention or related facilities with a view to assess and inspect conditions of the inmates and make recommendations;

(c) to establish a continuing programme of research, education and information to enhance respect for human rights;

(d) to recommend to Parliament effective measures to promote human rights, including provision of compensation to victims of violations of human rights, or their families;

- (e) to create and sustain within the society the awareness of the principles and objectives of this Constitution as the fundamental law of the people of Uganda;
- (f) to educate and encourage the public to defend this Constitution at all times against all forms of abuse and violation;
- (g) to formulate, implement and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;
- (h) to monitor the Government's compliance with international treaty obligations on human rights; and
- (i) to perform such other functions as may be provided by law.

(2) The Uganda Human Rights Commission shall publish periodical reports on its findings and submit annual reports to Parliament on the state of human rights and freedoms in the country.

(3) In the performance of its functions the Uganda Human Rights Commission shall -

- (a) adopt its operational guidelines and rules of procedure and commit persons for contempt of its orders in accordance with the Rules of Court;
- (b) request the assistance of any department, bureau, office or agency in the performance of its functions;
- (c) observe the rules of natural justice.

**78.** (1) The Commission shall have the powers of a court-

**Powers of the  
Commission.**

- (a) to issue summons or other orders requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
- (b) to question any person in respect of any subject matter under investigation before the Commission; and
- (c) to require any person to disclose any information within his knowledge relevant to any investigation by the Commission.

(2) The Commission may -

- (a) recommend to the appropriate person or authority to take such



action as appears to the Commission necessary to remedy the infringement of a human right or freedom, including the release of a person detained or the payment of compensation;

(b) bring proceedings in a court of competent jurisdiction on behalf of the person whose human right or freedom has been infringed, seeking an appropriate remedy for the infringement.

(3) The Commission shall not investigate -

(a) any matter which is pending before a court or judicial tribunal, or

(b) a matter involving the relations or dealings between the Government and any other Government or international organisation; or

(c) a matter relating to the exercise of the prerogative of mercy.

**Independence of the Commission.**

**79.** Subject to this Constitution, the Commission shall not, in the performance of its duties, be subject to the direction or control of any person or authority.

**Expenses of Commission.**

**80.** (1) The Commission shall be self-accounting and all the administrative expenses of the Commission including salaries, allowances and pensions payable to persons serving with the Commission shall be charged on the Consolidated Fund.

(2) The Chairman and other members of the Commission shall be paid such salaries and allowances as Parliament may prescribe.

**Removal of Commissioners.**

**81.** A member of the Commission may, with the approval of the National Council of State, be removed from office by the President only for inability to perform the functions of his office arising out of physical or mental incapacity or any other cause or, for misbehavior or misconduct.

**Staff of Commission.**

**82.** The appointment of the officers and other employees of the Commission shall be made by the Commission in consultation with the Public Service Commission.

**Parliament to make laws regarding functions of Commission.**

**83.** Parliament may make laws to regulate the performance of the functions of the Uganda Human Rights Commission and shall in particular make laws necessary for ensuring that the functions of the Commission are effectively carried out without obstruction.

CHAPTER SIX

**REPRESENTATION OF THE PEOPLE**

***Right to Vote***

84. (1) Every citizen of Uganda of eighteen years of age or above is entitled to vote and to be registered as a voter for the purpose of public elections and referenda.

Right to vote.

(2) It is the duty of every citizen of Uganda of eighteen years of age or above to register as a voter for public elections and referenda.

(3) The State shall take all necessary steps to ensure that all citizens qualified to vote exercise their right to vote and no impediment shall be placed on the exercise of that right.

***Electoral Commission.***

85. (1) There shall be an Electoral Commission which shall consist of a Chairman and not less than two and not more than six other members appointed by the President with the approval of the National Council of State.

Electoral Commission.

(2) The Chairman of the Electoral Commission shall be a Justice of the Supreme Court or a Judge of the High Court or a person qualified to be appointed a Justice of the Supreme Court or a Judge of the High Court .

(3) The members of the Commission shall be persons of high moral character and proven integrity.

(4) The members of the Commission shall hold office for seven years and their appointment shall be renewable for one more term only.

(5) If the appointment of a member of the Commission is being renewed, the renewal shall be done at least three months before the expiry of the first term.

(6) Members of the Commission shall not hold any other public office.

(7) The members of the Commission shall be paid such emoluments as Parliament may determine.

(8) If a member of the Commission is absent or dies the President shall, with the approval of the National Council of State appoint a person qualified in terms of this article to act in his place until he is able again to

resume his duties or until a new person is appointed to fill the vacancy. (9) A member of the Commission may be removed from office by the President with the approval of the National Council of State only -

- (a) for inability to perform the functions of his office arising out of physical or mental incapacity or from any other cause; or
- (b) for misbehavior or misconduct.

**Functions  
of Electoral  
Commission.**

86. The Electoral Commission shall have the following functions -

- (a) to ensure that regular, free and fair elections are held;
- (b) to organise, conduct and supervise, regular, free and fair elections and referenda;
- (c) to demarcate constituencies in accordance with the provisions of this Constitution;
- (d) to compile, maintain and revise the voters' register;
- (e) to hear and determine elections complaints arising before polling;
- (f) to formulate and implement educational and other programmes for democratising the Ugandan society;
- (g) to perform such other functions as may be prescribed by law which is consistent with this Constitution.

**Independence  
of the  
Commission.**

87. Except as provided in this Constitution or in any other law which is consistent with this Constitution, in the performance of its functions, the Electoral Commission shall not be subject to the direction or control of any person or authority.

**Constituencies.**

88. (1) Subject to clause (2) of this article, Uganda shall be divided into as many constituencies for the purpose of election of members of Parliament as the Electoral Commission may prescribe; and each constituency shall be represented by one member of Parliament.

(2) In dividing Uganda into constituencies under clause (1) of this article, the Electoral Commission shall ensure that each county has at least one member of Parliament; except that no constituency shall fall within more than one county.

(3) Subject to clause (2) of this article, the boundaries of a constituency shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota.

(4) For the purpose of clause (3) of this article, the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features, density of population, area and boundaries of districts.

(5) The Electoral Commission shall review the division of Uganda into constituencies at intervals of not less than seven years, or within twelve months after the publication of enumeration figures after the holding of a census of the population of Uganda, whichever is the earlier, and may, as a result, alter the constituencies.

(6) Where the boundaries of a constituency established under this article are altered as a result of a review, the alteration shall come into effect upon the next dissolution of Parliament.

(7) For the purpose of this article "population quota" means the number obtained by dividing the number of inhabitants of Uganda by the number of constituencies into which Uganda is divided under this article.

**89.** (1) Any person aggrieved by a decision of the Electoral Commission in respect of any of the complaints referred to in paragraph (e) of article 86 of this Constitution may appeal to the High Court for determination.

Appeals from decisions of Commission.

(2) A person aggrieved by a decision of the Electoral Commission in respect of a demarcation of a boundary may appeal to a tribunal consisting of three persons appointed by the Chief Justice; and the Electoral Commission shall give effect to the decision of the tribunal.

(3) A person aggrieved by a decision of the High Court or a tribunal under this article may appeal to the Supreme Court against the decision.

**90.** The appointment of officers and employees of the Electoral Commission shall be made by the Commission acting in consultation with the Public Service Commission.

Staff of Commission.

**91.** (1) Parliament shall ensure that reasonably adequate resources and facilities are provided to the Commission to enable it to perform its functions effectively.

Expenses of Commission.

(2) The Commission shall be a self-accounting institution and shall deal directly with the Ministry responsible for finance on matters relating to its finances.

(3) The administrative expenses of the Commission including salaries, allowances and pensions payable to or in respect of persons serving with the Commission, shall be charged on the Consolidated Fund.

***Provisions Relating to Organisation of Elections.***

**Provisions  
relating to  
organisatio  
n of  
elections.**

92. (1) The Electoral Commission shall ensure that elections are held at times fixed and notified in advance to the public.

(2) A general Parliamentary election shall be held -

(a) Within the last sixty days of the term of Parliament;

(b) if Parliament is dissolved; or

(c) if Parliament resolves by a majority of not less than two-thirds of all members of Parliament that there should be a general election.

(3) An election held by virtue of paragraph (b) or (c) of clause (2) of this article shall be held within sixty days after the event giving rise to the election.

(4) A by-election shall be held within sixty days after the seat of a member of Parliament falls vacant.

(5) Where the seat of a member of Parliament falls vacant within six months before the term of Parliament ends, no by-election shall be held to fill the vacancy.

(6) All candidates in an election shall be guaranteed equitable access and use of the public communication media.

(7) In particular, all presidential candidates shall be given equal time and space on the state-owned media to present their programmes to the people.

(8) Subject to such reasonable limitations as may be imposed by any law which is consistent with the existence of a free and democratic society, and reasonably necessary for the maintenance of peace and order, the candidates shall have the right to campaign freely.

93. (1) At a public election or referendum, voting shall, subject to the provisions of this Constitution, be by secret ballot.

**Voting at  
elections  
and  
referenda.**

(2) Immediately after the close of the poll, the presiding officer shall proceed to count, at the polling station, the ballot papers of that station and record the votes cast in favour of each candidate or question.

(3) A candidate is entitled to be present in person or through his representatives or polling agents at the polling station throughout the period

of voting, counting of the votes and ascertaining of the results of the poll.

(4) The presiding officer, the candidates or their representatives and, in the case of a referendum, the sides contesting, or their agents and the polling agents if any, shall sign a declaration stating -

(a) the polling station; and

(b) the number of votes cast in favour of each candidate or question; and the presiding officers shall there and then announce the results of the voting at that polling station before communicating them to the returning officer.

(5) Subject to the provisions of this Constitution, an issue for determination by referendum shall be taken to be determined by a majority of the votes cast at the referendum.

***Political Systems***

94. (1) The political movement system in this Chapter referred to as "the movement" which was in existence immediately before the coming into force of this Constitution shall continue in existence subject to the provisions of this article and of articles 95, 96 and 98 of this Constitution.

**Political  
movement  
system.**

(2) The following shall apply to the movement -

(a) every Ugandan is entitled to participate in the public affairs of Uganda through the movement and no Ugandan shall be expelled from the movement;

(b) the movement shall work for the benefit of all Ugandans on the basis of equality for all Ugandans;

(c) it shall be under the control of the people of Uganda;

(d) all posts in the movement at all levels shall be accessible to every citizen of Uganda through free and fair elections;

(e) the movement shall operate on democratic principles in all aspects and shall be accountable to the people, transparent in its operation and committed to the defence of human rights and freedoms;

(f) there shall be no Constitution or set of rules for the movement other than as provided for under this Constitution or under any other law consistent with it;

(g) the movement shall conform to the provisions of this Constitution.

**Organs of  
movement.**

95. Parliament may by law create organs of the movement and define their roles.

**Restrictions  
on political  
parties.**

96. During any period when the movement is in existence, political parties shall not endorse; sponsor, offer a platform to, or in any way campaign for or against a candidate for any public election.

**Political  
parties.**

97. (1) Subject to the provisions of this Constitution, the right to form political parties is guaranteed.

(2) Subject to the provisions of this Constitution, a political party is free to participate in shaping the political will of the people, to disseminate information on political ideas, social and economic programmes of a national character, and sponsor candidates for election to any public office.

(3) Every political party shall have a national character, and membership shall not be based on ethnic, religious, district or other sectional divisions.

(4) The internal organization of a political party shall conform to democratic principles and its actions and purposes shall not contravene or be inconsistent with this Constitution or any other law consistent with this Constitution.

(5) An organisation shall not operate as a political party unless it is registered as such under the law for the time being in force for the purpose which is consistent with this Constitution.

(6) For purposes of registration, a prospective political party shall furnish the Electoral Commission with a copy of its Constitution and the names and addresses of its national officers, and shall satisfy the Commission that-

- (a) there are ordinarily resident, or registered as voters, in each of at least two thirds of all the districts of Uganda, not less than one-hundred members or proposed members of the party;
- (b) the party has branches in at least two thirds of the districts of Uganda; and
- (c) the party's name, emblem, colour? motto or any other symbol has no ethnic, religious or other sectional connotation and does not give the appearance that its activities are confined only to a part of Uganda,

(7) A political party shall not have as a leader or a member of its executive, a person who is not qualified to be elected as a member of Parliament or to hold any other public office.

(8) The members of the national executive committee of a political party shall, as far as practicable be chosen from a cross-section of the people of Uganda, be consistent with clause (3) of this article and have due consideration for gender.

(9) Subject to the provisions of this Constitution, every citizen of voting age has the right to participate in political activity intended to influence the composition and policies of the Government.

(10) Subject to the provisions of this Constitution, the State shall provide fair opportunity to all political parties to present their programmes to the public by ensuring equal access to the state-owned media.

(11) Political parties shall be required by law -

(a) to declare to the public their revenues and assets and the sources of those revenues and assets; and

(b) to publish to the public annually their audited accounts.

(12) Only a citizen of Uganda may make a contribution or donation to a political party registered in Uganda.

(13) A member of an organisation or interest group shall not be required to join a particular political party by virtue of his membership of the organisation or group .

(14) Subject to the provisions of this Constitution, Parliament shall by law regulate the establishment and functioning of political parties.

98. (1) During the fifth year after the assumption of office of the first President elected under this Constitution, a referendum shall be held to determine whether or not the movement should continue in existence or whether the system of representation through political parties should be adopted in place of the movement.

Referendum  
nonpolitical  
systems.

(2) Subsequent to the referendum held under clause (1) of this article, the people of Uganda shall have the right to determine by referendum held after every five years, on the question whether or not the system of representation of the people should be through the movement system or through political parties.

(3) If the result of any referendum under this article is in favour of the continuing in existence or the adoption of the movement, the movement shall continue in existence or shall be restored as the case may be.



(4) During any period when the system of representation of the people is through political parties by virtue of a referendum under this article, articles 94, 95 and 96 of this Constitution shall not apply.

***General***

**Prohibition  
or one-  
party State.**

99. (1) Parliament shall have no power to enact a law establishing a one party State.

(2) Any action of any person or group of persons which suppresses or seeks to suppress the lawful political activity of any person or group of persons is unlawful.

(3) Subject to the provisions of this Constitution, Parliament shall not make any law which suppresses or seeks to suppress the lawful political activity of any person or group of persons.

**Parliament  
to enact laws  
on elections.**

100. Parliament may, subject to the provisions of this Constitution, enact such laws as may be necessary for the purposes of this Chapter, including laws for the registration of voters, the conduct of public elections and referenda and, where necessary, making provision for voting by proxy .

CHAPTER SEVEN

**THE EXECUTIVE**

*The President*

**101.** (1) There shall be a President of Uganda who shall be the Head of State, Head of Government and Commander-in-Chief of the Uganda Armed Forces.

President  
of  
Uganda.

(2) The President shall take precedence over all persons in Uganda, and in descending order, the Vice President, the Speaker of Parliament and the Chief Justice, shall take precedence over all other persons in Uganda.

(3) Before assuming the duties of his office the President shall take and subscribe the oath of allegiance and the presidential oath specified in the Third Schedule to this Constitution.

(4) While holding office, the President shall not be liable to proceedings in any court.

(5) Civil or criminal proceedings may be instituted against a person after he has ceased to be President in respect of anything done or omitted to be done in his personal capacity before or during his term of office and any period of limitation in respect of any such proceedings shall not be deemed to run during the period while he was President.

**102.** (1) The executive authority of Uganda is vested in the President and shall be exercised by him in accordance with this Constitution and the laws of Uganda.

Executive  
authority of  
Uganda.

(2) The executive authority of Uganda extends to the execution and maintenance of this Constitution and all laws made under or continued in force by this Constitution.

(3) It shall be the duty of the President to abide by, uphold and safeguard this Constitution and the laws of Uganda and to promote the welfare of the citizens and the territorial integrity of Uganda.

(4) Subject to the provisions of this Constitution, the functions conferred on the President by clause (1) of this article may be exercised by him either directly or through officers subordinate to him.

(5) A statutory instrument or other instrument, issued or executed in the name of the President may be authenticated by the signature of a Minister, and the validity of any instrument so authenticated shall not be called in question on the ground that it is not made, issued or executed by the President.

**Absence of  
President  
from Uganda.**

103. The President shall, whenever leaving Uganda, notify the Speaker of Parliament.

**Presidentia  
l addresses.**

104. (1) The President shall, at the beginning of each session of Parliament and before a dissolution of Parliament, deliver to Parliament an address on the state of the nation.

(2) The President may, also, in consultation with the Speaker of Parliament, address Parliament from time to time, on any matter of national importance.

**Qualification  
s of  
President.**

105. A person is not qualified for election as President of Uganda unless he is -

- (a) a citizen of Uganda by birth;
- (b) not less than forty years of age;
- (c) a person who completed a minimum formal education of advanced level standard or its equivalent; and
- (d) a person qualified to be a member of Parliament.

**Election of  
President.**

106. (1) The election of the President shall be by universal adult suffrage through a secret ballot.

(2) A person shall not be a candidate in a presidential election unless

- (a) he submits to the Electoral Commission on or before the day appointed as nomination day in relation to the election, a document which is signed by him, nominating him as a candidate and designating the person to be his Vice-President in the election; and
- (b) he proves to the Electoral Commission that his nomination is supported by at least one thousand registered voters resident in each of at least two-thirds of all the districts of Uganda.

(3) The election of the President shall be held -

- (a) where the President is in office, not less than two months before the expiration of the term of the President;
- (b) in any other case, except as otherwise provided in this Constitution, within six months after the office of President becomes vacant.

(4) A person shall not be declared elected as President unless the number of votes cast in his favour at the presidential election is more than fifty percent of the total number of valid votes cast at the election.

(5) Where at a presidential election no candidate obtains the percentage of votes specified in clause (4) of this article, a second election shall be held in which the two candidates who obtained the highest number of votes shall be the only candidates, and the person who obtains the highest number of votes cast in the second election shall be declared President.

(6) The Chairman of the Electoral Commission shall, within twenty four hours after ascertaining the result of a presidential election, declare the result in writing.

(7) Any writing signed by a majority of the members of the Electoral Commission and under the seal of the Commission, and stating that a person named in it was declared elected as President of Uganda at the presidential election shall be proof that the person named is elected President.

(8) The person elected President during the term of a President shall assume office within twenty-four hours after the expiration of the term of his predecessor and in any other case, within twenty-four hours after his being declared elected as President.

(9) Subject to the provisions of this Constitution, Parliament shall by law, prescribe the procedure for the election of a President.

**107.** (1) The High Court shall have jurisdiction to hear and determine any question as to whether or not a person has been duly elected President.

Challengin  
g  
Presidentia  
l election.

(2) Any registered voter may, subject to the provisions of this article, challenge the validity of the election of the President by presenting a petition to the High Court.

(3) The petition shall be lodged within thirty days after the declaration of the result of the election.

(4) Parliament shall by law prescribe the grounds on which a petition under this article may be made.

(5) The Chief Justice shall make Rules of Court regulating the practice and procedure for petitions to the High Court challenging the election of a President.

(6) A person aggrieved by the decision of the High Court under this article may appeal to the Supreme Court.

Term of  
office  
President.

108. (1) A person elected President under this Constitution shall, subject to clause (3) of this article, hold office for a term of five years.

(2) A person shall not be elected under this Constitution to hold office as President of Uganda for more than two terms as prescribed by clause (1) of this article.

(3) The office of President shall become vacant-

(a) on the expiration of the period specified in clause (1) of this article; or

(b) if the incumbent dies or resigns or ceases to hold office under article 110 of this Constitution.

(4) The President may, by writing signed by him, and addressed to the Chief Justice, resign from his office as President.

(5) The resignation of the President takes effect when it is received by the Chief Justice.

(6) The Chief Justice shall, upon receiving the resignation of the President under this article, notify the Vice President, the Speaker and the Electoral Commission of the resignation.

Conditions or  
officer  
President.

109. (1) The President shall be paid a reasonable salary and allowances and afforded such other benefits as Parliament shall by law provide.

(2) Parliament shall by law make provision for the grant of reasonable retirement benefits for a President who ceases to hold office otherwise than by being removed under paragraph (a) or (b) of clause (1) of article 110 of this Constitution.

(3) The salary, allowances and other benefits granted to a President under this article shall be charged on the Consolidated Fund.

(4) The President is exempted from direct personal taxation on his official salary, allowances and other benefits.

(5) The President shall not hold any other public office other than those conferred by this Constitution or any office of profit or emolument likely to compromise the office of President.

(6) The salary, allowances and other benefits granted to the President under this article shall not be varied to his disadvantage while he holds office.

(7) The retirement benefits granted to a President under this article shall not be varied to his disadvantage during his lifetime.

**110.** (1) The President may be removed from office in accordance with this article on any of the following grounds -

**Removal of  
President.**

(a) abuse of office or willful violation of the oath of allegiance and the presidential oath or any provision of this Constitution;

(b) misconduct or misbehavior-

(i) that he has conducted himself in a manner which brings or is likely to bring the office of President into hatred, ridicule or contempt or disrepute; or

(ii) that he has dishonestly done any act or omission which is prejudicial or inimical to the economy of Uganda; or

(c) physical or mental incapacity, namely that he is incapable of performing the functions of his office by reason of physical or mental incapacity.

(2) For the purpose of removal of the President under paragraph (a) or (b) of clause (1) of this article, there shall be submitted to the Speaker of Parliament a notice in writing signed by not less than one third of all the members of Parliament-

(a) stating that they intend to move a resolution in Parliament for the removal of the President on a charge that he has willfully abused his office or willfully violated the oath of allegiance and the Presidential oath or any other provision of this Constitution or has been guilty of misconduct or misbehavior in terms of paragraph (a) or (b) of clause (1) of this article;

(b) setting out the particulars of the charge supported by the necessary documents on which it is claimed that the conduct of the President be investigated for the purposes of his removal.

