



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

WEDNESDAY, 14TH SEPTEMBER 1994

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 2111]

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(The Assembly met at 8.30 a.m. in the International Conference Centre, Kampala).

PRAYERS

(The Chairman, Hon. James Wapkhhabulo in the Chair)

The Assembly was called to order

COMMUNICATION FROM THE CHAIR

THE CHAIRMAN: And there is no communication from the Chair. So, let us go on.

CONSIDERATION STAGE OF THE DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA.

THE CHAIRMAN: Hon. Delegates, when we adjourned yesterday, we had completed article 64 of the text and the next article is 65 and I am seeking guidance from the legal and Drafting Committee. Did we have any proposed amendment to this one?

MR. BEN WACHA: Thank you, Mr. Chairman. Mr. Chairman, when we met yesterday, Hon. Dan Nabudere sought to bring an amendment under this article but after discussions, we thought that this amendment could be adequately catered for under certain provisions in Chapter Three and he decided to withdraw the amendment. So as we stand now, we do not have any amendment under 65.

THE CHAIRMAN: I remember there was - Hon. Cecilia Ogwal did not see you about her proposed amendment to that one? I think she did indicate that having been away, she did not have time to discuss it with you.

MR. BEN WACHA: It is possible she might have given it to somebody Mr. Chairman. Maybe she can talk for herself.

MRS. CECILIA OGWAL: Thank you, Mr. Chairman. I wish to register my apology for not attending the Legal and Drafting Committee meeting yesterday because of other commitments, but I had thought that my proposal was going to be submitted to the Legal and Drafting Committee. I did not want to proceed with that amendment until I got the legal advice from the committee. But since it was not submitted Mr. Chairman, if you

would allow me, maybe I could propose the amendment. I do not know how you feel about it.

THE CHAIRMAN: I did receive your handwritten note seeking my reaction. I did but then I think you walked out when you sent it to me. So there was no communication because I had suggested that since there was a meeting of the Legal and Drafting Committee, that you go and seek their attitude towards it so that we proceed with their input having seen that you were away because you lost a father-in-law. Maybe if you could read out your proposed amendment to 65 and see whether it is one which we can handle now or we think it should go to the Legal and Drafting Committee. There was a communication gap actually yesterday.

MRS. CECILIA OGWAL: It is a very simple amendment Mr. Chairman. I was proposing that we create a Sub-clause to Article 65. In other words, we have 65 (1) and 65 (2). Now the proposal was that the second sub-clause would provide for the rights - for the people to exercise their power to influence government through pressure groups or through interest groups. What is provided here Mr. Chairman, is for us to exercise our powers through the electoral representation. So if it is acceptable, I could go ahead to propose.

THE CHAIRMAN: I think the best thing first would be to read out - I do not know whether you have the text. I have it here. Do you propose to leave the first one as it is and then add another one or you want to cast both of them?

MRS. CECILIA OGWAL: I can do that but it will need a lot of polishing by the technical committee. Mr. Chairman, I beg to move the amendment that Article 65 be amended as follows - 65 (1): "Every Ugandan citizen shall have the right to participate in the conduct of public affairs either directly or indirectly through representatives elected by the people". And that is exactly as it is stated in the draft. Then 65 (2), "Every Ugandan shall have the right to participate in peaceful civic activity to influence the composition and policies of government through pressure groups."

THE CHAIRMAN: Order! Hon. Ogwal, that second one is slightly different from - if I could have a text of it so that I read it or maybe you read it again. You see the Members do not seem to have heard it properly maybe. If you read it again, that second leg. The first one is exactly as you have.

MRS. CECILIA OGWAL: Mr. Chairman, 65 (1) remains as stated in the draft. Then 65 (2) reads as, "Every Ugandan shall have the right to participate in peaceful civic activity to influence the composition and policies of government" - To participate in peaceful and civic activity, to influence the composition and policies of government. "Every Ugandan shall have the right to participate in peaceful civic activity to influence the composition and policies of government".

THE CHAIRMAN: Have Members got it now? No, let us first of all settle the text if all of us have got it.

PROF. KANYEIHAMBA: Mr. Chairman Sir, I am rather surprised about this amendment because a very identical amendment was presented by Prof. Nabudere and it was discussed with