(3) The Speaker of Parliament, shall immediately upon receipt of the notice referred to in clause (2) of this article, cause a copy to be transmitted / to the President.

(4) The Speaker shall then request the Chief Justice to constitute a tribunal comprising three Justices of the Supreme Court to investigate the allegation in the notice and to report its findings to Parliament stating whether or not there is a *prima facie* case for the removal of the President.

(5) The President is entitled to appear at the proceedings of the tribunal and to be represented there by a lawyer or other expert or person of his choice.

(6) If the tribunal determines that there is a *prima facie* case for the removal of the President under paragraph (a) or (b) of clause (1) of this article, then if Parliament passes the resolution supported by the votes of not less than two-thirds of all the members of Parliament, the President shall cease to hold office.

(7) The President is entitled to appear and be represented before Parliament during the proceedings of Parliament relating to the resolution.

(8) For the purposes of the removal of the President on ground of physical or mental incapacity under paragraph (c) of clause (1) of this article, there shall be submitted to the Speaker of Parliament a notice in writing signed by not less than one-third of all the members of Parliament -

(a) stating that they intend to move a resolution in Parliament for the removal of the President from office on grounds of physical or mental incapacity; and

(b) giving particulars of the alleged incapacity.

(9) The Speaker shall, as soon as possible upon receipt of a notice under clause (8) of this article, request the Director of Medical Services to constitute a Medical Board comprising five qualified and eminent medical specialists to examine the President in respect of the alleged incapacity and to report its findings to Parliament.

(10) The President shall be requested by the Speaker to submit himself to the Medical Board within fourteen days after the appointment of the Board.

(11) If the Medical Board determines that the President is by reason of physical or mental incapacity unable to perform the functions of his office and Parliament passes the resolution for the removal of the President supported by the votes of not less than two-thirds of all the members of Parliament, the President shall cease to hold office.

(12) The resolution for the removal of the President shall be moved in Parliament within fourteen days after the receipt by the Speaker of the report of the tribunal or the Medical Board.

**111.** (1) A person shall become Vice-President if the candidate who designated him as his Vice-President is duly elected as President in accordance with article 106 of this Constitution~

(2) The Vice-President shall-

(a) deputize for the President as and when the need arises; and

(b) carry on such other functions as may be assigned to him by the President, or as may be conferred on him by this Constitution.

(3) The qualifications prescribed for the office of President by article 105 of this Constitution apply to the office of Vice-President.

(4) The Vice-President shall, before commencing to perform the functions of Vice- President, take and subscribe the oath of allegiance and the oath of a Vice-President, as may be prescribed by Parliament.

(5) Articles 108 and 109 of this Constitution shall, subject to this Constitution, apply to the Vice-President; except that nothing in clause (2) of article 108 shall prevent a person who has been Vice-President from serving for two terms as President.

(6) The provisions of article 110 of this Constitution relating to the removal of the President apply to the office of Vice-President.

(7) Where the office of Vice-President becomes vacant the President may, with the approval of the National Council of State, appoint a person qualified under this Constitution to hold the office of Vice-President, to perform the functions of that office.

(8) A person appointed under clause (7) of this article shall, before assuming the office, take and subscribe the oath of Vice-President.

**112.** (1) If the President dies, resigns or is removed from office under article 110 of this Constitution, the Vice-President shall assume the office of President for the unexpired term of the President with effect from the date of death, resignation or removal of the President.

Acting In  
absence of  
the  
President.

(2) Where the unexpired term served by the President under clause (1) of this article is more than two years, then an election of a President shall take place within one year after the Vice-President assumes the office of President.

(3) Whenever the President is absent from Uganda or is for any other reason unable to perform the functions of the office of President, the Vice-President shall perform those functions until the President returns or is able again to perform those duties.



(4) Where the President and the Vice-President are both unable to perform the functions of the office of the President, the Speaker of Parliament shall perform those functions until the President or the Vice-President is able to perform those functions or until a new President assumes office.

(5) The Vice-President shall, before assuming the duties of the office of President under clause (1) of this article, nominate a person to the office of Vice-President, subject to the approval of the National Council of State.

(6) A person nominated under clause (5) of this article shall, before assuming the duties of the office of Vice-President take and subscribe the oaths prescribed in respect of that office under clause (4) of article III of this Constitution.

(7) Before assuming the duties of the office of President under clause (4) of this article, the Speaker shall take and subscribe the oaths specified in relation to that office in the Third Schedule to this Constitution.

(8) Whenever the Speaker of Parliament assumes the office of President as a result of the death, resignation or removal of the President and the Vice-President, there shall be a presidential election within six months after his assumption of that office.

Prerogative of mercy.

113. (1) The President may, on the advice of the Committee on the prerogative of mercy -

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

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

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

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

(4) A reference in this article to a conviction or imposition of a punishment, penalty, sentence or forfeiture includes conviction or imposition of a punishment, penalty, sentence or forfeiture by a court martial or other military tribunal.

### ***The Cabinet***

114. (1) There shall be a Cabinet which shall consist of the President, the <sup>Cabinet.</sup> Vice-President and such number of Ministers as may appear to the President to be reasonably necessary for the efficient running of the State and the administration and execution of the functions of the Government.

(2) The Cabinet shall assist the President in the determination and implementation of the general policy of government and such other functions as may be conferred by this Constitution or any other law.

(3) There shall be a Secretary to the Cabinet who shall be appointed by the President.

115. (1) The Cabinet shall be summoned by the President who shall preside at its meetings and in his absence by the Vice-President or in the absence of both of them by a Minister designated in writing by the President.

**Meetings of  
Cabinet.**

(2) The Cabinet shall regulate the procedure at its meetings.

116. (1) Ministers shall be appointed by the President with the approval of the National Council of State from among members of Parliament or persons qualified to be elected members of Parliament.

**Ministers.**

(2) The total number of Ministers shall not exceed twenty- one.

(3) A Minister shall have responsibility for such functions of government as the President may, from time to time assign to him.

(4) A Minister shall not hold any office of profit or emolument likely to compromise his office.

Deputy  
Ministers.

117. (1) The President may, with the approval of the National Council of State, appoint one or more Deputy Ministers to assist a Minister in the performance of his functions.

(2) Deputy Ministers shall be appointed from among members of Parliament or persons qualified to be elected members of Parliament, and their total number shall not exceed the total number of Ministers prescribed by article 116 of this Constitution.

(3) Clause (4) of article 116 of this Constitution applies to a Deputy Minister as it applies to a Minister.

Oaths or  
Ministers  
and Deputy  
Ministers.

118. A Minister or Deputy Minister shall, before assuming the duties of his office, take and subscribe the oath of allegiance and the oath of Minister or Deputy Minister as prescribed by Parliament by law.

Terms of  
Ministers  
and Deputy  
Ministers.

119. The office of a Minister or Deputy Minister shall become vacant if (a)

his appointment is revoked by the President; or

(b) he is elected as Speaker or Deputy Speaker of Parliament; or

(c) he resigns from office; or

(d) he becomes disqualified to be a Member of Parliament; or

(e) he dies.

Collective  
responsibility  
of Ministers.

120. Ministers shall, individually be accountable to the President for the administration of their Ministries and collectively be responsible for any decision made by the Cabinet.

Vote or  
censure.

121. (1) Parliament may, by resolution supported by not less than half of all the members of Parliament, pass a vote of censure against a Minister or a Deputy Minister.

(2) Upon a vote of censure being passed against a Minister or a Deputy Minister, the President shall, unless the Minister or Deputy Minister resigns his office, take appropriate action in the matter.

(3) A notice for a censure shall be initiated by a petition to the President through the Speaker signed by not less than one third of all the members of Parliament to the effect that they are dissatisfied with the conduct or performance of the Minister or Deputy Minister in question.

(4) The President shall, upon receipt of the petition, cause a copy of it to be given to the Minister or Deputy Minister in question.

(5) The motion for the resolution of censure shall not be debated until the expiry of fourteen days after the petition was sent to the President.

(6) A Minister or the Deputy Minister in respect of whom a vote of censure is debated under clause (5) of this article is entitled during the debate to be heard in his defence.

122. The Vice-President or the Attorney-General or a Minister who is not a member of Parliament is entitled to participate in the proceedings of Parliament and shall be accorded all the privileges of a member of Parliament except that he is not entitled to vote or to hold any office in Parliament.

**Attendance In  
Parliament or  
Vice-President  
and Ministers.**

123. (1) There shall be an Attorney-General who may not be a Minister and who shall be appointed by the President with the prior approval of the National Council of State.

**Attorney  
General.**

(2) The Attorney-General shall be a person who has been qualified to practise as an advocate before the High Court for not less than ten years.

(3) The Attorney-General shall be the principal legal adviser of the Government of Uganda.

(4) The functions of the Attorney-General are -

- (a) to give legal advice to the Government on any subject when required;
- (b) to render legal opinions on behalf of the Government;
- (c) to draw and peruse agreements, contracts, treaties, conventions and documents by whatever name called, to which the Government is a party or in respect of which the Government has an interest;
- (d) to represent the Government in courts or legal proceedings to which the Government is a party; and
- (e) to perform such other functions as may be assigned to him by the President or, by law.

(5) The Attorney-General is entitled to attend Cabinet meeting~.

*Director of Public Prosecutions.*

124 (1) There shall be a Director of Public Prosecutions appointed by the President on the recommendation of the Public Service Commission and with the approval of the National Council of State.

**Director or  
Public  
Prosecutions.**

(2) A person is not qualified to be appointed Director of Public Prosecutions unless he is qualified to be appointed a Judge of the High Court.

(3) The functions of the Director of Public Prosecutions are -

- (a) to institute criminal proceedings against any person or authority in any court with competent jurisdiction other than a court-martial;
- (b) with the consent of the court, to take over and continue any criminal proceedings instituted by any other person or authority; and
- (c) to discontinue at any stage before judgment is delivered, any criminal proceedings to which this article relates, instituted by himself or any other person or authority; except that he shall not discontinue any proceedings commenced by another person or authority except with the consent of the court.

(4) The functions conferred on the Director of Public Prosecutions by this article may be exercised by him in person or by officers authorised by him in accordance with general or special instructions given by him.

(5) In exercising his powers under this article, the Director of Public Prosecutions shall have regard to the public interest, the interest of the administration of justice and the need to prevent abuse of legal process.

(6) In the exercise of the functions conferred on him by this article, the Director of Public Prosecutions shall not be subject to the direction or control of any person or authority; except that he shall give effect to any directions in writing on matters of general policy issued to him by the Attorney-General.

(7) The Director of Public Prosecutions may be removed from office by the President with the approval of the National Council of State only -

- (a) for inability to perform the functions of his office arising out of physical or mental incapacity or any other cause; or
- (b) for misbehavior or misconduct.

### ***International Relations***

125. (1) The Government of Uganda shall conduct international affairs in consonance with accepted principles of international law and diplomacy consistent with the national interest of Uganda.

**International  
relations.**

(2) In particular, the Government shall promote international coop-

eration which is beneficial to Uganda and work towards close regional cooperation and integration.

126. (1) The President may, with the approval of the National Council of State appoint persons to represent Uganda abroad.

**Diplomatic representation**

(2) The President may receive envoys accredited to Uganda.

127. (1) The President or a person authorised by him may make treaties, conventions, agreements or other arrangements between Uganda and any other country, or between Uganda and any international organisation or body, in respect of any matter.

**Execution of treaties etc.**

(2) In exercising the powers conferred by clause (1) of this article, the President or the person authorised by him to act on his behalf shall seek the legal opinion of the Attorney-General.

(3) A treaty, convention or agreement or other arrangement made under clause (1) of this article shall be subject to ratification by Parliament.

### ***War and Emergencies***

128. (1) The President may, with the approval of Parliament given by resolution supported by not less than two-thirds of all the members of Parliament, declare that a state of war exists between Uganda and any other country.

**Declaration of War.**

(2) Where it is impracticable to seek the approval of Parliament before the declaration of war under clause (1) of this article, the approval shall be sought within fourteen days after the declaration if Parliament is sitting, or if Parliament is not sitting, within thirty days after Parliament has commenced sitting.

(3) Parliament may by resolution, revoke a declaration of war made under clause (1) of this article.

129. (1) The President may, in consultation with the National Council of State, by proclamation, declare that a state of emergency exists in Uganda or any Part of Uganda, if he is satisfied that circumstances exist in Uganda or in that part of Uganda -

**Emergency powers or President.**

(a) in which Uganda or that part of it, is threatened by war or external aggression; or

(b) in which the security or the economic life of the country or that part, is threatened by internal insurgency or natural disaster; or

(c) which render necessary the taking of measures which are required for securing the public safety, the defence of Uganda and the maintenance of public order and supplies and services essential to the life of the community.

(2) Subject to the provisions of this article, a state of emergency declared under clause (1) of this article shall remain in existence for not more than ninety days and shall then expire.

(3) The President shall cause the proclamation declaring the state of emergency to be laid before Parliament as soon as practicable and in any case, not later than fourteen days after it was issued when Parliament is sitting, or within thirty days after it was issued, if Parliament is not sitting.

(4) A state of emergency may be extended by Parliament for a period not exceeding six months at a time.

(5) The President or Parliament shall, if satisfied that the circumstances for the declaration of the state of emergency have ceased to exist, revoke the proclamation by which the state of emergency was declared.

(6) During any period when a state of emergency declared under this article exists, the President shall submit to Parliament at such intervals or as Parliament may prescribe, regular reports on actions taken by or on behalf of the President for the purposes of the emergency.

(7) Subject to the provisions of this Constitution, Parliament shall enact such laws as may be necessary for enabling effective measures to be taken for dealing with any state of emergency that may be declared under this article.

(8) Subject to any restrictions imposed by this Constitution, Parliament may, by a law enacted under clause (7) of this article, provide for the suspension of any fundamental human right or freedom during the period when a state of emergency is in force.

(9) The President shall do all in his power to deal with any state of emergency declared under this article, subject to any law enacted by Parliament under this article.

(10) Any resolution passed by Parliament for the purposes of clause (4) or (5) of this article shall be supported by the votes of not less than half of all the members of Parliament.

CHAPTER EIGHT  
**THE LEGISLATURE**

*Establishment, Composition and Functions of  
Parliament*

130. (1) There shall be a Parliament of Uganda the composition and functions of which shall be as prescribed by or under this Constitution.

**Establishment and term of Parliament.**

(2) The term of Parliament shall be five years from the date of its first sitting after a general election.

(3) Where there exists a state of war or a state of emergency or such other circumstance as would prevent a normal general election from being held, Parliament may, by resolution supported by not less than two-thirds of all the members of Parliament, extend the life of Parliament for a period not exceeding twelve months.

131. (1) Parliament shall consist of members directly elected to represent constituencies on the basis of universal adult suffrage and by secret ballot and representatives of interest groups as set out in clause (2) of this article.

**Composition of Parliament.**

(2) The representatives of the interest groups are-

- (a) ten representatives elected by the Armed Forces Council from among serving officers of the Uganda Armed Forces;
- (b) fifteen women representatives elected by a democratically elected National Council of Women taking into account representation from the various districts of Uganda;
- (c) five representatives elected by the national youth organisations;  
and
- (d) three workers elected by the national workers' organisations.

(3) Parliament shall from time to time review the representatives of the interest groups and may, by Act of Parliament, approved at the second and third readings by at least two-thirds of all the members of Parliament, increase, reduce or abolish all or any of those representatives or substitute representation of other interest groups.

(4) Parliament shall, by law prescribe the procedure for the election of representatives of the interest groups as members of Parliament.

132. (1) Subject to the provisions of this Constitution, the legislative power of Uganda is vested in Parliament and shall be exercised in accordance with this Constitution.

**Functions of Parliament.**



(2) Subject to this Constitution, Parliament may make laws for peace, order and good government with respect to any matter.

(3) Parliament shall make laws for the well being and development of Uganda in accordance with the provisions of this Constitution.

(4) Except as provided in this Constitution, no person or body other than Parliament shall have power to make provisions having the force of law in Uganda except under authority conferred by an Act of Parliament.

(5) Parliament shall protect this Constitution and promote the democratic governance of Uganda.

(6) Parliament shall have power to remove the President in accordance with the provisions of this Constitution.

**Qualifications  
and dis-  
qualifications of  
members of  
Parliament.**

**133.** (1) A person is qualified to be a member of Parliament if-

- (a) he is a citizen of Uganda, has attained the age of twenty five years and is a registered voter;
- (b) he is resident in the constituency for which he stands as a candidate for election and has some tangible interest in that constituency and in particular, has been ordinarily resident there during the period of twelve months immediately preceding the election; and
- (c) he has completed a minimum formal education of Ordinary Level standard or its equivalent;

(2) Paragraph (b) of clause (1) of this article does not apply to the election of the representatives of the interest groups mentioned in clause (2) of article 131 of this Constitution.

(3) A person is disqualified from being a member of Parliament if he

- (a) ceases to be a citizen of Uganda;
- (b) is of unsound mind;
- (c) is convicted of an offence involving moral turpitude;
- (d) is disqualified for election by a law in force in Uganda by reason of his holding or acting in an office the functions of which involve a responsibility for or in connection with, the conduct of an election or a responsibility for the compilation or revision of an electoral register;

- (e) is a member of a Iq6al government council;
- (f) is a public officer;
- (g) is a traditional leader;
- (h) has been adjudged or otherwise declared bankrupt under any law in force in Uganda and has not been discharged;
- (i) is under sentence of death or other sentence of imprisonment exceeding six months imposed by any competent court without the option of a fine.

(4) A person shall not be taken to be disqualified to be a member of Parliament under clause (3) of this article by reason of conviction for any offence if-

- (a) ten years have passed since the end of the sentence; or
- (b) he has been pardoned in respect of that offence; or
- (c) the conviction in question has been quashed by a higher court or tribunal.

134. (1) There shall be a Speaker and a Deputy Speaker of Parliament who shall be elected by members of Parliament from among me{11}rets of Parliament.

Speaker  
and  
Deputy  
Speaker.

(2) A person shall not be qualified to be elected a Speaker or Deputy Speaker if he is a Minister or a Deputy Minister.

(3) No business shall be transacted in Parliament other than an election to the office of Speaker at any time when that office is vacant.

(4) The Chief Justice or a Judge designated by him shall preside at an election of a Speaker.

(5) An election to the office of Deputy Speaker shall be held at the first sitting of Parliament after that office becomes vacant.

- (6) The Speaker or the Deputy Speaker shall vacate his office(a) if he is appointed to any other public office;
- (b) if he becomes a Minister or Deputy Minister;
- (c) if he resigns his office by writing signed by him addressed to the Clerk to Parliament;

- (d) if he ceases to be a member of Parliament; or
- (e) if he is removed by resolution of Parliament supported by not less than two-thirds of all the members of Parliament.

(7) The Speaker and Deputy Speaker shall receive such salary and allowances and, on retirement, such retiring benefits as may be prescribed by Parliament by law.

(8) The salaries, allowances and retiring benefits of the Speaker and Deputy Speaker shall be charged on the Consolidated Fund ..

(9) The Speaker and Deputy Speaker shall each before assuming the duties of his office take and subscribe the oath of Speaker or Deputy Speaker as prescribed by Parliament by law.

**Tenure of  
office of  
members of  
Parliament.**

135. (1) A member of Parliament shall vacate his seat in Parliament-

- (a) if he is recalled by the electorate in his constituency in accordance with this Constitution;
- (b) if he resigns his office by writing signed by him and addressed to the Speaker;
- (c) if such circumstances arise that if he were not a member of Parliament would cause him to be disqualified for election as a member of Parliament under article 133 of this Constitution;
- (d) subject to the provisions of this Constitution, upon dissolution of Parliament;
- ( e) if he is expelled by Parliament after having been found guilty of contempt of Parliament by the Committee of Parliament on privileges;
- (f) if he is absent from fifteen sittings of Parliament without permission in writing of the Speaker during any period when Parliament is continuously meeting, and he is unable to offer satisfactory explanation to the Parliamentary Committee on privileges for his absence;
- (g) if he is found guilty by the appropriate tribunal of grave violation of the Leadership Code of Conduct and the punishment imposed is or includes the vacation of the office of a member of Parliament;
- (h) if he leaves the party for which he stood as a candidate for his election to Parliament to join another party or seeks to remain in Parliament as an independent member;

(i) if he was elected a member of Parliament as an independent candidate and joins a political party.

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

136. (1) The voters of any constituency are entitled to recall their representative from membership of Parliament before the expiry of Parliament.

**Right of recall.**

(2)-Parliament shall by law prescribe the grounds and the procedure to be followed for the recall of a member of Parliament under this article.

(3) For the avoidance of doubt, physical incapacity and mental incapacity shall be included among the grounds under this article.

(4) This article applies with necessary modifications to persons representing interest groups as set out in article 131 of this Constitution.

(5) Without prejudice to clauses (2) and (3) of this article, to recall a member of Parliament, a petition signed by at least one-third of the registered voters of the Constituency in question shall be delivered to the Electoral Commission stating that the people of the constituency have lost confidence in the member of Parliament.

(6) If the Electoral Commission is satisfied after reasonable inquiry about the genuineness of the ground in the petition and the number of voters supporting it, the Commission shall declare the seat of the member of Parliament vacant and hold a by-election in that constituency.

137. The Leadership Code of Conduct shall apply to all members of Parliament.

**Code of Conduct to apply to members of Parliament.**

138. (1) A member of Parliament shall be paid such emoluments and shall be provided with such facilities as the appropriate Committee of Parliament may, with the approval of the President determine.

**Emoluments or members of Parliament.**

(2) A member of Parliament shall be paid such gratuity as may be determined by Parliament with the approval of the President.

(3) Subject to the Leadership Code of Conduct a member of Parliament shall not hold any office of profit or emolument likely to compromise his office.

**Determination  
of questions of  
Membership  
etc.**

139. (1) The High Court shall have jurisdiction to hear and determine any question whether -

- (a) a person has been validly elected a member of Parliament or the seat of a member of Parliament has become vacant; or
- (b) a person has been validly elected as a Speaker of Parliament or Deputy Speaker or having been so elected, has vacated that office.

(2) A person aggrieved by the determination of the High Court under this article may appeal to the Supreme Court ..

(3) Parliament shall, by law make provision with respect to-

- (a) the persons eligible to apply to the High Court for determination of any question under this article;
- (b) the circumstances and manner in which and the conditions upon which any such application may be made.

**Clerk to  
Parliament  
and  
other staff**

140. There shall be a public officer designated Clerk to Parliament and such other members of staff as may be necessary for the efficient discharge . of the functions of Parliament.

### ***Procedure of Parliament***

**Quorwn or  
Parliament.**

141. The quorum of Parliament, apart from the person presiding, shall be one third of all the members of Parliament.

**Voting In  
Parliament  
.**

142. (1) Except as otherwise prescribed by this Constitution, or any law which is consistent with this Constitution, any question proposed for discussion in Parliament shall be determined by a majority of votes of the members present and voting.

(2) The person presiding in Parliament shall have neither an original nor a casting vote and if on any question before Parliament the votes are equally divided the motion shall be lost.

(3) The rules of procedure of Parliament may make provision under which a member of Parliament is prohibited from voting on a question in which he has a direct pecuniary interest and for his vote in such circumstances not to be taken into account.

(4) Except as expressly provided by this Constitution, voting in Parliament shall be according to the rules of procedure of Parliament.

**143.** (1) Parliament shall appoint standing committees and other committees necessary for the efficient discharge of its functions.

**Standing  
committees  
and other  
committees of  
Parliament.**

(2) In particular, Parliament shall have standing committees on the following subjects -

- (a) procedures, discipline, privileges and welfare of members;
- (b) planning, agriculture, the economy, and development;
- (c) defence and security;
- (d) finance and public accounts;
- (e) constitutional, legal and human rights;
- (f) public utilities;
- (g) social services and welfare;
- (h) international and regional cooperation; and
- (i) local government.

(3) The following shall apply with respect to the composition of the committees of Parliament -

- (a) the members of the standing committees shall be elected from among the members of Parliament at the commencement of the first session of Parliament;
- (b) members of Parliament shall indicate by writing to the Speaker their preferences as to the standing committees of which they wish to be members in order of priority;
- (c) the Speaker shall appoint the Chairmen of the committees in accordance with their competence and the order of preferences indicated by them;
- (d) the Vice-President, a Minister or Deputy Minister is not qualified to be a member of a committee of Parliament but may be invited to take part in its proceedings.

(4) The number of members of each committee of Parliament shall be determined by Parliament.

(5) The functions of standing committees are as follows -

- (a) to discuss any bill laid before Parliament and to initiate any bill within its area of competence;

- (b) to assess and evaluate activities of Government and other bodies in which Government has an interest;
- (c) to carry out relevant research in their respective fields;
- (d) to report to Parliament on their functions.

(6) In the exercise of its functions under this article, a committee of Parliament-

- (a) may call any Minister or any person holding public office and private individuals to submit memoranda or appear before the committee to give evidence;
- (b) may co-opt or employ qualified persons to assist it in the discharge of its functions;
- (c) shall have the powers, rights and privileges of the High Court or a Judge of the High Court at a trial for-
  - (i) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
  - (ii) compelling the production of documents; and
  - (iii) issuing a commission or request to examine witnesses abroad.

(7) Parliament -

- (a) shall by law make such provision as may be necessary for ensuring that the functions of committees of Parliament are effectively carried out, and in particular that their orders and decisions are duly complied with or given effect;
- (b) may prescribe the functions of a committee of Parliament other than a standing committee.

**Mode of  
exercise of  
legislative  
power.**

**144.** (1) Subject to the provisions of this Constitution, the power of Parliament to make laws shall be exercised by bills passed by Parliament and assented to by the President.

(2) A bill passed by Parliament shall, as soon as possible, be presented to the President for assent.

(3) The President shall, within thirty days after a bill is presented to him -

- (a) assent to the bill; or
- (b) return the bill to Parliament with a request that the bill or a particular provision of it be reconsidered by Parliament.

(4) Where the President fails to do any of the acts specified in clause (3) of this article, within the period prescribed in that clause, he shall be taken to have assented to the bill at the expiration of that period and that bill shall become law.

(5) Where the President refuses to assent to a bill passed by Parliament and the bill is passed again by Parliament by a majority of not less than two-thirds of all members of Parliament, the bill shall become law and the assent of the President shall not be required.

(6) A bill passed by Parliament and assented to by the President or which has otherwise become law under this article, shall not come into force unless published in the Gazette.

**145.** Parliament has no power to pass any law to alter the decision or judgment of any court as between the parties subject to that decision or judgment.

**Restriction on retrospective legislation.**

**146.** Parliament shall not, unless the bill or the motion is introduced by or on behalf of, the President -

**Restrictions with regard to certain financial matters.**

- (a) proceed upon a bill, including an amendment to a bill, that in the opinion of the person presiding makes provision for any of the following -
  - (i) the imposition of taxation or the alteration of taxation otherwise than by reduction; or
  - (ii) the imposition of a charge on the Consolidated Fund or other public fund of Uganda or the alteration of any such charge otherwise than by reduction; or
  - (iii) the payment, issue or withdrawal from the Consolidated Fund or other public fund of Uganda of any moneys not charged on that fund or any increase in the amount of that payment, issue or withdrawal; or
  - (iv) the composition or remission of any debt due to the Government of Uganda; or
- (b) proceed upon a motion, including an amendment to a motion, the effect of which in the opinion of the person presiding, would be to make provision for any of the purposes specified in paragraph (a) of this article.

**147.** (1) Subject to the provisions of this Constitution, Parliament may make rules to regulate its own procedure including the procedure of its committees.

**Rules of procedure of Parliament.**



(2) Parliament may act notwithstanding a vacancy in its membership including a vacancy not filled when Parliament first meets after dissolution of Parliament.

(3) The presence or the participation of a person not entitled to be present or to participate in the proceedings of Parliament shall not by itself, invalidate those proceedings.

(4) the rules of procedure of Parliament shall prescribe that-

(a) the Executive shall determine the order of priority in the enactment of laws by Parliament;

(b) a private member of Parliament shall have the right to move a private member's bill;

(c) the member moving the private member's bill should be afforded reasonable assistance by the department of Government whose area of operation is affected by the bill; and

(d) the office of the Attorney-General should afford the member moving the private member's bill reasonable professional assistance in the drafting of the bill.

***Summoning and Dissolution of Parliament.***

Sessions of  
Parliament.

148. (1) A session of Parliament shall be held at such place within Uganda and shall commence at such time as the Speaker may, by proclamation, appoint.

(2) The Speaker may by proclamation, prorogue Parliament

(3) Where a new Parliament is elected, the President shall, by proclamation, appoint the date and place of the first session of Parliament to enable the Speaker and the Deputy Speaker to be elected and the date appointed shall be within thirty days after the general election.

(4) A session of Parliament shall be held at least once a year but the period between one session and the next following session shall be less than twelve months.

(5) Notwithstanding any other provision of this article, one third or more of all the members of Parliament may request a meeting of Parliament; and the Speaker shall, within twenty one days after the receipt of the request, summon Parliament unless exceptional circumstances exist rendering it impossible so to do.

(6) Subject to article 149 of this Constitution and to the other provisions of this Constitution, a general election of members of Parliament shall be held within sixty days before the expiry of the period of five years of the term of Parliament.

(7) A session of Parliament shall commence within twenty one days after the expiration of the period referred to in clause (6) of this article.

(8) Whenever a vacancy exists in Parliament the Clerk to Parliament shall notify the Electoral Commission in writing within ten days after the vacancy occurred, and a by-election shall be held within sixty days after the vacancy occurred.

(9) Notwithstanding clause (8) of this clause, a by-election shall not be held within six months before the holding of a general election.

149. Parliament shall stand dissolved -

**Dissolution or  
Parliament.**

- (a) upon the expiration of its term as prescribed by article 130 of this Constitution; or
- (b) if the life of Parliament is extended as provided for in clause (3) of article 130 of this Constitution, upon the expiration of the extended period; or
- (c) where a general election has been held as a result of a resolution passed under paragraph (c) of clause (2) of article 92 of this Constitution, on the first sitting of the new Parliament elected at the general election; or
- (d) in any other circumstances prescribed by this Constitution.

*General*

150. The Speaker, the Deputy-Speaker, members of Parliament and any other person participating or assisting in or acting in connection with or reporting the proceedings of Parliament or any of its committees shall be entitled to such immunities and privileges as Parliament shall by law prescribe.

**Immunities and  
privileges or  
Parliament.**

151. Subject to the provisions of this Constitution, Parliament may provide for any matter which arises and for which no provision is made under this Constitution either expressly or by necessary implication.

**Residual  
powers or  
Parliament.**

CHAPTER NINE

**THE NATIONAL COUNCIL OF STATE**

**Establishment of  
National Council  
of State.**

**152.** (1) There shall be a National Council of State which shall consist of

- (a) the President who shall be the Chairman;
- (b) the Vice President;
- (c) the Speaker and the Deputy Speaker of Parliament;
- (d) ten members of the Cabinet appointed by the President;
- (e) one representative from each of the districts of Uganda elected by the District Council from among members of Parliament elected from that district on the basis of universal adult suffrage; and
- (f) five women representatives elected by Parliament from among women members of Parliament.

(2) The Clerk to Parliament shall act as Secretary to the National Council of State.

**Functions of  
National Council  
of State.**

**153.** (1) The functions of the National Council of State are -

- (a) to act as liaison between the Executive and Parliament and to endeavor to establish and promote good working relations between them including the resolution of any conflicts that may arise between them;
- (b) to counsel the President on the exercise of the executive power of the State;
- (c) to discuss and advise on matters initiated by the Executive and referred to the Council;
- (d) to promote good relations between central and local governments;
- (e) to perform any functions in relation to appointment to or removal from any office as provided by this Constitution; and
- (f) to perform such other functions as are prescribed by this Constitution or by any other law which is consistent with this Constitution.

(2) When exercising its functions under paragraph (e) of clause (1) of this article -

(a) the Council shall be presided over by the Speaker as Chairman or in his absence by the Deputy Speaker; and

(b) neither the President, Vice- President nor any other member of the Cabinet shall sit as a member but may be invited by the Speaker to attend the meeting.

(3) Subject to the provisions of this article, in the absence of the President the Vice President shall preside at the meeting of the Council.

(4) When exercising its powers under paragraph (f) of clause (1) of this article the composition of the Council shall be as prescribed by Parliament by law.

(5) A member of the National Council of State shall not assume the duties of his office unless he has taken and subscribed the oath of a member of the National Council of State as prescribed by Parliament by law.

**154.** (1) Whenever the President is of the opinion that there is such a disagreement between the Executive and the Legislature as to be likely to disrupt the smooth running of the Government, he shall refer the issue over which there is disagreement to the National Council of State for advice.

**Procedure  
for resolving  
conflicts**

(2) After deliberation over any issue referred to it under clause (1) of this article, the Council may -

(a) give advice to the President as it deems fit; or

(b) refer the issue to Parliament for discussion making suggestions as to how the matter can be resolved; and Parliament shall, by resolution advise the President as to the manner of resolving the Issue.

(3) Where the disagreement continues after the steps taken under clause (2) of this article, the President shall request the Council to make the issue on which there is disagreement a national issue for resolution by referendum.

(4) If the President decides to make an issue one for a referendum under clause (3) of this article, the referendum shall be held within sixty days after the decision was communicated to the National Council of State under clause (3) unless the President and Parliament have, before the expiry of that period resolved the issue.

(5) Where a referendum is held under this article, both the President and Parliament shall be bound by the decision of the people.

(6) Where the President refuses to accept the decision of the people in the referendum, he shall resign and a presidential election shall be held within three months after the refusal.

(7) Where Parliament refuses to accept the decision of the people in the referendum, then Parliament shall stand dissolved and a general election shall be held within three months after the refusal.

(8) Where a disagreement between the Executive and the Legislature concerns the approval by Parliament of the annual budget proposals of the Government, Parliament shall, notwithstanding the disagreement, pass a vote on account for funds to issue to enable Government functions to be financed for a period not exceeding six months.

(9) Subject to the provisions of this article, the National Council of State shall regulate its own procedure.

Emoluments of -  
members of  
National Council  
of State. .

**155.** (1 )Members of the National Council of State shall be paid such allowances as Parliament may prescribe.

(2) Any allowances payable to members of the National Council of State under clause (1) of this article shall be charged on the Consolidated Fund.

CHAPTER TEN

**THE JUDICIARY**

*Administration of Justice*

156. (1) Judicial power is derived from the people and shall be exercised by the courts established under this Constitution in the name of the people and in conformity with law and with the values, norms and aspirations of the people.

**Exercise of  
Judicial  
power.**

(2) In adjudicating cases of both a civil and a criminal nature, the courts shall, subject to the law, be guided as far as possible by the following principles -

- (a) justice shall be done to all irrespective of their social or economic status;
- (b) justice shall not be delayed;
- (c) adequate compensation shall be awarded to victims of wrongs; (d) reconciliation between parties shall be promoted; and
- (e) substantive justice shall be administered without undue regard to technicalities.

(3) The courts shall endeavor to educate the people with a view to establishing a spirit of -

- (a) voluntary and conscious observance of the law; and
- (b) referring disputes to courts for adjudication.

157. (1) The people shall participate in the administration of justice and in particular through the system of trial by jury and assessors.

**Participation of  
the people In  
the  
administration  
of justice.**

(2) Parliament shall make law providing for participation of the people in the administration of justice by the courts.

158. (1) In the exercise of judicial power the courts shall be independent and not be subject to the control or direction of any person or authority.

**Independence  
or the  
Judiciary.**

(2) No person or authority shall interfere with the courts or judicial officers in the exercise of their judicial functions.

(3) All organs and agencies of the State shall accord to the courts such assistance as the courts may reasonably require to protect the independence and to ensure the effectiveness of the courts.

(4) A person exercising judicial power shall not be liable to any action or suit for any act, or omission by him in good faith in the exercise of judicial power.

(5) The administrative expenses of the Judiciary including all salaries, allowances, gratuities and pensions payable to or in respect of persons serving in the Judiciary shall be charged on the Consolidated Fund.

(6) The Judiciary shall be self-accounting and may deal directly with the Ministry responsible for finance in relation to its finances.

(7) The salary, allowances, privileges and retirement benefits and other conditions of service of a Justice of the Supreme Court or a Judge of the High Court or any other judicial officer or other person exercising judicial power shall not be varied to his disadvantage.

(8) The office of a Justice of the Supreme Court or a Judge of the High Court shall not be abolished when there is a substantive holder of that office.

***The Courts of Judicature***

**The  
Judicature.**

**159.** (1) The Judicial power of Uganda shall be exercised by the Courts of Judicature which shall consist of -

- (a) the Supreme Court of Uganda;
- (b) the High Court of Uganda; and
- (c) such subordinate courts as Parliament may by law establish.

(2) Subject to the provisions of this Constitution, Parliament may make provision for the jurisdiction and procedure of the Courts.

***The Supreme Court of Uganda***

**Suprem  
e Court  
of  
Uganda.**

**160.** The Supreme Court shall consist of -

- (a) the Chief Justice;
- (b) the Deputy Chief Justice; and
- (c) such number of Justices of the Supreme Court not being less than five, as Parliament may by law prescribe.

**Appeals to  
the  
Supreme  
Court.**

**161.** (1) The Supreme Court shall be the final court of appeal and shall be a superior court of record and have all powers of such a court.

(2) An appeal shall lie to the Supreme Court from such decisions of the High Court as may be prescribed by law.

(3) The Supreme Court may, while treating its own previous decisions as normally binding, depart from a previous decision when it appears to it right to do so; and all other courts shall be bound to follow the decisions of the Supreme Court on questions of law.

162. (1) The Supreme Court shall be duly constituted at any sitting if it consists of an uneven number not being less than three members of the Court.

**Composition  
of the Supreme  
Court.**

(2) When hearing an appeal against a decision on a question relating to the interpretation of the Constitution, the Court shall be duly constituted if it consists of an uneven number not being less than five members of the Court.

(3) The Chief Justice shall preside at each sitting of the Supreme Court and in his absence the Deputy Chief Justice shall preside, and in the absence of both of them, the most senior member of the Court as constituted shall preside.

(4) The Chief Justice may create such divisions of the Supreme Court as he may consider necessary -

- (a) consisting of such numbers of Justices of the Supreme Court as may be assigned to them by the Chief Justice;
- (b) sitting at such places in Uganda as the Chief Justice may, after consultation with the Attorney-General by statutory order, determine.

163. (1) The Chief Justice -

- (a) shall be the head of the judiciary and shall be responsible for the administration and supervision of all the courts in Uganda; and
- (b) may issue orders and directions to the courts necessary for the proper and efficient administration of justice.

**Administrative  
functions of the  
Chief Justice.**

(2) Subject to clause (1) of this article, the Deputy Chief Justice shall

- (a) assist the Chief Justice in the administration of the Courts; and
- (b) perform such other functions as may be delegated or assigned to him by the Chief Justice.

164. (1) The Chief Justice and the Deputy Chief Justice shall be appointed by the President with the approval of the National Council of State.

**Appointment of  
Justices of the  
Supreme Court.**

(2) A Justice of the Supreme Court shall be appointed by the President



on the advice of the Judicial Service Commission and with the approval of the National Council of State.

(3) A person shall be qualified for appointment as -

- (a) Chief Justice, if he has served as a Justice of the Supreme Court of Uganda or of a court having similar jurisdiction or has practiced as an advocate before a court having unlimited jurisdiction in civil and criminal matters for a period not less than ten years;
- (b) Deputy Chief Justice, if he has served as a Justice of the Supreme Court of Uganda or has served as a Judge of the High Court or a court having similar jurisdiction or has practised as an advocate before a court having unlimited jurisdiction in civil and criminal matters for not less than ten years;
- (c) A Justice of the Supreme Court, if he has served as a Judge of the High Court or a Court having similar jurisdiction or has practised before a court having unlimited jurisdiction in civil and criminal matters for a period not less than ten years.

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

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

(6) Where-

(a) the office of the Deputy Chief Justice is vacant; or (b)

the Deputy Chief Justice is acting as Chief Justice; or

(c) the Deputy Chief Justice is for any reason unable to perform the functions of his office,

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

(7) Where-

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

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

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

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

**Tenure of once  
of Justices or  
the Supreme  
court.**

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

(3) A Justice of the Supreme Court may be removed from office only for inability to perform the functions of his office, arising from infirmity of body or mind or from any other cause, or for misbehavior or misconduct and only in accordance with the provisions of this article.

(4) A Justice of the Supreme Court shall be removed by the President if the question of his removal has been referred to a tribunal appointed under clause (5) of this article and the tribunal has recommended to the President that he ought to be removed from office on any ground described in clause (3) Of this article.

(5) Subject to clause (6) of this article, the question whether the removal of a Justice of the Supreme Court should be investigated shall be referred to the President by the Judicial Service Commission with advice that the President should appoint a tribunal; and the President shall then appoint a tribunal consisting of three persons who shall be Justices of the Supreme Court or persons who hold or have held office in a court of similar jurisdiction.

(6) Where a representation is made in writing to the National Council of State by any person or authority making allegations which if proved could result in the removal of the Chief Justice or the Deputy Chief Justice, the National Council of State shall refer to the President, the question whether the Chief Justice or the Deputy Chief Justice should be removed and the same consequences shall follow as prescribed in clause (5) of this article.

(7) If the question of removing the Chief Justice, Deputy Chief Justice or a Justice of the Supreme Court is referred to a tribunal under this article, the President shall suspend him from performing the functions of his office.

(8) A suspension under clause (7) of this article shall cease to have effect if the tribunal advises the President that the person suspended should not be removed.

***The High Court of Uganda***

High Court of  
Uganda.

166. (1) The High Court of Uganda shall consist of (a)  
the Principal Judge; and

(b) such other number of Judges as may be prescribed by the Judicial Service Commission, acting on the advice of the Chief Justice.

(2) The High Court shall sit in such places as the Chief Justice may appoint and in doing so, the Chief Justice shall as far as practicable ensure that the High Court is accessible to all the people.

General  
jurisdiction of  
High Court.

167. (1) The High Court shall, subject to the provisions of this Constitution, have jurisdiction in all matters, in particular civil and criminal matters and such original, appellate and other jurisdiction as may be conferred on it by this Constitution or any other law.

(2) Subject to the provisions of this Constitution and any other law, the decisions of any court lower than the High Court shall be appeal able to the High Court. -

Questions of  
interpretation of  
the  
Constitution.

168. (1) Any question as to the interpretation of this Constitution shall be determined by the High Court consisting of a bench of not less than three Judges of the High Court.

(2) A person who alleges that -

(a) an Act of Parliament or anything in or done under the authority of any law; or

(b) any actor omission of any person or authority,

is inconsistent with or in contravention of a provision of this Constitution, may petition the High Court for a declaration to that effect and for redress where appropriate.

(3) Where any question as to the interpretation of this Constitution arises in any proceedings in any court of law other than a court-martial, the court-

- (a) may, if it is of the opinion that the question involves a substantial question of law; and
- (b) shall, if any party to the proceedings requests it to do so,

refer the question to the High Court consisting of a bench of not less than three Judges of the High Court as required by clause (1) of this article.

(4) Where any question is referred to the High Court under this article, the High Court shall give its decision on the question and the court in which the question arises shall dispose of the case in accordance with that decision.

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

169. (1) Where under the provisions of this Constitution any question is referred to the High Court -

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

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

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

170. (1) The Principal Judge and Judges of the High Court shall be appointed by the President acting on the advice of the Judicial Service Commission and with the approval of the National Council of State.

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

- (a) he is, or has been a Judge of a court having unlimited jurisdiction in civil and criminal matters or a court having jurisdiction in appeals from any such court; or

**Early hearing  
for constitutional  
and election cases.**

**Appointment of  
Judges of the  
High Court of  
Uganda.**

(b) he has practised before a court described in paragraph (a) of this clause for a period not less than seven years.

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

Principal  
Judge.

**171.** (1) Subject to the provisions of article 163 of this -Constitution, the Principal Judge shall -

- (a) be the head of the High Court, and shall in that capacity assist the Chief Justice in the administration of the High Court; and
- (b) perform such other functions or duties as may be delegated or assigned to him by the Chief Justice.

(2) Where-

- (a) the office of Principal Judge is vacant; or
- (b) the Principal Judge is for any reason unable to perform the functions of his office,

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

(3) Where-

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

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

(4) A person appointed under clause (3) of this article to act as a Judge of the High Court shall continue to act for the period of his appointment or,

if no period is specified, until his appointment is revoked by the President, acting on the advice of the Judicial Service Commission and with the approval of the National Council of State whichever is the earlier.

172. (1) Subject to the provisions of this article, a Judge of the High Court may retire at any time after attaining the age of sixty years and shall vacate his office on attaining the age of sixty five years, or such other age as may be prescribed by Parliament.

**Tenure of  
office of High  
Court Judges.**

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

(3) Subject to clause (4) of this article, article 165 relating to the removal of Justices of the Supreme Court shall apply to Judges of the High Court.

(4) For the purpose of investigating the removal of the Principal Judge or a Judge of the High Court-

(a) the question of investigation shall be referred to the President by the Judicial Service Commission;

(b) the tribunal shall consist of three persons who are or have each held office as, a Judge of a court having unlimited jurisdiction in civil and criminal matters or a court having jurisdiction in appeals from such a court.

### ***Judicial Service Commission***

173. (1) There shall be a Judicial Service Commission for Uganda which shall consist of -

**judicial  
Service  
Commission**

(a) the Chief Justice, who shall be the Chairman;

(b) the Principal Judge;

(c) the Attorney-General; and

(d) not less than six other members appointed by the President with the approval of the National Council of State.

(2) The following provisions shall apply in relation to members of the Judicial Service Commission appointed by the President under paragraph (d) of clause (1) of this article -

(a) three members shall be appointed from among persons who have the qualifications prescribed in clause (2) of article 170 of this

Constitution and have been elected by the Uganda Law Society;

(b) two members shall be appointed from among members of the Public Service Commission;

(c) one member shall be a person who has excelled in the public service or private sector and is a person of high moral character and proven integrity.

(3) Subject to the provisions of this article, a person appointed by the President as a member of the Judicial Service Commission -

- (a) shall vacate his office at the expiration of four years from the date of his appointment but is eligible for reappointment for one other term; and
- (b) may be removed by the President with the approval of the National Council of State only for inability to discharge the functions of his office arising from infirmity of body or mind or any other cause, or for misbehavior or misconduct.

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**174.** (1) The functions of the Judicial Service Commission are-

- (a) to advise the President in the exercise of his power to appoint persons to hold or act in any office to which this article applies which includes power to confirm appointments, to exercise disciplinary control over such persons and their removal from office;
- (b) subject to the provisions of this Constitution, to review and make recommendations on the terms and conditions of service of Judges and other judicial officers;
- (c) to prepare and implement programmes for the education of, and for the dissemination of information to, the public about law and the administration of justice;
- (d) to receive and process people's recommendations and complaints concerning the Judiciary and the administration of justice and generally to act as a link between the people and the Judiciary; and
- (e) to advise the Government on improving the administration of justice.

(2) The functions of the President and the Judicial Service Commission under this article shall be discharged in accordance with any law made by Parliament for regulating and facilitating the discharge of those functions.



- (3) The offices to which this article applies are -
- (a) the office of Justice of the Supreme Court or Judge of the High Court; and
  - (b) the office of Chief Registrar or Registrar;

**175.** Subject to the provisions of this Constitution, the power to appoint persons to hold or act in any judicial officer other than the offices mentioned in clause (3) of article 174 of this Constitution, to confirm appointments in, and to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office, shall be vested in the Judicial Service Commission.

**Appointmen  
t of Judicial  
Officers.**

***Miscellaneous***

**176.** A Justice of the Supreme Court or a Judge of the High Court shall not assume the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

**Oaths to  
be taken  
by  
Judges.**

**177.** Parliament may make laws providing for the structures, procedures and functions of the Judiciary.

**Power to  
make  
laws  
for procedures  
of Judiciary.**

CHAPTER ELEVEN

**FINANCE**

*General*

**Taxation.**

**178.** (1) No tax shall be imposed except under the authority of an Act of Parliament.

(2) Where a law enacted under clause (1) of this article confers power on any person or authority to waive or vary a tax imposed by that law, the exercise of that power in favour of any person or authority shall be subject to the prior approval of Parliament by resolution.

(3) Parliament may by resolution supported by the votes of not less than two-thirds of all the members of Parliament, exempt the exercise of any power from the provisions of clause (2) of this article.

**Consolidated Fund.**

**179.** (1) There shall be a Consolidated Fund into which shall be paid -

- (a) all revenues or other money raised or received for the purpose of, or on behalf of, the Government; and
- (b) any other moneys raised or received in trust for or on behalf of, the Government.

(2) The revenues or other moneys referred to in clause (1) of this article shall not include revenues or other moneys;

- (a) that are payable by or under an Act of Parliament, into some other fund established for a specific purpose; or
- (b) that may, under an Act of Parliament, be retained by the department of Government that received them for the purposes of defraying the expenses of that department.

**Withdraw from the Consolidated Fund.**

**180.** (1) No moneys shall be withdrawn from the Consolidated Fund except

- (a) to meet expenditure charged upon the fund by this Constitution or by an Act of Parliament; or
- (b) where the issue of those moneys has been authorised by an Appropriation Act, a Supplementary Appropriation Act or as provided under clause (4) of this article.

(2) No moneys shall be withdrawn from any public fund of Uganda other than the Consolidated Fund, unless the issue of those moneys has been authorised by law.

(3) No moneys shall be withdrawn from the Consolidated Fund unless such withdrawal has been approved by the Uganda Audit Commission and in the manner prescribed by Parliament.

(4) If the Appropriation Bill in respect of any financial year has not been passed into law by the beginning of the financial year, with the approval of Parliament by resolution, the President may authorise the withdrawal of moneys from the Consolidated Fund for the purposes of meeting expenditure necessary to carry on the services of the Government for a period not exceeding four months from the beginning of that financial year or on the coming into operation of the Appropriation Act.

(5) The withdrawal of funds under clause (1) of this article shall not exceed the amount authorised to be withdrawn from the Consolidated Fund by the Appropriation Act for the corresponding period in the immediately preceding financial year.

**181.** (1) The President shall cause to be prepared and laid before Parliament in each financial year but in any case not later than the fifteenth day after the commencement of the financial year, estimates of revenues and expenditure of Uganda for the next following financial year.

Financial  
year  
estimates

(2) The head of any self-accounting department, Commission or organisation set up under this Constitution, shall cause to be submitted to the President at least two months before the end of each financial year, estimates of administrative and development expenditure and estimates of revenues, of the respective department, commission or organisation for the following year.

(3) The estimates prepared under clause (2) of this article shall be laid before Parliament by the President under clause (1) of this article without revision but with any recommendations that the Government may have on them.

(4) At any time before Parliament considers the estimates of revenues and expenditure laid before it by or on the authority of the President, the Finance and Public Accounts Committee of Parliament may discuss and review the estimates and make appropriate recommendations to Parliament.

(5) Notwithstanding the provisions of clause (1) of this article, the President may cause to be prepared and laid before Parliament-

- (a) fiscal and monetary programmes and plans for economic and social development covering periods exceeding one year;
- (b) estimates of revenue and expenditure covering periods exceeding one year.

(6) Parliament may make laws for giving effect to the provisions of this article.

**Appropriation Bill.**

182. (1) The heads of expenditure contained in the estimates, other than expenditure charged upon the Consolidated Fund by this Constitution or any Act of Parliament, shall be included in a bill to be known as an Appropriation Bill which shall be introduced into Parliament to provide for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified in the bill.

(2) If in respect of any financial year it is found -

(a) that the amount appropriated for any purpose under the Appropriation Act is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by that Act; or

(b) that any moneys have been expended for any purpose in excess of the amount appropriated for that purpose or for a purpose for which no amount has been appropriated by that Act,

a supplementary estimate showing the sums required or spent shall be laid down before Parliament and in the case of excess expenditure within four months after the money is spent.

(3) Where in respect of any financial year a supplementary estimate or supplementary estimates have been approved by Parliament in accordance with clause (2) of this article, a supplementary Appropriation Bill shall be introduced into Parliament in the financial year next following that financial year to which the estimates relate, providing for the appropriation of the sums so approved for the purposes specified in those estimates.

**Contingencies Fund.**

183. (1) Parliament may make provision for the establishment of a Contingencies Fund and for authorizing the President to make advances from that fund if he is satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists.

(2) Where any advance is made from the Contingencies Fund, a supplementary estimate shall be presented as soon as possible for the purpose of replacing the amount so advanced.

**Offices the remuneration of which is charged on Consolidated Fund.**

184. (1) Where any salary or allowance of the holder of any office is charged on the Consolidated Fund, it shall not be altered to his disadvantage after he has been appointed to that office.

(2) Subject to the provisions of this Constitution, Parliament shall prescribe the salaries and allowances of holders of offices the salaries and allowances in respect of which are charge on the Consolidated Fund by this Constitution.

**185.** (1) Subject to the provisions of this Constitution, Government may borrow from any source.

**Power of  
Government  
to borrow or  
lend.**

(2) Government shall not borrow or raise a loan on behalf of itself or any other public institution or authority except as authorised by or under an Act of Parliament.

(3) An Act of Parliament made under clause (2) of this article shall provide -

(a) that the terms and conditions of the loan shall be laid before Parliament and shall not come into operation unless they have been approved by a resolution of Parliament; and

(b) that any moneys received in respect of that loan shall be paid into the Consolidated Fund and form part of that Fund or into some other public fund which is existing or is created for the purpose of the loan.

(4) The President shall, at such times as Parliament may determine, cause to be presented to Parliament such information concerning any loan as is necessary to show -

(a) the extent of the total indebtedness by way of principal and accumulated interest;

(b) the provision made for servicing or repayment of the loan.

(5) Parliament may, by resolution authorise the Government to enter into an agreement for the granting of a loan out of any public fund or public account.

(6) An agreement entered into under clause (5) of this article shall be laid before Parliament and shall not come into operation unless it has been approved by Parliament by resolution.

(7) For the purposes of this article, the expression "loan" includes any money lent or given to/Q[ by the Government on condition of return or repayment and any other form of borrowing or lending in respect of which

(a) moneys from the Consolidated Fund or any other public fund may be used for payment or repayment; or

(b) moneys from any fund by whatever name called, established for the purposes of payment or repayment whether in whole or in part and whether directly or indirectly may be used for payment or repayment.

**Public  
debt.**

186. (1) The public debt of Uganda shall be charged upon the Consolidated Fund and other public funds of Uganda.

(2) For the purposes of this article, the public debt includes the interest on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt.

***Central Bank of Uganda.***

**The  
Control  
Bank.**

187. (1) The Bank of Uganda shall be the Central Bank of Uganda and it shall be the only authority to issue the currency of Uganda.

(2) The authority of the Bank of Uganda shall vest in a Board which shall consist of a Governor, a Deputy Governor and not more than five other members.

(3) The following shall apply to the members of the Board -

- (a) all members of the Board shall be appointed by the President with the approval of the National Council of State;
- (b) the President shall with the approval of the National Council of State, appoint one of the members of the Board to be Chairman of the Board;
- (c) their emoluments shall not be reduced while they continue to hold office;
- (d) they shall hold office for five years but shall be eligible for re-appointment;
- (e) the appointment of the Chairman may be revoked by the President with the approval of the National Council of State;
- (±)any member of the Board may be removed by the President with the approval of he National Council of State only for inability to perform the functions of his office arising out of physical or mental incapacity or any other cause or for misbehaviourdor misconduct.

188. (1) The Bank of Uganda shall -

**Function  
s of the  
Bank.**

- (a) promote and maintain-the stability of the value of the currency of Uganda;
- (b) regulate the currency system in the interest of the economic progress of Uganda;

- (c) encourage and promote economic development, and the efficient utilisation of the resources of Uganda through effective and efficient operation of a banking and credit system; and
- (d) do all such other things not inconsistent with this article as may be prescribed by law.

(2) In exercising its functions the Bank of Uganda shall conform to this Constitution and implement the fiscal and monetary policies made under it but shall not be subject to direction or control of any person or authority.

(3) Subject to the provisions of this Constitution, Parliament may make laws regulating the functions of the Bank of Uganda.

***Uganda Audit Commission.***

189. (1) There shall be a Uganda Audit Commission which shall consist of a Chairman, a Deputy Chairman and not more than three other members all of whom shall be appointed from among persons of high moral character and proven integrity who have qualifications in accountancy or finance management and experience of -

Uganda  
Audit  
Commission  
n

- (a) not less than seven years in the case of members other than the Chairman; and
- (b) not less than ten years in the case of the Chairman.

(2) The Chairman and members of the Uganda Audit Commission shall be appointed by the President with the approval of the National Council of State and shall hold office for five years but shall be eligible for reappointment for one other term.

(3) The Chairman of the Uganda Audit Commission shall be responsible for the day to day management of the affairs of the Commission and exercise control over the staff of the Commission.

(4) The Deputy Chairman of the Uganda Audit Commission shall assist the Chairman in the performance of his functions and shall perform such functions as the Chairman may assign to him.

(5) Parliament shall, subject to the provisions of this Constitution enact laws for. giving effect to this article and article 190 of this Constitution.

(6) A member of the Uganda Audit Commission may be removed by the President with the approval of the National Council of State only for inability to perform the functions of his office, arising from infirmity of body or mind or from any other cause or for misbehavior or misconduct.

**Functions  
of the  
Commission**

**190.** (1) The functions of the Uganda Audit Commission are-

- (a) to approve withdrawal of funds from the Consolidated Fund; and
- (b) to audit the accounts of all Government departments and of all institutions and organisations in which the Government holds a controlling interest including the accounts of all local government units and other authorities which receive any grant from or are otherwise financed by Government.

(2) The Uganda Audit Commission shall prepare every year, a report on the audited accounts and submit it to Parliament not later than six months after the end of each financial year.

(3) The Uganda Audit Commission shall have power-

- (a) to recruit its own staff and prescribe their terms and conditions of service in consultation with the Public Service Commission; and
- (b) to summon witnesses and call for and examine any books, records, returns, vouchers or any other documents relating to any accounts within its jurisdiction.

(4) In exercising its functions, the Uganda Audit Commission shall not be under the direction or control of any person or authority .

(5) The expenditure of the Uganda Audit Commission shall be charged on the Consolidated Fund.

(6) Parliament shall not make any law exempting the accounts of any department, institution or organisation falling under paragraph (b) of clause (1) of this article from audit by the Uganda Audit Commission.

(7) The accounts of the Uganda Audit Commission shall be audited and reported on by an auditor appointed by Parliament.

***Accountability for Public Funds***

**191.** (1) The Minister and the Principal Secretary in charge of a Government ministry or department shall be jointly and severally accountable to Parliament for the management of the funds within their ministry or department.

(2) A Minister or any person holding a public office who directs an accounting officer or any other officer to apply or use public funds contrary to law or to existing instructions shall be accountable for any loss arising

**Accountability.**



**Finance**

from such directions and may be required to render an account or to make good the loss even if he has ceased to be a Minister or to hold public office.

(3) Parliament shall have power through its Committee responsible for financial matters to monitor all expenditure of public funds; and all departments of Government and also all other persons shall be accountable to Parliament through that Committee in respect of the expenditure of public funds.

CHAPTER TWELVE

**THE PUBLIC SERVICE**

Public Service  
Commission.

**192.** (1) There shall be a Public Service Commission for Uganda.

(2) The Public Service Commission shall consist of a Chairman and not less than eight members appointed by the President with the approval of the National Council of State.

(3) The President may appoint not more than two members, of the Commission as Deputy Chairmen of the Commission.

(4) A person is not qualified to be appointed a member of the Public Service Commission unless he is of high moral character and proven integrity.

(5) A person is not qualified for appointment as a member of the Commission if he is -

- (a) a member of Parliament; or
- (b) a member of a District Council or of the Council of any other local government unit; or
- (c) a member of the executive of a political party; or
- (d) a public officer.

(6) A member of the Public Service Commission shall hold office for a term of four years but is eligible for re-appointment; except that of the first members appointed, four shall be appointed to hold office for three years which shall be specified in their instruments of appointment.

(7) The emoluments of the members of the Public Service Commission shall be prescribed by Parliament and shall be charged on the Consolidated Fund.

(8) The President may, in the absence of the Chairman, designate one of the Deputy Chairmen to act as Chairman and may also designate a member to act as Deputy Chairman in the absence of a Deputy Chairman.

(9) A member of the Public Service Commission may be removed from office by the President with the approval of the National Council of State only for-

- (a) inability or failure to discharge the functions of his office, or

- (b) misbehavior, misconduct or conduct unbecoming of the holder of the office.

193. (1) Except as otherwise provided in this Constitution, the functions of the Public Service Commission include -

**Functions of  
Public Service  
Commission.**

- (a) to advise the President in performing his functions under article 197 of this Constitution;
- (b) to be responsible for appointments, promotions and disciplining of persons holding office in the public service of Uganda as provided in article 197 of this Constitution;
- (c) to review the terms and conditions of service, standing orders, training and qualifications of public officers and matters connected with personnel management and development of the public service and make recommendations on them to Government;
- (d) to perform such other functions as may be prescribed by this Constitution or any other law;

(2) In the exercise of its functions, the Public Service Commission shall be independent and shall not be subject to the direction or control of any person or authority; except that it shall take into account government policy relating to the public service.

(3) The Commission shall make a report to Parliament in respect of each year, on the performance of its functions.

(4) Parliament shall, by law, empower the Public Service Commission to make regulations for the effective and efficient performance of its functions under this Constitution or any other law.

194. (1) There shall be a Teaching Service Commission for Uganda.

**Teaching  
Service  
Commission.**

(2) The Teaching Service Commission shall consist of a Chairman and not less than six other members appointed by the President with the approval of the National Council of State.

(3) The President shall appoint not more than two members of the Commission as Deputy Chairmen of the Commission.

(4) A person is not qualified to be a member of the Teaching Service Commission unless he is of high moral character and proven integrity and has substantial experience in teaching.

(5) A person is not qualified for appointment as a member of the Commission if he is -

- (a) a member of Parliament; or
- (b) a member of the executive of a political party; or
- (c) a member of any board or other authority responsible for the management of any school or college; or
- (d) a public officer.

(6) A member of the Teaching Service Commission shall hold office for four years; except that of the first members appointed, three shall be appointed to hold office for three years which shall be specified in their instruments of appointment.

(7) The emoluments of members of the Teaching Service Commission shall be prescribed by Parliament and shall be charged on the Consolidated Fund.

(8) The President may, in the absence of the Chairman, designate one of the Deputy Chairmen to act as Chairman and may also designate a member to act as Deputy Chairman in the absence of a Deputy Chairman.

(9) A member of the Teaching Service Commission may be removed from office by the President with approval of the National Council of State only for-

- (a) inability or failure to discharge the functions of his office; or
- (b) misbehavior, misconduct or conduct unbecoming of the holder of the office.

195. (1) Subject to the provisions of this Constitution, the Teaching Service Commission shall -

- (a) advise the President in performing, in relation to the teaching service, his functions under article 197;
- (b) have power to appoint persons to hold or act in any office in the teaching service, including the power to confirm such appointments, to exercise disciplinary control over those persons and to remove them from office;
- (c) review the terms and conditions of service, standing orders, training and qualifications of members of the teaching service and matters connected with their management and welfare and make recommendations on them to Government;

(d) perform such other functions as may be prescribed by this Constitution or any other law.

(2) In the exercise of its functions, the Teaching Service Commission shall be independent and shall not be subject to direction or control of any person or authority; except that it shall take into account government policy relating to education.

(3) The Teaching Service Commission may by writing delegate any of its functions to a District Service Commission or any other authority or officer.

(4) The Teaching Service Commission shall make a report to Parliament in respect of each year on the performance of its functions.

(5) Subject to the provisions of this article, Parliament shall make provision by law for regulating the functions of the Teaching Service Commission.

196. Subject to the provisions of this Constitution and any Act of Parliament, the President may, after consultation with the respective Service Commission, or Committee or Board establish offices in the public service of the Government of Uganda.

**Establishment of offices.**

197. (1) Subject to the provisions of this Constitution-

**Appointment of public officers.**

(a) the President shall, acting in accordance with the advice of the Public Service Commission, have the power to appoint persons to hold or act in any office in the public service of Uganda of the rank of Head of Department or above including the power to confirm appointments, the power to exercise disciplinary control over such persons, and to remove them from office;

(b) the power to appoint persons to hold or act in any office in the public service of Uganda other than those referred to in paragraph (a) of this clause, including the power to confirm their appointments and the power to exercise disciplinary control over such persons and to remove them from office, is vested in the Public Service Commission.

(2) A person shall not be appointed under this article to or to act in any office on the personal staff of the President without consultation with the President.

(3) Subject to the provisions of this Constitution, the President may delegate any of his powers under this article by directions in writing, to any

Service Commission, Committee or Board to any other authority or public officer as may be prescribed by Parliament and may in like manner, revoke the delegation.

**Principal Secretaries**

198. (1) Subject to the provisions of this Constitution, a ministry or department of the Government of Uganda shall be under the supervision of a Principal Secretary whose office shall be a public office.

(2) A Principal Secretary shall be appointed by the President acting in accordance with the advice of the Public Service Commission.

(3) The functions of a Principal Secretary under this article include

- (a) organisation and operation of the department or ministry;
- (b) tendering advice to the responsible Minister in respect of the business of the department or ministry;
- (c) implementation of the policies of the Government of Uganda;
- (d) subject to article 191 of this Constitution, responsibility for the proper expenditure of public funds by or in connection with the department or ministry.

**Pension.**

199. (1) A public officer shall, on retirement, receive such reasonable pension as is commensurate with his rank, salary and length of service.

(2) The pension payable to any person shall be exempt from tax and shall be subject to periodic review to take account of changes in the value of money.

(3) The payment of pension shall be prompt and regular and easily accessible to pensioners.

**Interpretation**

200. In this Chapter, unless the context otherwise requires -

"public officer" means any person holding or acting in an office in the public service;

"public service" means service in any civil capacity of the Government the emoluments for which are payable directly from the Consolidated Fund or directly out of moneys provided by Parliament.

CHAPTER THIRTEEN

**LOCAL GOVERNMENT**

***Objectives and Structures of Local Government***

201. (1) The system of local government in Uganda shall be based on the district as a unit under which there shall be such administrative units as Parliament may by law provide.

Local  
governmen  
t system

(2) The following principles shall apply to the local government system -

- (a) the system shall be such as to ensure that functions, powers and responsibilities are devolved and transferred from the Central Government to local government units in a coordinated manner;
- (b) decentralisation shall be an objective applying at all levels of local government and in particular, from higher to lower local government units;
- (c) the system shall be such as to ensure the full realization of democratic government at the local government level;
- (d) there shall be established for each local government unit a sound financial base with reliable sources of revenue;
- (e) appropriate measures shall be taken to enable local government units to plan, initiate and execute policies in respect of all matters affecting the people within their jurisdiction;
- (f) persons in the service of local government units shall be under the effective control of the local authorities; and
- (g) as far as is practicable, the local governments shall be entitled to oversee the performance of persons employed by the Central Government to provide services in their areas and to monitor the provision of Central Government services or the implementation of projects in their areas.

(3) The system of local government shall be based on democratically elected councils at every local government unit.

202. (1) Subject to the provisions of this Constitution, for the purposes of local government, Uganda shall be divided into the districts which existed immediate therefore the coming into force of this Constitution.

Districts of  
Uganda.

(2) Subject to this Constitution, the districts referred to in clause (1) of this article shall be deemed to have been divided into the administrative

units which existed immediately before the coming into force of this Constitution.

**Boundaries  
of local  
government  
units.**

**203.** (1) Subject to the provisions of this Constitution, Parliament may by law -

- (a) alter the boundaries of districts;
- (b) create new districts;

(2) Any law or measure to alter the boundaries of a district or to create a new district shall be supported by not less than two thirds of all the members of Parliament.

(3) Parliament shall by law empower District Councils to alter the boundaries of local government units within their districts and to create new local government units within their districts.

(4) Any law or measure for the alteration of the boundaries of or the creation of districts or administrative units shall be based on the necessity for effective administration and the need to bring services closer to the people and it may take into account the means of communication, geographical features, density of population and the wishes of the people concerned.

***The District Government***

**District  
Councils.**

**204.** (1) The government of a district shall be based on a District Council which shall be the highest political authority in the district with deliberative, legislative and executive functions which shall be exercised in accordance with this Constitution.

(2) A District Council shall consist of -

- (a) one person from each electoral area within the district directly elected by universal adult suffrage through a secret ballot; and
- (b) two women representatives elected by each county council to represent the county.

(3) A person shall not be a member of a District Council unless he is a citizen of Uganda.

**Election  
to District  
Council.**

**205.** (1) A district shall be divided by the Electoral Commission into electoral areas which shall be demarcated in such a way that the number of inhabitants in the electoral areas are as nearly as possible equal.



(2) The number of inhabitants in an electoral area may be greater or less than other electoral areas in order to take account of means of communication, geographical features and density of population.

(3) The demarcation of electoral areas shall ensure that each sub county is represented at the District Council by at least one person.

(4) A District Council shall be elected every three years.

(5) Elections of District Councils shall be held so as not to coincide with elections of representatives to Parliament.

**206.** Subject to any procedure prescribed by law, the mandate of an elected member of a District Council may be revoked by the electorate on any of the following grounds -

**Revocation  
or mandate.**

(a) that he has since he was elected consistently behaved in a manner unbecoming of a representative of the people; or

(b) that he has abandoned or neglected his duties

**207.** (1) There shall be a District Chief Executive for every district who shall be elected by members of the Council from among their number.

**District  
Chief  
Executive.**

(2) A person shall not be declared to be elected as a District Chief Executive of a district unless at the election under clause (1) of this article, the number of votes cast in his favour is more than fifty percent of the total number of members of the Council.

(3) The District Chief Executive shall be the political head of the district and shall-

(a) preside at meetings of the Executive Committee of the district;

(b) oversee the general administration of the district;

(c) coordinate the activities of the Councils of the lower local administrative units in the district;

(d) coordinate the government functions as between the district and the Central Government.

**208.** (1) There shall be a Chairman of each District Council elected by the Council from among the members of the Council.

**Chairman  
or District  
Council.**

(2) Clause (2) of article 207 of this Constitution shall apply to the Chairman of a District Council as it applies to the District Chief Executive.

(3) The Chairman shall be the Speaker of the Council and shall, in relation to the Council perform the same functions as a Speaker of Parliament.

**Removal of District Chief Executive or Chairman of District Council.**

**209.** The District Chief Executive or the Chairman of a District Council may be removed from office by the District Council by resolution supported by the votes of not less than two-thirds of all members of the Council.

**Executive Committee.**

**210.** (1) There shall be established an Executive Committee for each District Council which shall perform the executive and administrative functions of the District Council.

(2) The Executive Committee shall consist of the District Chief Executive who shall be Chairman and such number of Secretaries as Parliament shall by law determine.

(3) Secretaries shall be persons elected by a District Council from among its members on the recommendation of the District Chief Executive.

(4) Secretaries shall be assigned responsibility, for the following subjects in any combination -

- (a) finance;
- (b) development;
- (c) security;
- (d) health;
- (e) agriculture;
- (f) education;
- (g) social welfare;
- (h) women's affairs;
- (i) youth affairs; and
- U) any other subject which the District Council considers to be essential to the welfare of the district.

(5) The Executive Committee may co-opt any person to attend its meetings but a person so co-opted shall not have the right to vote at the meeting.

**211.** (1) Subject to such limitations as Parliament may prescribe, and as may be consistent with the decentralisation of local government. District

**Functions and services of local government.**

Councils may exercise and perform functions and services other than those specified in the Fourth Schedule to this Constitution as being exclusively reserved to the Central Government, and may initiate policies and implement programmes in respect of its functions and services.

(2) District Councils and the Councils of lower local government units may exercise the functions specified in the Fourth Schedule to this Constitution, only if delegated to them by the Central Government or by law made by Parliament and subject to such conditions as may be prescribed in relation to the delegation.

212. (1) Subject to article 209 of this Constitution, a member of the Executive Committee of a District Council shall cease to hold that office if a vote of no confidence is passed by the Council against him supported by the votes of not less than two-thirds of all the members of the Council.

Vote of no confidence.

(2) Where a vote of no confidence is passed against the Executive Committee supported by the votes of not less than two-thirds of all the members of the District Council, the Executive Committee shall cease to exist.

(3) For the avoidance of doubt, nothing in this article shall prevent a person being re-elected to the Executive Committee of a District Council and nothing in clause (2) of this article shall affect the office of the District Chief Executive.

***Finances of the District***

213. Parliament shall by law provide -

Finances or Ute District.

- (a) for the taxes that may be levied, collected or appropriated by a District Council;
- (b) for the taxes that may be collected by a District Council for or on behalf of the Central Government for payment into the Consolidated Fund;
- (c) that a District Council shall pay a specified portion of any tax collected under paragraph (a) of this clause into the Consolidated Fund;
- (d) that a District Council may retain for the purposes of its functions and services, a specified proportion of the revenues collected for or on behalf of the Government from the district.

214. (1) The President may, in each financial year present or cause to be presented to Parliament proposals as to the monies to be paid out of the public funds as grants-in-aid of the revenues of such District Councils or subsidies or other financial assistance to such Councils as may be specified in the proposals.

Grants and other financial assistance to Ute districts.

(2) The proposals made by the President under clause (1) of this article shall be made at the same time as the estimates of revenue and expenditure under article 181 of this Constitution and shall state -

- (a) the sums of moneys that are to be paid to each District Council provided for in the proposals;
- (b) the use to which the moneys shall be put by the District Council;
- (c) whether in the view of the Government further moneys by way of grants-in-aid or subsidies or other financial assistance should be required by the District Council concerned;
- (d) any special provision required to be made for assisting needy areas.

(3) The proposals of the President under this article shall form part of the Appropriation Act as provided for in article 182 of this Constitution.

**Distribution of revenue and assistance to districts.**

215. The National Council of State shall advise the President on -

- (a) all matters concerning the distribution between the Government and the District Councils and the allocation between the District Councils of revenue out of the Consolidated Fund; and
- (b) the formula for making grants-in-aid or granting subsidies or other financial assistance out of public funds to District Councils and for making special provision for needy areas.

**Loans and grants.**

216. Subject to the approval of the Government, a District Council may, for the carrying out of its functions and services, borrow money or accept and use any grant or assistance.

***Relationship Between the District and the Central Government***

**Exercise of administrative functions.**

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

**Delegation of functions and services to District Council.**

218. The President may, with the approval of the National Council of State, delegate to a District Council any of the functions and services within the exclusive jurisdiction of the Central Government if satisfied that the function or service can be effectively carried out by the District Government

**Administration of districts by President t.**

219. (1) The President may, with the approval of the National Council of State, take over the administration of any district in any of the following circumstances -

- (a) where the District Council so requests and it is in the public interest so to do;
  - (b) where a state of emergency has been declared in that district or any other part of Uganda or in Uganda generally;
  - (c) if circumstances have arisen which make it impossible or extremely difficult for a District Government to function.
- (2) The exercise by the President of the power under this article may be done through such persons or officers as he may think fit.

(3) Unless approved by Parliament for a longer term, the exercise by the President of a power under this article shall be for a period not exceeding ninety days.

(4) Where after the exercise by the President of the power under this article, circumstances make it impossible for the District Government to resume administration of the district, and if the unexpired term of the Council exceeds twelve months, elections for a new Council shall be held within six months after the President took over the administration of the district.

**220.** (1) There shall, for every district be a representative of the Central Government who shall be known as the Central Government Representative.

**Central Government Representative.**

(2) The Central Government Representative shall be appointed by the President with the approval of the National Council of State.

(3) The Central Government Representative shall-

- (a) coordinate the administration of the central government services in the district;
- (b) advise the Executive Committee of the district on matters of a national nature that may affect the district or its plans and programmes and particularly on the relationship between the district and the Central Government.

### ***Committees of the District Council***

**221.** (1) A District Council shall have a District Development Committee which shall consist of all the heads of departments in the service of the district.

**District Development Committee.**

(2) The District Development Committee shall be presided over by the District Chief Executive of the district and it shall be responsible for initiating plans for development and improving of services in the district for consideration by the District Council.

**District Finance and Accounts Committee.**

222. (1) A District Council shall also have a District Finance and Accounts Committee which shall consist of -

- (a) the Secretary in charge of finance as its chairman;
- (b) such other members not exceeding ten as the District Council may determine, elected from among the members of the District Council.

(2) The District Finance and Accounts Committee may consult professionals with expert knowledge in the fields of financial management, accountancy, or other related field or employ such professionals.

(3) The District Finance and Accounts Committee shall-

- (a) identify sources of revenues and plan for their collection and utilisation;
- (b) advise the Executive Committee on the appropriate allocation of funds to different departments in the district or to lower councils within the district;
- (c) monitor the expenditure of the revenues of the district;
- (d) advise the District Council on all matters relating to the collection, allocation and utilisation of the revenues of the district;
- (e) scrutinize the audited accounts of the district for purposes of making a report on them to the Council; and
- (f) take measures for instilling discipline in officials and persons managing district funds.

**Other Committees or District Council.**

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

***District Service Commission.***

**District Service Commission.**

224. (1) There shall be a District Service Commission for every district.

- (2) The District Service Commission shall-
  - (a) consist of a chairman and four members, all of whom shall be appointed by the Executive Committee of the district on the recommendation of the District Council with the approval of the Public Service Commission;
  - (b) hold office for a period of four years but shall be eligible for reappointment for another term of four years.

(3) Members of a District Service Commission shall be appointed from among persons of high moral character and proven integrity.

(4) A member of the District Service Commission may be removed from office by the Executive Committee of the district with the approval of the District Council and after consultation with the Public Service Commission but he may be so removed only or -

- (a) inability to perform the functions of his office arising from physical or mental incapacity or from any other cause;
- (b) misbehavior or misconduct; or
- (c) conduct unbecoming of the holder of the office.

**225.** Subject to the provisions of this Constitution, the power to appoint persons to hold or act in any office in the service of a district including the power to confirm appointments, to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office is vested in the District Service Commission.

**Powers of the District Service Commission.**

***Miscellaneous***

**226.** The following provisions shall apply in relation to local government elections other than elections for a District Council -

**General provision relating to elections.**

- (a) voting shall be by open ballot;
- (b) a Council may at any time, after consultation with the Electoral Commission, by a resolution supported by not less than two thirds of the members of the Council, decide that an election to the Council shall be by secret ballot;
- (c) where a Council adopts a secret ballot under this article the secret ballot shall apply from the next general election to the Council;
- (d) a Council which adopts a secret ballot under this article may, at any time, after consultation with the Electoral Commission, revert to the open ballot; and paragraph (c) of this article shall apply to the decision as it applies to the decision in relation to the secret ballot; and
- (e) the electorate may exercise a right to revoke the mandate of an elected representative to the Council for the same reasons and in the same manner as provided in respect of a representative to a District Council.

**227.** (1) Members of a District Council shall be paid such allowances as Remuneration. may be approved by Parliament.

(2) The District Chief Executive and Secretaries shall be paid such remuneration as may be determined by the District Council with the approval of Parliament.

(3) Members of Committees of a District Council may be paid such allowances as the District Council may approve.

(4) Members of a District Service Commission shall be paid such remuneration as may be determined by the District Council with the approval of Parliament.

**Parliament  
to make  
laws  
regarding  
local  
government**  
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228. (1) Parliament shall make laws relating to local government and in particular, for the purpose of giving full effect to this Chapter.

(2) Without prejudice to the general effect of clause (1) of this article, Parliament may make laws -

- (a) to give effect to the principles specified in article 201 of this Constitution;
- (b) to prescribe the limits of allowances to be paid to members of the Councils;
- (c) to limit the number of political offices that may be created by the local authorities;
- (d) to prescribe the procedure for conducting elections to Councils;
- (e) enabling Councils to make by-laws, regulations or other instruments for the administration of their areas of jurisdiction;
- (f) providing that with appropriate modifications, the system of government as it operates in the district shall apply at the lower levels of local government units;
- (g) prescribing the procedure by which the electorate may exercise a right to revoke the mandate of an elected member of a Council;
- (h) prescribing the qualifications for election to a Council and a law made for the purposes of this paragraph shall have as one of the qualifications that the candidate shall be resident in or should have been resident for a specified period in the area of jurisdiction of the Council to which he seeks election.

**Interpretation**  
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229. In this Chapter, a reference to a county or sub-county includes a reference to a unit provided by law to replace the county or sub-county howsoever described.



**230.** (1) Subject to the provisions of this Constitution, the urban authorities in existence at the coming into force of this Constitution under the Urban Authorities Act, (Cap 27) other than the Kampala City Council, shall constitute lower local government units under the District Councils within whose districts they fall.

**Transitional provisions regarding urban authorities.**

(2) Subject to the powers of Parliament, the laws applicable to urban authorities immediately before the commencement of this Constitution, shall continue to apply with such modifications as may be necessary to give effect to the provisions of this Chapter.

CHAPTER FOURTEEN

**DEFENCE AND NATIONAL SECURITY**

*Uganda Armed Forces*

**Uganda  
Armed Forces.**

231. (1) There shall be armed forces to be known as "the Uganda Armed Forces".

(2) The Uganda Armed Forces shall be nationalistic, professional, disciplined, productive and subordinate to the civilian authority established under this Constitution.

(3) Members of the Uganda Armed Forces shall be citizens of Uganda of good character and shall be recruited from every district of Uganda.

(4) No person shall raise an armed force except by or under the authority of an Act of Parliament

**Functions of  
Armed  
Forces.**

232. The functions of the Uganda Armed Forces are -

(a) to preserve and defend the sovereignty and territorial integrity of Uganda;

(b) to cooperate with the civilian authority in emergency situations and in cases of natural disasters;

(c) to foster harmony and understanding between the Armed Forces and civilians; and

(d) to engage in productive activities for the development of Uganda.

233. (1) There shall be the office of the Commander of the Armed Forces.

**Commander  
and other  
officers.**

(2) There shall be such other offices in the Uganda Armed Forces as Parliament may create by law.

234. (1) The President shall, with the approval of the National Council of State, appoint the Commander of the Armed Forces.

**Appointments.**

(2) The President may, with the approval of the National Council of State for good cause shown or in the public interest, remove from office the Commander of the Armed Forces.

(3) Subject to the provisions of this Constitution and any laws made by Parliament, the President shall be responsible for the recruitment, appointment, promotion, discipline and removal of all members of the Uganda Armed Forces.

(4) The President may, by writing, delegate any of his powers under this article to the Armed Forces Service Board or to any officer in the Uganda Armed Forces subject to any conditions specified by him in relation to the delegation and subject to any laws made by Parliament.

235. (1) There shall be an Armed Forces Council comprising (a) the President as Chairman;

**Armed Forces Council**

(b) the Minister responsible for defence;

(c) the Secretary for Defence;

(d) the Commander of the Armed Forces; and

(e) such other members including not less than five members of the Uganda Armed Forces as Parliament shall by law determine.

(2) The Armed Forces Council shall advise the President on matters relating to the establishment, command, control and administration of the Uganda Armed Forces, and shall perform such other functions as are prescribed by this Constitution or any other law.

236. (1) There shall be an Armed Forces Service Board comprising (a) the Commander of the Armed Forces as Chairman;

**Armed Forces Service Board.**

(b) two representatives of the Public Service Commission;

(c) two representatives of the Armed Forces Council elected by the Council; and

(d) not less than three members of the Uganda Armed Forces as Parliament shall by law establish.

(2) The Armed Forces Service Board shall advise the President on the recruitment, appointments, promotion, discipline, removal and retirement of members of the Uganda Armed Forces.

237. In exercising the operational command of the Uganda Armed Forces, the President shall, whenever practicable, consult the National Security Council.

**Exercise of operational command by President**

238. The President shall not deploy troops outside Uganda except with the approval of Parliament.

**Deployment of troops outside Uganda.**

239. Parliament shall make laws regulating the Uganda Armed Forces and, in particular, the manner of the recruitment and appointment of the members of the Armed Forces and the delegation of the powers of the President in relation to their appointment, promotion, discipline and removal and their terms and conditions of service.

**Laws by Parliament regarding Uganda Armed Forces.**

*The Police*

Uganda police Force.

**240.** (1) There shall be a Police Force to be known as "the Uganda Police Force" and such other police forces in Uganda as Parliament may by law prescribe.

(2) Subject to the provisions of this Constitution, every police force in Uganda shall be organised and administered in such a manner and shall have such functions as Parliament may by law prescribe.

(3) The Uganda Police Force shall be nationalistic, professional, disciplined, competent and productive; and its members shall be citizens of Uganda of good character recruited from every district of Uganda.

Functions of  
Uganda Police  
Force.

**241.** The functions of the Uganda Police Force are -

- (a) to preserve law and order;
- (b) to prevent and detect crime;
- (c) to cooperate with the civilian authority established under the Constitution and with the population generally; and
- (d) to perform such other functions as shall be determined by Parliament.

Command  
of Uganda  
police Force.

**242.** (1) There shall be an Inspector-General of Police and a Deputy Inspector-General of Police.

(2) The Inspector-General and the Deputy Inspector-General of Police shall be appointed by the President after consultation with the Police Council and with the approval of the National Council of State.

(3) The Uganda Police Force shall be under the command of the Inspector-General of Police.

(4) **In** the performance of his functions, the Inspector-General of Police shall not be subject to the direction or control of any person or authority.

(5) The President may, after consultation with the National Security Council, give to the Inspector-General of Police directions in writing on matters of general policy with regard to the maintenance of security and public safety, public order and the Inspector-General shall give effect or cause effect to be given to such directions.

(6) The Inspector-General or the Deputy Inspector-General may be removed from office by the President for good cause shown or in the public interest with the approval of the National Council of State.

(7) The Deputy Inspector-General of Police shall assist the Inspector General in the performance of his functions.

**243.** There shall be a Police Council comprising -

**Police  
Council.**

- (a) the Minister responsible for internal affairs as Chairman;
- (b) the Attorney General;
- (c) the Inspector-General of Police; and
- (d) such other members including at least three members of the Uganda Police Force as Parliament shall by law determine.

**244.** (1) The functions of the Police Council are-

**Functions of  
Police Council.**

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

(2) **In** the exercise of its functions, the Police Council shall be answerable to the Parliamentary Committee on defence and national security.

**245.** There shall be a Police Service Board comprising

**Police  
Service  
Board.**

- (a) the Inspector-General of Police as Chairman;
- (b) the Deputy Inspector-General of Police;
- (c) a representative of the Public Service Commission; and
- (d) two prominent citizens appointed by the President on the advice of the Police Council.

**246.** The functions of the Police Service Board are -

**Functions  
of Police  
Service Board.**

- (a) to effect recruitment of persons into the Uganda Police Force including power to confirm, promote, and discipline members of the Police Force;
- (b) to review the terms and conditions of service, standing orders, training and qualifications of police officers and matters connected with the personnel management in the Uganda Police Force and to make recommendations on them to the Government; and

- (c) to carry out in relation to the Uganda Police Force any other functions exercisable by the Public Service Commission in relation to the public service generally.

***Uganda Prisons***

**Establishment of Uganda Prisons Service.**

**247.** (1) There shall be a Prisons Service known as "the Uganda Prisons Service".

(2) The Uganda Prisons Service shall be nationalistic, professional, disciplined, competent and productive and its members shall be citizens of Uganda of good character recruited from every district of Uganda.

**Commissioner and Deputy Commissioner of Prisons.**

**248.** (1) There shall be a Commissioner of Prisons and Deputy Commissioner of Prisons appointed by the President after consultation with the Prisons Service Council and with the approval of the National Council of State.

(2) The Commissioner or the Deputy Commissioner of Prisons may be removed by the President for good cause shown or in the public interest with the approval of the National Council of State.

**Prisons Service Council.**

**249.** (1) There shall be a Prison Service Council comprising -

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

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

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

**Prisons Service Board.**

**250.** There shall be a Prisons Service Board comprising -

- (a) the Commissioner of Prisons as Chairman;
- (b) the Deputy Commissioner of Prisons;
- (c) a member of the Public Service Commission; and

- (d) two prominent citizens appointed by the President on the advice of the Prisons Service Council.

251. The functions of the Prisons Service Board are -

**Functions  
of Prisons  
Service Board.**

- (a) to effect recruitment of persons into the Uganda Prisons Service including power to confirm, promote and discipline members of the Prisons Service;
- (b) to revise the terms and conditions of service, standing orders, training and qualifications of prisons officers and matters connected with personnel management within the Uganda Prisons Service and to make recommendations on them to the Government; and
- (c) to carry out in relation to the Prisons Service any other functions exercisable by the Public Service Commission in relation to the public service generally.

### ***Intelligence Organisations***

252. (1) Parliament may by law establish intelligence organisations and may prescribe their composition, functions and procedures.

**Intelligence  
organisations.**

(2) No intelligence organisation shall be established by the Government except by or under an Act of Parliament.

### ***National Security Council.***

253. There shall be a National Security Council which shall consist of -

**Establishment  
of National  
Security  
Council.**

- (a) the President as Chairman;
- (b) the Vice-President, who shall preside in the absence of the President;
- (c) the Minister responsible for internal affairs~
- (d) the Minister responsible for defence;
- (e) the Minister responsible for foreign affairs;
- (f) the Commander of the Armed Forces;
- (g) the Inspector-General of Police;
- (h) the Commissioner of Prisons; and
- (i) the head of intelligence organisations established under article 252 of this Constitution.

**Functions  
of National  
Security  
Council.**

254. The functions of the National Security Council are -

- (a) to promote national stability and the security of Uganda;
- (b) to inform and advise the President on matters relating to national security;
- (c) to foster co-operation and enhance coordination between the Uganda Armed Forces, the Uganda Police Force, the Uganda Prisons Service and the intelligence organisations; and
- (d) to consider and devise means of defusing threats to national security within Uganda.

***General***

**Security  
organisations  
to observe  
human rights.**

255. It shall be the duty of the Uganda Armed Forces and any other armed force established in Uganda, the Uganda Police Force and any other police force, the Uganda Prisons Service, all intelligence organisations and the National Security Council to observe and respect human rights and freedoms, in the performance of their functions.

**Powers of  
Parliament  
regarding  
security  
organisations  
.**

256. Parliament shall make laws for the purposes of giving effect to this Chapter and in particular -

- (a) for the organisation and administration of the Uganda Police Force;  
and
- (b) for the organisation, administration and functions of the Uganda Prisons Service.



CHAPTER FIFTEEN

**INSPECTORATE OF GOVERNMENT**

257. (1) There shall be an Inspectorate of Government consisting of the Inspector-General of Government and such number of Deputy Inspectors General not being less than two, as Parliament may by law prescribe.

**Establishment  
of  
Inspectorate.**

(2) At least one of the persons referred to in clause (1) of this article shall be a person qualified to be appointed a Judge of the High Court.

(3) The Inspector-General of Government and the Deputy Inspectors-General shall be appointed by President with the approval of the National Council of State and shall not, while holding office, hold any other office of emolument in the public service.

(4) A person shall not be eligible for appointment as Inspector General of Government or Deputy Inspector-General of Government unless he -

(a) is a person of high moral character and proven integrity; and (b) possesses considerable experience and demonstrated competence and caliber in the conduct of public affairs.

(5) The Inspector-General of Government and Deputy Inspectors General shall hold office for a term of four years but shall be eligible for re-appointment.

(6) The remuneration and other conditions of service of members of the Inspectorate of Government shall be prescribed by Parliament and the salaries and allowances of members of the Inspectorate shall be charged on the Consolidated Fund.

258. The Inspector-General or a Deputy Inspector-General may be removed from office by the President with the approval of the National Council of State only for inability to discharge the functions of his office arising from infirmity of body or mind or any other cause or for misbehavior or misconduct.

**Removal of  
Inspector and  
Deputy  
Inspectors  
General.**

259. (1) The functions of the Inspectorate of Government shall be prescribed by Parliament and shall include the following -

**Functions of  
Inspectorate**

(a) to promote and foster strict adherence to the rule of law and principles of natural justice in administration;

(b) to eliminate and foster the elimination of corruption, abuse of authority and public office;

- (c) to foster improvement of the work of governmental bodies and the elimination of unfairness and discrimination by them;
- (d) subject to the provisions of this Constitution, to supervise the enforcement of the Leadership Code of Conduct;
- (e) to investigate any act, omission, advice, decision or recommendation by a public officer or any other authority to which this article applies, taken, made, given or done in exercise of administrative functions.

(2) The Inspectorate of Government. may investigate any matter referred to in paragraph (e) of clause (1) of this article, on its own initiative or upon complaint made to it by any member of the public whether or not that person has personally suffered any injustice by reason of that matter.

**Jurisdiction of Inspectorate.**

260. The jurisdiction of the Inspectorate of Government shall cover officers or leaders whether employed in the public service or not, and also such institutions, organisations or enterprises as Parliament may prescribe by law.

**Independence of Inspectorate.**

261. The Inspectorate of Government shall be independent in the performance of its functions and shall not be subject to the direction or control of any person or authority and shall only be responsible to Parliament.

**Accessibility to the people.**

262. (1) The Inspectorate of Government may establish branches at district and other administrative levels as it considers fit for the better performance of its functions.

(2) The Inspectorate of Government may sit and hear any matter within its jurisdiction at any place in Uganda.

(3) The Inspectorate of Government shall stimulate public awareness about the values of constitutionalism in general and the activities of its office in particular through any media and other means it considers appropriate.

**Provision for adequate resources.**

263. (1 )The Inspectorate of Government shall have an independent budget. appropriated by Parliament, and controlled by the Inspectorate.

(2) It shall be the duty of all concerned to facilitate the employment by the Inspectorate of Government of such adequate and qualified staff as are needed to enable the Inspectorate to discharge its functions effectively and efficiently.

**Special powers of the Inspectorate of Government.**

264. (1) The Inspectorate of Government shall have power to hear and determine cases involving corruption, abuse of authority or public office and to make any order according to law.

(2) The Inspectorate of Government shall, in the exercise of its functions have the powers of the High Court -

- (a) to summon witnesses to appear before it and to compel them to give evidence on oath or to produce documents relevant to any proceedings before it;
- (b) to issue a commission or request to examine witnesses abroad; and
- (c) to enforce any lawful order made by the Inspectorate of Government.

(3) Any person who gives evidence at any proceeding of the Inspectorate has the same rights, privileges and duties and liabilities as a witness in proceedings before the High Court.

(4) An appeal against any decision of the Inspectorate of Government shall lie to the Supreme Court.

(5) The procedure for any proceedings of the Inspectorate of Government under this article and for any appeal from any decision in those proceedings shall be prescribed by Parliament by law.

(6) Subject to the provisions of any law, the Inspectorate of Government shall have power to enter and inspect the premises of any department of Government or of any authority, to call for, examine and where necessary, retain any document kept on those premises and there to carry out any investigation for the purpose of its functions.

(7) For the avoidance of doubt the Inspectorate of Government shall, when enforcing the Leadership Code of Conduct, have all the powers conferred on it by this Chapter in addition to any other powers conferred by law.

(8) Subject to this Constitution, Parliament shall enact any law necessary for enabling the Inspectorate of Government to discharge its functions effectively and efficiently and in particular to ensure that the discharge of those functions is not frustrated by any person or authority.

**265.** (1) The Inspectorate of Government shall submit to Parliament at least Reports. once in every six months, a report on the performance of its functions, making such recommendations as it considers necessary and containing such information as Parliament may require.

(2) A copy of the report referred to in clause (1) of this article shall be forwarded by the Inspectorate of Government to the President; and where

any matter contained in the report relates to the administration of any local authority, an extract of the portion of the report on the matter shall be forwarded to that local authority.

(3) The Speaker of Parliament shall lay before Parliament the report submitted under clause (1) of this article within thirty days after it has been submitted if Parliament is then in session, or, if Parliament is not in session, within thirty days after the commencement of its next following session.

**Powers of  
Parliament  
regarding  
Inspectorate.**

266. (1) Parliament shall subject to the provisions of this Constitution, make laws to give effect to the provisions of this Chapter.

(2) Laws made for the purpose of this Chapter may in particular provide -

- (a) for regulating the procedure for the making of complaints and requests to the Inspectorate of Government and for the exercise of its functions;
- (b) for conferring such powers on it and imposing such duties on persons concerned as are necessary to facilitate it in the performance of its functions; and
- (c) for ensuring accessibility to the services of the Inspectorate by the general public and decentralizing the exercise of those functions and where necessary, for enabling the delegation by the Inspectorate of any of those functions to other authorities or persons at district or lower local government levels.

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CHAPTER SIXTEEN

**LEADERSHIP CODE OF CONDUCT**

267.( 1) Parliament shall by law establish a Leadership Code of Conduct for persons holding such offices as may be specified by Parliament whether or not any such office is in the public service.

Establishment or  
Leadership Code.

(2) The Leadership Code of Conduct shall-

(a) specify the categories of offices to which the Code applies;

(b) require specified officers to declare their incomes, assets and liabilities from time to time;

(c) prohibit conduct likely to compromise the honesty, impartiality and integrity of specified officers or to lead to corruption in public affairs, or which is detrimental to the public good or welfare;

(d) prescribe the penalties to be imposed for breach of the Code;

(e) prescribe powers, procedures and practices for ensuring the effective enforcement of the Code; and

(f) make any other provision as may be necessary for ensuring the promotion and maintenance of honesty, probity, impartiality and integrity in public affairs and the protection of public funds and other public property.

268. (1) The Leadership Code of Conduct shall be enforced by the Inspectorate of Government or such other authority as Parliament may by law prescribe.

Enforcement  
or Code.

(2) The authority empowered by law to enforce the Code of Conduct shall, in relation to the enforcement have the same powers as the High Court for enforcing its orders.

269. Parliament may by law provide that a person who has been dismissed or removed from office by reason of breach of the Code of Conduct shall be disqualified from holding any other office whether appointive or elective and either generally or for a prescribed period.

Disqualification  
for breach or  
Code.

270. In this Chapter, unless the context otherwise requires, "specified officer" means the holder of an office to which the Leadership Code of Conduct applies.

Interpretation

CHAPTER SEVENTEEN

**LAND AND ENVIRONMENT**

***Land***

**General  
principles on  
ownership of  
land.**

271. (1) All land in Uganda belongs to the people and its use shall be regulated by the Uganda Land Commission for the benefit of the people.

(2) In regulating and managing the utilisation of land, the-following principles shall apply -

(a) persons lawfully occupying and utilising land shall-

(i) be guaranteed security of tenure;

(ii) be enabled to register their interests and acquire certificates of title in accordance with the law;

(b) there shall be maximum utilisation of land while ensuring equitable distribution of land among the people;

(c) the division of land into uneconomic units shall be avoided.

(3) Government may own land for public purposes.

(4) Subject to clause (5) of this article, all land tenure systems in existence immediately before the coming into force of this Constitution may . continue in existence.

(5) Parliament shall make laws to give effect to the principles in this article and may, by such laws, regulate estates and interests in and the transfer of land.

**Uganda  
Land  
Commission.**

272. (1) There shall be a land commission to be known as "the Uganda Land Commission".

(2) The Uganda Land Commission shall consist of a Chairman and not less than four members appointed by the President with the approval of the National Council of State.

(3) A person shall not be qualified to be a member of the Uganda Land Commission if he. is a member of Parliament or a member of a District Councilor the council of any other local government unit.

(4) The members of the Uganda Land Commission shall hold office for a period of five years subject to renewal.

(5) A member of the Uganda Land Commission may be removed from office by the President with the approval of the National Council of State only for inability to perform his functions or for misbehavior or misconduct.

(6) In the performance of its functions, the Uganda Land Commission shall be independent and shall not be subject to the direction or control of any person or authority but shall take into account Government policy on land.

(7) The Uganda Land Commission shall be self-accounting and the salaries and allowances of its members shall be charged on the Consolidated Fund.

273. The functions of the Uganda Land Commission are -

- (a) to allocate land which is not occupied or owned by any person or authority;
- (b) to regulate the use of land in Uganda in accordance with this Constitution and any other law;
- (c) to make recommendations to Government on the land tenure system, land use, and the system of land registration;
- (d) to advise the Government and local authorities on the carrying out of a planned and co-ordinate development of particular areas; and
- (e) to perform such other functions as Parliament may, by law prescribe.

**Functions of  
the Uganda  
Land  
Commission.**

274. (1) There shall be a District Land Committee for each district which shall, in the district, perform the functions of the Uganda Land Commission specified in article 273 of this Constitution and such other functions as Parliament may by law prescribe.

**District  
Land  
Committees.**

(2) The Uganda Land Commission shall coordinate the activities of the District Land Committees.

275. (1) Parliament may by law provide for the establishment of land tribunals.

**Land  
tribunals**

- (2) The jurisdiction of a land tribunal may include -
  - (a) the determination of disputes relating to the grant, lease, transfer or repossession of land by the Uganda Land Commission or other authority with responsibility relating to land; and

(b) the determination of any disputes relating to the amount of compensation to be paid for land compulsorily acquired,

(3) The Chairman of land tribunal established under this article shall be appointed on the advice of the Chief Justice or other person designated by the Chief Justice.

(4) A member of a land tribunal shall hold office on such terms and conditions determined under a law made under this article.

(5) A law made under this article may prescribe the practice and procedure for land tribunals and shall provide for a right of appeal from a decision of a land tribunal to a court of law.

Minerals.

276. (1) The entire property in and control of all minerals and mineral ores in, or upon any land or waters in any land shall be vested in the Government of Uganda.

(2) For the purposes of this article, "mineral" does not include clay, murrum, sand or any stone commonly used for building or similar purposes.

Power of  
Parliament  
Relating to  
Land

277. Parliament may, subject to the provisions of this Constitution, make laws providing for –

- (a) the land tenure system in Uganda;
- (b) the composition of District Land Committees;
- (c) the powers, procedures, and terms of service of members of the Uganda Land Commission and District Land Committees;
- (d) the regulation of the size of land granted to any person or authority by the Uganda Land Commission and the conditions under

which land is held;

(e) the control, possession and transfer of land by non-citizens; (f) the imposition of taxation on land;

(g) any other matter connected with or touching on land.

### ***Environment***

278. (1) Parliament shall, by law provide for measures intended to protect and preserve the environment from abuse and degradation and to manage the environment for sustainable development, including provision for -

- (a) protecting game parks and game reserves, forest reserves, historical sites and other object's or social and cultural significance;



- (b) taking all possible measures to prevent or minimise soil erosion;
- (c) preventing the importation of any harmful or dangerous plant or animal or thing;
- (d) regulating the importation of chemical, insecticide, pesticide or any substance that may be harmful to the environment;
- (e) prohibiting the dumping of any nuclear or toxic waste on the soil or territory of Uganda;
- (f) regulating the dumping of refuse and the location of any factory, plant or dwelling house;
- (g) regulating physical planning;
  - (h) preventing or minimizing the effect of any pollution, contamination or unwholesome interference with the air or water;
- (i) regulating the biophysical state of any area in Uganda and promoting a sound ecological balance; and
- j) promoting environmental awareness through environmental education in the school curricula and other appropriate means of mass sensitization; and establishment of appropriate institutional framework and national programmes for the protection of the environment.

CHAPTER EIGHTEEN

**GENERAL AND MISCELLANEOUS**

**Traditional  
leaders.**

279. (1) Subject to the provisions of this Constitution, the institution of traditional leader may exist according to the culture, customs, traditions, wishes and aspirations of the people to whom it applies.

(2) The following provisions shall apply in relation to traditional leaders -

- (a) the cost of maintaining and upkeeping a traditional leader and his office shall not be the responsibility of the Government;
- (b) no person shall be compelled to pay allegiance to or to contribute to the cost of maintaining or upkeeping a traditional leader;
- (c) a person shall not, while remaining a traditional leader, join or participate in politics or influence or allow his office to be used to influence the course of politics;
- (d) subject to the provisions of this Constitution, the qualifications for election, appointment or succession and the removal of a traditional leader and the abolition of the institution of a traditional leader shall be regulated by the customs, practices and usages of the community concerned;
- (e) any custom, practice or usage or tradition relating to a traditional leader which detracts from the rights of any person as guaranteed by this Constitution shall cease to apply.

(3) Parliament shall make laws for giving effect to the provisions of this article.

(4) For the purposes of this article, "traditional leader" means a cultural leader who derives allegiance from the fact of his birth or descent in accordance with the customs, traditions, usages and the consent of the community which he leads.

**Administration  
of estates.**

280. Parliament shall -

- (a) by law establish an efficient, fair and expeditious machinery for the administration and management of the estates of deceased persons; and
- (b) under the law referred to in paragraph (a) of this article, ensure that the services of the department or organisation established by the law for the purpose are decentralised and accessible to all persons who may reasonably require those services and that the interests of all beneficiaries are adequately protected.

**281.** (1) There shall be a Law Reform Commission for Uganda which shall consist of a Chairman and six other members appointed by the President with the approval of the National Council of State.

(2) The Chairman and two of the members of the Commission shall each be appointed from among persons who have held or are qualified to hold office as a Judge of the High Court or a Justice of the Supreme Court and shall serve on a full-time basis.

(3) Two of the members of the Commission other than those mentioned in clause (2) of this article shall be appointed from among persons who are not lawyers but who have distinguished themselves in disciplines relevant to the functions of the Commission.

(4) A member of the Commission shall vacate his office at the expiration of four years from the date of his appointment but shall be eligible for re-appointment.

(5) A member of the Commission may be removed by the President with the approval of the National Council of State only for inability to discharge the functions of his office arising from infirmity of body or mind or any other cause, or for misbehavior or misconduct.

(6) It shall be the duty of the Commission to study and keep under constant review the laws of Uganda with a view to making recommendations for their systematic improvement, development, modernisation and reform with particular emphasis on -

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

(7) Parliament shall by law prescribe the procedure for implementation of the functions of the Commission.

Legal

282. (1) Where a person has a claim against the Government, that claim may be enforced as a right by proceedings <sup>Proceedings</sup> taken against the Government for that purpose.

(2) Civil proceedings by or against the Government shall be instituted by or against the Attorney-General and all documents required to be served on the Government for the purpose of or in connection with those proceedings shall be served on the Attorney-General.

(3) Subject to clause (1) of this article, Parliament may by law make provision for proceedings against the Government.

(4) In the title of any criminal proceedings the prosecution shall be designated by the word "Uganda".

283.(1) Any Commission established by this Constitution may, subject to the provisions of this Constitution, regulate its own procedure or confer powers or impose duties on any officer or authority of the Government for the purposes of discharging its functions.

(2) Subject to the provisions of this Constitution, any decision of any Commission, established by this Constitution shall require the concurrence of a majority of all its members; and it may act notwithstanding the absence of any member or any vacancy in the office of a member.

(3) In this article "Commission" includes a council and a committee.

284.(1) Any person who is appointed or elected to any office established by this Constitution may resign from that office by writing signed by him addressed to the person or authority by whom he was appointed or elected; except that in the case of the Speaker or Deputy Speaker of Parliament his resignation from that office shall be addressed to the Clerk to Parliament, and in the case of a member of Parliament his resignation shall be addressed to the Speaker.

(2) The resignation of a person from any office established by this Constitutions, shall take effect in accordance with the terms on which he was appointed or, if there are no such terms, when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorised by that person or authority to receive it:

(3) Any reference in this article to an office does not include a reference to the office of the President or the Vice President.

(4) For the purposes of clause (1) of this article, "office" includes-

(a) the Speaker and Deputy Speaker of Parliament; (b) a Minister or a Deputy Minister;

(c) the Attorney-General;

(d) a member of Parliament;

(e) a member of any Commission, Council or Committee established by this Constitution;

(f) a public office.

285. (1) Where any person has vacated any office established by this Constitution, he may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Constitution.

(2) Where a power is conferred by this Constitution on any person to make any appointment to any office, he may appoint a person to that office even while some other person holds the office, when that other person is on leave of absence pending the relinquishment of the office.

(3) Where two or more persons hold the same office by reason of an appointment made by virtue of clause (2) of this article, then, for the purposes of any function conferred on the holder of that office, the person last appointed shall be taken to be the sole holder of that office.

(4) Any reference in this article to an office does not include a reference to the office of the President or the Vice-President.

286. (1) In this Constitution, unless the context otherwise requires -

"Act of Parliament" means a law made by Parliament;

"article" means an article of this Constitution;

"court" means a court of judicature established by or under the authority of this Constitution;

"district" means a district referred to in article 202;

"District Council" means the District Council established by article 204;

"financial year" means the period of twelve months ending on the thirtieth day of June in any year or such other day as Parliaments by law may prescribe;

"functions" includes powers and duties:



"Gazette" means the Uganda Gazette and includes any supplement of that Gazette;

"Government" means the Government of Uganda;

"High Court" means the High Court of Uganda;

"judgment" includes a decision, an order or decree of the court;

"judicial power" means the power to dispense justice among persons and between persons and the State under the laws of Uganda;

"Leadership Code of Conduct" means the Leadership Code of Conduct established under Chapter sixteen of this Constitution;

"Minister" means a Minister of the Government;

"Oath of allegiance" means an oath of allegiance prescribed by law;

"Parliament" means the Parliament of Uganda;

"President" means the President of Uganda;

"public office" means an office in the public service;

"public officer" means a person holding or acting in any public office;

"session" means a series of meetings of Parliament within a period of twelve months;

"sitting" includes a period during which Parliament is continuously sitting without adjournment and a period during which it is in Committee;

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

"Supreme Court" means the Supreme Court of Uganda;

"Teaching Service" means any part of the public service established as the Teaching Service by Parliament by law;

"Uganda" means the Republic of Uganda.

**(2) In this Constitution -**

(a) "public service" means service in any civil capacity of the Government, any District Government or other local authority;

(b) unless the context otherwise requires, a reference to an office in the public service includes-



(i) a reference to the office of a Justice of the Supreme Court, or a Judge of the High Court and the office of a member of any other court of law established by or under the authority of this Constitution, other than a court-martial, being an office the emoluments of which are paid directly from the Consolidated Fund or directly out of moneys provided by Parliament; and

(ii) a reference to the office of a member of the Uganda Police Force, the Uganda Prisons Service and the Teaching Service;

(c) a reference to an office in the public service does not include a reference to the office of the President, the Vice-President, the Speaker or Deputy Speaker of Parliament, a Minister or a Deputy Minister, the Attorney General, a member of Parliament or a member of any Commission, Council or Committee established by this Constitution.

(3) In this Constitution unless the context otherwise requires, a reference to the holder of an office by the term designating his office includes a reference to any person for the time being lawfully acting in or performing the functions of that office.

(4) For the purposes of this Constitution, a person shall not be considered as holding a public office by reason only of the fact that he is in receipt of a pension or other like allowance in respect of service under the Government.

(5) The power to remove a public officer from his office includes the power to require or permit that officer to retire from public service; except that nothing in this clause confers on any person or authority power to require the retirement of a person holding a public office for which the method of retirement or removal is specifically provided for by this Constitution;

(6) Any provision in this Constitution that vests in any person or authority power to remove a public officer from his office shall not prejudice the power of any person or authority to abolish any office or any law providing for the compulsory retirement of public officers generally or any class of public officer on attaining an age specified in that law.

(7) Where power is vested by this Constitution in any person or authority to appoint any person or to act in or perform the functions of any office if the holder of the office is himself unable to perform those functions, no such appointment shall be called in question on the ground that the holder of the office was able to perform those functions.

(8) Where any power is conferred by this Constitution to make any statutory instrument or rule, or pass any resolution, or give any direction, the power shall be construed as including the power, exercisable in like manner to amend or revoke any such statutory instrument, rule, resolution or direction.

(9) In this Constitution, references to the alteration of any of the provisions of this Constitution or any Act of Parliament include references to the amendment, modification or re-enactment, with or without amendment or modification, of that provision, the suspension or a repeal of that provision and the making of a different provision in place of that provision.

(10) In this Constitution and in any other law -

(a) words importing male persons include female persons and corporations;

(b) words in the singular include the plural, and words in the plural include the singular;

(c) words directing or empowering a public officer to do any act or thing, or otherwise applying to him by the designation of his office, include his successors in office and all his deputies and all other assistants .

CHAPTER NINETEEN

**AMENDMENT OF THE CONSTITUTION**

287. (1) Subject to the provisions of this Constitution, Parliament may amend by way of addition, variation or repeal, any provision of this Constitution in accordance with the procedure laid down in this Chapter.

**Amendment  
of  
Constitution.**

(2) This Constitution shall not be amended except by an Act of Parliament -

- (a) the sole purpose of which is to amend this Constitution; and (b)
- the Act has been passed in accordance with this Chapter.

288. (1) The provisions of this Constitution specified in clause (2) of this article shall not be amended unless the question as to whether they should be amended has been referred to a decision of the people in a referendum and the amendment has been approved at the referendum.

**Amendments  
requiring  
referendum.**

(2) The provisions referred to in clause (1) of this article are as follows

- (a) article 2 - Supremacy of the Constitution;
- (b) article 98 - Referendum on political systems;
- (c) article 99 - Prohibition of one-party state.

289. (1) A bill for an Act of Parliament seeking to amend any of the provisions specified in clause (2) of this article shall not -

**Amendments  
requiring  
approval by  
District  
Councils**

- (a) be taken as passed by Parliament unless it is supported at the second and third readings by not less than two-thirds of all the members of Parliament; and
- (b) have the effect of amending this Constitution unless ratified by the District Councils of not less than two-thirds of all the districts of Uganda.

(2) The provisions referred to in clause (1) of this article are as follows

- (a) Chapter One - The Constitution, whole Chapter other than article 2;
- (b) Chapter Two - Republic of Uganda, article 4, and First Schedule;
- (c) Chapter Five - Human Rights, whole Chapter;

- (d) Chapter Six - Representation of the People, articles 84,85 and 87;
- (e) Chapter Seven - The Executive articles 102, 106, 108, 110,128 and 129;
- (f) Chapter Nine - The National Council of State, whole Chapter;
- (g) Chapter Eleven - Finance, article 178 - Taxation;
- (h) Chapter Thirteen - Local Government, article 201, Local Government System;
- (i) Chapter Fourteen-- Defence and National Security, clause (4) of article 231 (no person to raise an armed force except by or under an Act of Parliament); and
- (j) Chapter Nineteen - Amendment of the Constitution, the whole Chapter.

**Amendment of other provisions of Constitution.**

**290.** A bill for an Act of Parliament to amend any provision of the Constitution other than those referred to in articles 288 and 289 of this Constitution shall not be taken as passed unless it is supported at second and third readings by the votes of not less than two-thirds of all the members of Parliament.

**Certificate of compliance with Chapter.**

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

- (a) it is accompanied by a certificate of the Speaker of Parliament that the provisions of this Chapter have been complied with in relation to it; and
- (b) in the case of a bill to amend a provision to which article 288 or 289 of this Constitution applies, a certificate of the Electoral Commission that the amendment has been approved at a referendum or, as the case may be, ratified by the District Councils in accordance with this Chapter.

CHAPTER TWENTY

**TRANSITIONAL PROVISIONS**

**292.** (1) Notwithstanding anything in this Constitution, the government of the National Resistance Movement existing immediately before the coming into force of this Constitution, in this Chapter referred to as "the NRM Government" shall -

Transitional  
Government.

(a) continue in office until a new government is elected in accordance with this Constitution, but not later than the twenty fifth day of January, 1995; and

(b) as far as possible, exercise its functions in such manner and with such modifications as are necessary to bring them into conformity with the provisions of this Constitution.

(2) The NRM Government may exercise the functions of any authority under this Constitution only for the purpose of ensuring that this Constitution is brought fully into force.

**293.(1)** The NRM Government shall, by law establish an Interim Electoral Commission whose composition, appointment, functions and powers shall, as far as possible, conform to the provisions of articles 85 and 86 of this Constitution.

Interim  
Electoral  
Commission.

(2) The Interim Electoral Commission shall, until other provision is made under this Constitution be responsible for organising all elections to offices provided for in this Constitution.

(3) The NRM Government shall until provision is otherwise made by Parliament under this Constitution, make laws for elections and for other matters connected with elections to any office under this Constitution.

**294.** For the avoidance of doubt, a person who is elected President under this Constitution shall assume office in accordance with the provisions of article 106 of this Constitution.

First  
President.

**295.** (1) The Supreme Court and the High Court in existence immediately before the coming into force of this Constitution shall be deemed to have been established under this Constitution and shall perform the functions of the Supreme Court and the High Court as specified in Chapter ten of this Constitution.

Existing  
Supreme Court  
and High Court.

(2) All proceedings pending before the Supreme Court or the High Court immediately before the coming into force of this Constitution may be proceeded with and completed in that Court notwithstanding anything in this Constitution.

Existing  
Offices  
of Judges.

**296.** (1) A Justice of the Supreme Court or a Judge of the High Court holding office immediately before the coming into force of this Constitution shall continue to hold office as if appointed to that office under this Constitution.

(2) Any person to whom this article applies shall, on the coming into force of this Constitution be deemed to have taken and subscribed the oath of allegiance and the judicial oath as prescribed by this Constitution or any other law.

Existing  
offices.

**297.** (1) Subject to the provisions of this article, every person who immediately before the commencement of this Constitution held or was acting in any office established by or by virtue of the Constitution then in force, so far as is consistent with the provisions of this Constitution, shall be deemed to have been appointed as from the commencement of this Constitution to hold or to act in the equivalent office under this Constitution.

(2) A person who before the commencement of this Constitution would have been required under the Constitution then in force or any existing law to vacate his office at the expiration of any period or on the attainment of any age, shall vacate his office at the expiration of that period or on the attainment of that age.

(3) The provisions of this article shall not prejudice any powers conferred by or under this Constitution or any other law on any person or authority to make provision for the abolition of office, or for the removal from office of persons holding or acting in any office and for requiring persons to retire from office.

(4) In determining, for the purpose of any law relating to retirement benefits or otherwise the length of service of a public officer to whom clause (1) of this article applies, service as a public officer under the Government in existence immediately before the commencement of this Constitution shall be deemed to be continuous with service as a public officer which begins immediately on such commencement.

(5) Except as otherwise provided in this Constitution, the terms and conditions of service of a person to whom this article applies shall not be less Favourable than those applicable to him immediately before the commencement of this Constitution.

(6) For the avoidance of doubt, it is hereby declared that any office established before the coming into force of this Constitution which is inconsistent with any provision of this Constitution is, on the coming into force of this Constitution, abolished.

298. The first appointments to the following offices shall be made within six months after the assumption of office of the President elected in accordance with the provisions of this Constitution -

Appointments  
to certain  
offices.

- (a) the Chairman and members of Uganda Human Rights Commission;
- (b) the Chairman and members of the Electoral Commission;
- (c) the Chairman and members of the Law Reform Commission;
- (d) the Chairman and members of the Uganda Audit Commission;
- (e) the Inspector General of Government and Deputy Inspectors General;
- (f) appointed members of the Police Council and Police Service board;
- (g) appointed members of the Prisons Council and Prisons Service Board; and
- (h) appointed or nominated members of the Judicial Service Commission.

299. (1) Subject to the provisions of this article, the operation of the existing law after the commencement of this Constitution shall not be affected by that commencement but the existing law shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this Constitution.

Existing  
laws.

(2) For the purposes of this article, the expression "existing law" means the written and unwritten law of Uganda or any part of it as existed immediately before the coming into force of this Constitution, including any Act of Parliament or statutory instrument enacted or made before that date which is to come into force on or after that date.

300. The First President elected under this Constitution may, within twelve months after assuming office as President, by statutory instrument, make such provision as may appear necessary for repealing, modifying, adding to or adapting any law for bringing it into conformity with this Constitution or otherwise for giving effect to this Constitution.

Modification  
or existing  
Law by  
first  
President.

301. Where immediately before the coming into force of this Constitution any existing law had not been brought into force or was to come into force, on a date subsequent to the coming into force Of this Constitution, that law may be brought into force in accordance with its terms or shall come into force on such subsequent date as the case may be.

Enactments  
not yet  
In force.

**Consequential amendments to the Oaths Act Cap 52.**

302. The Oaths Act shall have effect subject to the provisions of this Constitution.

**Existing Commissions and Committees of Inquiry.**

303. Notwithstanding anything in this Constitution to the contrary, any Commission or Committee of Inquiry in existence immediately before the coming into force of this Constitution, may continue in existence until the submission of its report unless otherwise dissolved in accordance with the law.

**Oaths deemed to have been taken.**

304. Notwithstanding any provision of this Constitution, every person who immediately before the commencement of this Constitution held or was acting in any office established under or by virtue of the Constitution then in force and who holds or is acting in an equivalent office under this Constitution, shall be deemed to have taken and subscribed any necessary oath under this Constitution in accordance with this Constitution.

**Pending matters.**

305. (1) Where any matter or thing has been commenced before the coming into force of this Constitution by any person or authority having power to do so under the existing law, that matter or thing may be carried on and completed by the person or authority having power to do so on or after the commencement and, unless the President in any case otherwise directs, it shall not be necessary for the latter person or authority to commence that matter or thing afresh.

(2) This article shall have effect subject to the provisions of this Constitution and to any law made by Parliament.

**Proceedings pending before courts.**

306. Legal proceedings pending immediately before the commencement of this Constitution before any court, including civil proceedings against the Government shall not be affected by the commencement of this Constitution.

**Official seals.**

307. The Public Seal, the seals of the courts of judicature as well as any prescribed forms in use under the existing law in force immediately before the coming into force of this Constitution shall continue to be used until provision is otherwise made for them according to law.

**Prerogative of mercy.**

308. The prerogative of mercy of the President under article 113 of this Constitution may be exercised in respect of any criminal offences committed before the coming into force of this Constitution as it may in respect of a criminal offence committed after the coming into force of this Constitution.

**Devolution of rights and liabilities.**

309. Subject to the provisions of article 310 -

(a) any right, prerogative, power, privilege, or function which under tile existing law vested in the President shall vest in the President or other person or authority as is specified under this Constitution;



- (b) any right, power, privilege, obligation, liability, duty or function vested in or subsisting against the Government by or under an existing law shall continue to so vest or subsist.

310. (1) All property, whether movable or immovable, and all assets which immediately before the commencement of this Constitution were vested in any authority or person for the purposes of or in right of the Government or in the Government shall, on the commencement of this Constitution, vest in the Government, subject to the provisions of Chapter Seventeen of this Constitution.

**Succession  
of  
properly.**

(2) Any property which was immediately before the commencement of this Constitution liable to escheat or to be forfeited to any person or authority in right of the Government shall, on such commencement be liable to escheat or to be forfeited to the Government.

311. Where there is subsisting, immediately before the commencement of this Constitution, a contract which has been entered into by or on behalf of the Government, then on and after that commencement all rights, liabilities and obligations of the Government under the contract shall be vested in the Government and the contract shall otherwise continue to be of full force and effect.

**Succession  
to  
contracts.**

312. Where-

- (a) any treaty, agreement or convention with any country or international organization was made or affirmed by Uganda or the Government on or after the ninth day of October, 1962, and was still in force immediately before the coming into force of this Constitution; or

**Internationa  
l  
agreements,  
treaties and  
conventions.**

- (b) Uganda or the Government was otherwise a party immediately before the coming into force of this Constitution to any such treaty, agreement or convention,

the treaty, agreement or convention shall not be affected by the coming into force of this Constitution and Uganda or the Government, as the case may be, shall continue to be a party to it.

313. In this Chapter -

"the existing law" has the meaning assigned to it in article 299 of this Constitution; and

**interpretation**

"NRM Government" has the meaning assigned to it in article 292 of this Constitution.

**Cessation of  
1967 Constitution  
and Legal Notice  
No.1 of  
1986.**

**314.** Subject to article 292 of this Constitution, the Constitution of Uganda of 1967 and Legal Notice No. 1 of 1986 as amended shall cease to have effect upon the assumption of office of the First President elected under this Constitution.

**SCHEDULES****FIRST SCHEDULE**

Article 4 (3)

**THE BOUNDARIES OF UGANDA.**

Commencing at the highest point of Mt Sabinio; thence in a north-easterly direction to the southern extremity of the Mdagana ridge marked by Boundary Pillar 1; thence along the watershed of Mdagana to its highest point, marked by BP 2; thence in a north-westerly direction in a straight line to the summit of the knoll Chieshire, marked by BP 3; thence in a straight line in a north-easterly direction to the confluence of the Rivers Nyarugando and Nkanka (Kanga); thence following the thalweg of the River Nyarugando to its source; thence in a straight line in a north-westerly direction to the highest point of the hill Giskio, marked by BP 4; thence following the watershed between the hill Giskio, and the hill Lubona and its continuation as far as a point, marked by BP 5, about 400 metres north-west of the summit of the hill Lubona; thence along the crest of the spur running in a north-westerly direction to the River Sinda (Lulangala); thence along the crest of the opposite spur, as shown on the map, to the summit of the hill Kirambo, marked by BP 6; thence in a curved line, as shown on the map, along the crest of a spur running from Kirambo in a north-easterly and northerly direction to the northernmost elbow of the River Kaku or Rutshuru; thence in a straight line across this river to the mouth of the stream Kasumo (Sumo); thence along the thalweg of this stream to its source; thence in a straight line to the lowest point, marked by BP 7 of the col north-east of the above-mentioned elbow of the River Kaku or Rutshuru; thence in a straight line to the confluence of the Rivers Kyarakibi and Murungu; thence following the thalweg of the River Murungu down-stream to its junction with the thalweg of the River Chonga; thence in a straight line to the summit of a hill (Muko), marked by BP 8, about 700 metres north-north-east of this junction; thence in a straight line in a northerly direction to the summit of the hill Chikomo (Deko South) or Katwakare, marked by BP 9; thence in a straight line to the summit of the hill Deko North; thence in a straight line to the summit of a hill (Nteko) about 3 km north by west of Deko North; thence in a straight line to the point, marked by BP 10, where the Kayonsaroad crosses the River Ivi; thence in a straight line to a point marked by B P 11, about 1 km to the north of B P 10, on a prominent spur of the Nkabwa-Salambo range; thence following the crest of this spur to the summit of the hill Salambo; thence along the watershed of the Nkabwa-Salambo range to the summit of the hill Nkabwa, marked by BP 12.

From the summit of Nkabwa hill, the boundary runs in an easterly direction to the summit of the hill Kyeshero, marked by BP 12A; thence in the same straight line to the point known as Kakoraza, marked by BP 13; thence in the same straight line eastwards to the River Munyaga; thence along the thalweg of this river, downstream, to its junction with the thalweg of the River Ishasha; thence along the thalweg of the River Ishasha, downstream, to its mouth in Lake Edward; thence in a straight line in a northerly direction across Lake Edward to a point marked by BP 1 at the mouth of the River Lubilia-Chako; thence along the thalweg of this river to a point marked by BP 2; thence along the thalweg of this river to a point marked by BP 3; thence along the thalweg of this river to a point marked by BP 4; thence along the thalweg of this river to the point where it separates into the rivers Lubilia and Chako marked by BP 5; thence along the thalweg of the River Chako to a point marked by BP 6; thence continuing along the thalweg of the River Chako, upstream, to its source at a point marked by B P 7; thence in a straight line to the highest point of the Ruwenzori Range, the summit of Margharita Peak; thence in a straight line to the source of the River Lami, situated about 5.4 km north-west of the Peak Kalengili and about 20 km south-west of the hilltop Karangora; thence along the thalweg of the River Lamia, downstream, to its junction with the thalweg of River Semliki; thence along the thalweg of the River Semliki, downstream, to its mouth in Lake Albert; thence across Lake Albert in a succession of straight lines passing through the points situated mid-way between the shores of the

lake on parallels of  $01^{\circ} 31'$ ,  $01^{\circ} 45'$  and  $02^{\circ} 00'$  north latitude, to a point mid-way between the shores of the lake on the parallel of  $02^{\circ} 01'$  north latitude.

From this point the boundary runs in a northerly direction along the meridian for a distance of approximately 4.5 km north of the point on the parallel of  $02^{\circ} 01'$  north latitude; thence in a straight line to a point marked by BP 1 on the shore of Lake Albert and on the prolongation of a straight line from the hill Kagudi (Uduka) to the knoll Marombe on the escarpment overlooking Lake Albert about 1.7 km south-east by east of the hill Kagudi, and is about 100 metres from the lakeshore on the said straight line; thence in a straight line to B P 2 on the hill Marombe, about 2 km from the lakeshore; thence in a straight line to BP 3, on the summit of the hill Kagudi (Uduka); thence in a straight line to BP4 on the neck of the hill Ngumuda Biet (Otal), which is about 1.04 km from the hill Kagudi; thence in a straight line to BP 5 on the hill Biet (Otal), at a distance of 3.04 km from the hill Kagudi; thence in a straight line to BP 6 on the hill Virkidi on a straight line from the hill Kagudi to the hill Biet at a distance of about 4.8 km from Kagudi; thence in a straight line to B P 7 at the intersection of a straight line from the hill Kagudi to the hill Biet and a straight line from the hill Milia to the junction of the Rivers Nashiodo and Alala, close to the River Otal on its bank and is known as Utal; thence in a northerly direction along the meridian of BP 7 on a straight line from the hill Milia to the junction of the Rivers Nashiodo and Alala to BP 8 about 4 km from the junction of the said rivers on the hill Wellingondo; thence along the meridian to BP 9 on the hill Nyatabu (Niatabu), about 2.48 km from the junction of the said rivers; thence along the meridian to BP 10 on the hill Nyatabu II (Nitabu) about 1.2 km from the junction of the said rivers in one of the villages known as Parombo; thence along the meridian to BP on the right bank of the river Nashiodo (Achodo) at its junction with the River Alala; thence along the thalweg of the river upstream to its source to BP 12 on the summit of the hill Keresi; thence along a curved line following the watershed of the river Sido basin to BP 13 on the summit of the hill Aminzi; thence in a straight line to BP 14 on the summit of the hill Kiti in a straight line from the hill Aminzi to Monda (Omunda) Rock at a distance of about 2 km from Aminzi; thence in a straight line to BP 15 on the east immediately below the summit of the rock Monda; thence in a straight line to BP 16 on the right bank of the River Niabola (Nyibola) about 15 feet above its junction with the rivers Nyarwodo (Narodo) and Niabola (Nyibola); thence along the thalweg of the river Niabola (Nyabola) to BP 17 upon the summit of the hill Agu; thence along a curved line following the watershed of the river Aioda (Ayuda) basin to BP 18 on the summit of the hill Asina about 3.44 km south-west by south from the hill Agu; thence along the watershed to BP 19 on the summit of the hill Sisi; thence along the curved line following the watershed of the river Leda to BP 20 on the summit of the hill Ajigu; at a distance of about 2.56 km north-west by west of the hill Sisi; thence along a curved line following the watershed of the river Leda basin to BP 21, at point 2.16 km west of BP 20; thence along a curved line following the watershed to BP 22 on the knoll Okiyo situated about 4.2 km south-east by east of the summit of the hill Cho; thence along a curved line to BP 23 on a small group of rocks (Matijo) upon the watershed between the river Niagak basin and that tributary which joins the Niagak just below the confluence of the rivers Niagaka and AmGJA and is about 2 km south-east by east of the hill Cho; thence along a curved line to BP 24 on a small knoll on the above described watershed at a distance of about 200 metres from the confluence of the rivers Niagak and Amoda; thence in a straight line to B P 25 on the right bank of the river Amoda (Ammodar), immediately above its confluence with the river Nyalidha, at point about 1,600 metres south west of the summit of the hill Akar; thence along the thalweg of the river Nyalidha to BP 26 upon the Nile-Congo watershed about 6.2 km west-south-west of the summit of the hill Akar and about 5.6 km south-south-east of the hill Utzi, close to the source of the river Omithameri.

From this point the boundary follows the Nile-Congo watershed in a northerly direction to a point about 0.3 km south of the source of the river Kaia (Kaya) the tri-junction of the Uganda/Zaire/Sudan International Boundaries; thence in a straight line to the source of the river Kaia (Kaya); thence along the thalweg of the river Kaia (Kaya), downstream to its confluence with the unnamed river which runs immediately south of Chei and

Lodwa rocks, and then runs in a northerly direction; thence in an easterly direction in a straight line to a point on the western summit of the hill Kiewa, marked by a surface beacon; thence in a south-easterly direction in a straight line to the confluence of the rivers Adjika and Kohl Nyaura (Nyawa); thence in a north-easterly direction in a straight line to a point on the top of I. Jalei, marked by a surface beacon; thence in an easterly direction to the source of the river Khor Kayo (Kayu), approximately 3/4 miles from J Jalei; thence following the thalweg of the Khor Kayo to a point on the thalweg directly opposite the westernmost point of the foothills of the escarpment running north-west from Jebel Elengua; thence in a straight line to the westernmost point of the foothills; thence following the bottom of the foothills of this escarpment in a south-easterly, or such a line as shall exclude the riverain people below Nimule; thence following due east to the intersection the thalweg of the river Bahr el Jebel (White Nile) with the thalweg of the river Unyama; thence along the thalweg of the river Unyama, upstream, to a point on the thalweg along the latitude of Jebel Ebijo; thence following due east to the summit of Jebel Ebijo; thence following in the direction of Jebel Kakomera to the thalweg of the river Achwa; thence following the thalweg of the river Achwa, downstream, to the intersection of the thalweg and a straight line towards the village Lokai to the northernmost point of the bottom of Jebel Marokho; thence following the summit of Jebel Agu; thence following the summit of Jebel Ilala (Lwomwaka); thence in a straight line in a north-easterly direction to the hill (Jebel) Modole; thence following a straight line in a south-easterly direction to the most south-easterly foothills of Jebel Terenteinia; thence in a straight line in a south-easterly direction to a point on the summit of the hill (Jebel) Lonyili marked by a triangulation mark 9.Y.2; thence on bearing 44° 45' and for a distance of 58,506 feet approximately to triangulation mark 9.Y.9; thence on bearing 44° 45' and for a distance of 17,831 feet approximately to a triangulation mark 9.Y.8; thence on bearing 44° 45' and for a distance of 26,945 feet to a triangulation mark 9.Y.6; thence on bearing 44° 45' and for a distance of 17,854 feet to a triangulation mark 9.Y.5; thence on bearing 44° 45' and for a distance of 7,320 feet to a triangulation mark 9.Y.4; thence on bearing 44° 45' for a distance of 6,420 feet to a triangulation mark 9.Y.3; thence on bearing 44° 45' and for a distance of 20,306 feet to a triangulation mark 9.Y.1 on the summit of the hill (Jebel) Urungo; thence on bearing 44° 45' to a point north of Mount Zulia at a distance of 31.5 miles approximately from 9.Y.1 and which is to the tri-junction of the Uganda/Sudan/Kenya International Boundaries. From this point the boundary is defined by a series Boundary Pillars joined by straight lines as follows; on an approximate bearing of 127° for an approximate distance of 21,500 ft. to Pillar UK 180; thence on a bearing of 132° 41' for a distance of 4,444ft. to Pillar UK 179;

15 180° 05'	5,313ft.	173;
193° 47'	3,942ft.	172;
252° 36'	11,338ft.	171;
175° 13'	6,533ft.	170;
108° 18'	7,280ft.	169;
136° 07'	12,882ft.	168;
118° 30'	12,368ft.	167;
184° 26'	1,847ft.	166;
193° 32'	8,426ft.	165;
195° 43'	12,045ft.	164;
208° 42'	606ft.	163;
225° 39'	1,958ft.	162;
244° 44'	4,290ft.	161;
244° 37'	5,256ft.	160;
186° 44'	7,960ft.	159;
185° 09'	797ft.	158;

141° 19'	224ft.	157;
105° 28'	1,390ft.	156;
62° 15'	6,590ft.	155;
79° 18'	6,628ft.	154;
79° 24'	562ft.	153;
98° 30'	7,857ft.	152;
86° 30'	6,719ft.	151;
19° 35'	2,151ft.	150;
54° 05'	1,326ft.	149;
52° 46'	1,387ft.	148;
84° 15'	7,907ft.	147;
88° 38'	2,969ft.	146;
93° 11'	3,880ft.	145;
162° 13'	10,907ft.	144;
169° 22'	1,233ft.	143;
180° 05'	6,988ft.	142;
276° 03'	4,216ft.	141;
269° 35'	12,526ft.	140;
220° 56'	4,826ft.	139;
213° 23'	4,857ft.	138;
244° 58'	2,355ft.	137;
262° 40'	1,631ft.	136;
176° 51'	2,685ft.	135;
71° 53'	2,157ft.	134;
141°01'	1,898ft.	133;
73° 20'	2,900ft.	132;
95° 51'	1,882ft.	131;
107° 02'	5,231ft.	130;
193° 16'	1,233ft.	129;
164° 54'	3,325ft.	128;
249° 32'	2,213ft.	127;
248° 20'	5,751ft.	126;
257° 52'	1,900ft.	125;
131° 49'	3,476ft.	124;
72° 43'	4,611ft.	123;
81°33'	1,335ft.	122;
69° 56'	6,268ft.	121;
68° 27'	4,067ft.	120;
68° 08'	2,676ft.	119;
108° 26'	1,514ft.	118;
120° 39'	591ft.	117;
174° 30'	1,137ft.	116;
177° 54'	1,945ft.	115;
73° 00'	766ft.	114;
29° 30'	2,694ft.	113;



79 <sup>0</sup> 44'	907ft.	112;
66 <sup>0</sup> 16'	1,937ft.	111;
79 <sup>0</sup> 55'	2, 194ft.	110;
145 <sup>0</sup> 27'	8,509ft.	109;
156 <sup>0</sup> 21'	6,769ft.	108;
135 <sup>0</sup> 26'	8,205ft.	107;
125 <sup>0</sup> 22'	6,438ft.	106;
129 <sup>0</sup> 06'	5,399ft.	105;
187 <sup>0</sup> 04'	4,979ft.	104;
190 <sup>0</sup> 48'	3,490ft.	103;
206 <sup>0</sup> 19'	1,348ft.	102;
90 <sup>0</sup> 43'	989ft.	101;
19 <sup>0</sup> 19'	13,434ft.	100;
43 <sup>0</sup> 44'	3,513ft.	99;
72 <sup>0</sup> 50'	4,525ft.	98;
77 <sup>0</sup> 44'	6,713ft.	97;
91 <sup>0</sup> 40'	5,820ft.	96;
119 <sup>0</sup> 12'	3,050ft.	95;
137 <sup>0</sup> 48'	9,847ft.	94;
138 <sup>0</sup> 59'	2,497ft.	93;
166 <sup>0</sup> 14'	4,695ft.	92;
208 <sup>0</sup> 52'	5,792ft.	91;
109 <sup>0</sup> 54'	13,971ft.	90;
130 <sup>0</sup> 36'	3,998ft.	89;
189 <sup>0</sup> 05'	11,610ft.	88;
190 <sup>0</sup> 53'	9,774ft.	87;
173 <sup>0</sup> 59'	11,720ft.	86;
185 <sup>0</sup> 18'	3,718ft.	85;
185 <sup>0</sup> 17'	8,946ft.	84;
185 <sup>0</sup> 17'	9,408ft.	83;
214 <sup>0</sup> 56'	3,320ft.	82;
223 <sup>0</sup> 42'	6,391ft.	81;
234 <sup>0</sup> 33'	4,606ft.	80;
264 <sup>0</sup> 01'	9,781ft.	79;
305 <sup>0</sup> 56'	2,607ft.	78B;
254 <sup>0</sup> 05'	658ft.	78A;
166 <sup>0</sup> 43'	3,498ft.	78;
135 <sup>0</sup> 44'	7,662ft.	77;
147 <sup>0</sup> 08'	7,410ft.	76;
171 <sup>0</sup> 43'	6,334ft.	75;
212 <sup>0</sup> 11'	6,726ft.	74;
249 <sup>0</sup> 27'	3,158ft.	73;
181 <sup>0</sup> 55'	13,506ft.	72;
170 <sup>0</sup> 05'	2,587ft.	71;
129 <sup>0</sup> 00'	5,641ft.	70;



137° 01'	8,709ft.	69;
165° 27'	13,939ft.	68;
159° 01'	9,269ft.	67;
174° 59'	14,818ft.	66;
179° 35'	5,101ft.	65;
172° 44'	9,833ft.	64;
178° 53'	6,324ft.	63;
148° 52'	3,609ft.	62;
98° 07'	3,818ft.	61;
124° 01'	5,022ft.	60;
122° 27'	284ft.	59;
147° 13'	4,281ft.	58;
157° 07'	5,115ft.	57;
66° 06'	6,710ft.	56;
107° 46'	9,418ft.	55;
117° 32'	4,055ft.	54;
151° 38'	10,044ft.	53;
131° 09'	6,896ft.	52;
171° 33'	7,589ft.	51;
185° 03'	3,500ft.	50;
181° 55'	6,136ft.	49;
177° 35'	11, 141ft.	48;
156° 20'	4,169ft.	47;
142° 05'	3,944ft.	46;
175° 32'	7,091ft.	45;
170° 00'	21,063ft.	44'
		,
112° 40'	13,232ft.	43;
119° 36'	3,082ft.	42;
160° 39'	14,972ft.	41;
105° 33'	5,819ft.	40;
87° 07'	6,099ft.	39;
98° 58'	2,741ft.	38;
32° 32'	6,258ft.	37;
120° 25'	2,826ft.	36;
157° 06'	3,252ft.	35;
113° 29'	3,665ft.	34;
106° 38'	2,097ft.	33;
109° 05'	1,927ft.	32;
119° 28'	2,032ft.	31;
154° 27'	4,336ft.	30;
156° 57'	7,396ft.	29;
74° 05'	4,234ft.	28;
140° 39'	3,143ft.	27;
159° 12'	1,522ft.	26;
159° 02'	1,137ft.	25;

	162° 28'	6,582ft.	24;	
	164° 56'	11,085ft.	23;	
	173° 19'	6,900ft.	22;	
	181° 26'	2,542ft.	21;	
	191° 10'	3,580ft.	20;	
	190° 36'	12,898ft.	19;	
	133° 27'	7,521ft.	18;	
	161° 49'	6,006ft.	17;	
	162° 32'	4,634ft.	16;	
	136° 59'	17,307ft.	15;	
	157° 19'	6,478ft.	14;	
	145° 56'	9,097ft.	13;	
	128° 23'	7,482ft.	12;	
	79° 21'	3,788ft.	11;	
	6° 50'	6,123ft.	10;	
	75° 11'	5,044ft.	9;	
	144° 31'	2,289ft.	8;	
	169° OS'	14,429ft.	7;	
	165° 40'	12,000ft.	6;	
	92° 56'	7,352ft.	5;	
160° 24'	1,785ft.		4;	
	167° 20'		4,482ft.	3;
	158° 00'	10,395ft.	2;	
86° 07'	2,112ft.		1;	

situated on the east bank of the River Kanamuton at Map Reference YT 1773 (Sheet NA-36-8); thence following a straight line up the centre to the top of the pass known as Karamuroi (Suk) or Karithakol (Karamojong); thence southerly following a straight line to the hillock called Lokula; thence south-easterly following a straight line to a beacon at the highest point of the ridge known as Kariemakaris; thence continuing following a straight line, still southerly, to the foot of the western spur of the hill known as Aoruma, and following the foot of that spur to a beacon; thence in a generally southerly direction following straight lines to the westernmost end of the small hillock known as Lewi Lewi, to the hillock known as Sumemerr (known to the Suk as Sumaremar) to the hillock Mommeri, to the hill known as Kauluk, across the Kanyangareng River to Nongalitaba Hill, across the Kunyao River to the small hillock known as Lokwamor, to the hillock known as Kokas, to Korkurao Hill; thence to Sagat Hill and along the highest points of the rocky ridge (forming a continuation of Mount Riwaand known collectively by the Karamojong as Kogipie) known severally as Sagat (Karamojong) or Kogipie(Suk), Moruebu and Karenyang; thence to the summit of the hill Muregogoi; thence following a straight line to the source of the River Maragat; thence by the centre of the River Maragat to its confluence with the river Maron; thence south-westerly by the foot of the northwestern slopes of Kassauria Hill to the western extremity of that hill; thence following a straight line south-easterly to the north-eastern extremity of Mount Riwa; thence following the foot of the eastern portion of Mount Riwa to the source of the Kanyerus River (marked by a large tree); thence south-easterly following a line of cairns, approximately in a straight line to the confluence of the River Bukwa (Kibukwa) with the River Suam (Swam); thence following the thalweg of the River Suam, upstream, to the point where the more north-westerly of the two streams forming the River Suam (Swam) or Turkwell emerges from the crater of Mount Elgon; thence following a straight line south-westerly to the highest point of Mount Elgon (Sudek).

From this point, the boundary continues following a straight line in a north-westerly direction to the Wagagai summit of Mount Elgon; thence following a straight line, south-westerly, to the source of the River Malaba (also known as the Lwakaka or Lwagaga); thence following the thalweg of the River Malaba to its intersection with the eastern side of the Majanji-Busia-Tororo road at Map Reference XR 2765 (Sheet NA-36-15); thence in a south-westerly direction following a line on the east side of and 100 feet distant from and parallel to the centre line of the said road to its intersection with the River Okame at Map Reference XR 2458 (Sheet NA-36-15); thence upstream following the thalweg of the River Okame to its confluence with the River Alupe; thence upstream following the thalweg of the River Alupe to a point at Map Reference XR 2453 (Sheet NA-36-15) marked by a boundary cairn; thence following successively in a south-westerly direction, a number of boundary cairns at distances from each other of 550 feet, 1226 feet, 959 feet, 976 feet, 1007 feet, 580 feet, 1512 feet, 463 feet, 2364 feet (on the northern side of the main Busia-Mumias road) and 1436 feet at the source of the River Sango at Map Reference XR 2251 (Sheet NA-36-15); thence downstream following the thalweg of the River Sango to its confluence with the River Sio; thence following the thalweg of the River Sio to its mouth in Lake Victoria.

From this point, the boundary continues following a straight line south-westerly to the most northerly point of Sumba Island; thence by the western and south-western shores of that island to its most southerly point; thence following a straight line south-easterly to the most westerly point of Mageta Island; thence following a straight line, still southerly, to the most western point of Kiringiti Island; thence following a straight line southerly to the most westerly point of Ilemba Island; thence following a straight line southerly to the westernmost point of Pyramid Island; thence following a straight line due south to a point on latitude 01 °00' S.

From this point the boundary continues following the 01 °00' S parallel to the western shore of Lake Victoria; thence following the boundary pillars already erected along the 01 °00' S as far as the second crossing of this line by the River Kagera, between boundary pillars Nos. 27 and 26; thence following the thalweg of the River Kagera, upstream, to its confluence with the River Kakitumba; thence following the thalweg of the River Kakitumba, upstream, to its confluence with the River Chizinga; hence following the River Chizinga, upstream, to the source of its south-western branch marked by BP 38, and continuing along the thalweg in a south-westerly direction to BP 37 on the saddle between the hills Mavari and Kitoff; thence north-westerly in a straight line to a direction pillar on a knoll at the foot of the easterly spur of Kitoff; thence in a straight line along the easterly spur of Kitoff to a direction pillar; thence in a straight line to a direction pillar on the south-easterly spur of Kitoff; thence in a straight line to B P 36 on the prominent southerly spur of Kit off; thence continuing around the slopes of the hill Kitoff marked by direction pillars to BP 35 and by direction pillars along the westerly spur of Kitoff and in a series of straight lines to BP 34; thence continuing to BPs 33 and 32 along the eastern slopes of the Mashuri range marked at each change of direction by a direction pillar as far as BP 31 on a conspicuous small hill; thence in a straight line in a south-easterly direction to another conspicuous small hill marked by a direction pillar; thence in a straight line across the River Muvumba to the southern summit of the hill Ndega (Mbega) marked by BP 30; thence in a straight line to a direction pillar in the valley between the hills Ndega and Kivisa; thence in a straight line to a direction pillar on the northern spur of the hill Kivisa; thence along the spur of this hill to its summit marked by B P 29; thence continuing along a very conspicuous water parting to the top of the hill Magumbizi marked by BP 28; thence along a line marked by direction pillars following the long easterly spur of the hill Nebishagara to its summit marked by BP 27; thence along the crest of the conspicuous western spur to a direction pillar; thence in a straight line to a direction pillar on a conspicuous knoll in the valley; thence along the crest of a spur leading south-west and south to the summit of the hill Kitanga marked by a direction pillar; thence in a straight line to the summit of the conspicuous small hill Nyakara marked by a direction pillar; thence in a straight line marked by a direction pillar in the valley to BP 26 on the northern crest of the hill Kavimbiri; thence along the crest in a southerly direction to the top of Kavimbiri marked by BP 25; thence along the crest of this hill in a north-westerly direction, marked

by direction pillars to BP 24; thence down the crest of a prominent spur to BP 23 at its foot, as more particularly delineated on Uganda 1/50,000 sheet 94/3 (Series Y 732). The boundary then crosses the Kamuganguzi or Murinda swamp and follows the thalweg of the Kiruruma swamp to a direction pillar at the edge of that swamp and thence to BP 22 on a conspicuous knoll; thence in a west-south-westerly direction marked by direction pillars along the spur of the hill Kisivo to its summit marked by BP 21; thence in a straight line to BP 20 in the valley east of the hill Sanja; thence in a straight line to the top of the hill sanja marked by BP 19; thence in a straight line to the top of the hill Akasiru marked by a direction pillar; thence in a straight line to BP 18 which is situated 4 km northwest of the summit of the hill Gwassa; thence in a straight line to the source of the River Kiruruma marked by BP 17; thence following the thalweg of the River Kiruruma (Vigaga) downstream to BP 16 at its confluence with the River Madera (Narugwambu); thence in straight line due west marked by a direction pillar to BP 15; thence along the crest of the Vugamba range by direction pillar to BP 14 on the hill Maberemere; thence by direction pillars to B P 13 on the most northerly point of the range; thence by direction pillars to the hill Kanyaminyenya marked by BP 12; thence continuing along the crest of the Vugambarange to its southern summit marked by BP 11; thence in a straight line to BP 10 on the top of the hill Lugendabare; thence in a straight line to BP 9 on the hill Namujera; thence in a curved line marked by BPs 8, 7, 6, 5 and 4 to the summit of the hill Musonga (East) marked by BP 3 as more particularly delineated on Uganda 1/50,000 sheet 93/4 (Series Y 732). The boundary continues along the crest of this hill in a south-westerly direction marked by a direction pillar to BP 2 situated between the hills Nyarubebsa and Musongo and on the track leading southwards; thence to the summit of the hill Nyarubebsa marked by a direction pillar; thence in a south-westerly direction along the spur referred to as the Mulemule- Musongo spur to the highest point of Muhavura; thence along the watershed from the highest point of Muhavura to the highest point of Mgahinga; thence in a westerly direction to BP 1 on the north-south track running between Mgahinga and Sabinio; thence along the watershed to the highest point of Mount Sabinio the point of commencement.

**THIRD SCHEDULE**

Article 101 (3)

**OATH OF ALLEGIANCE**

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

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

**PRESIDENTIAL OATH**

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

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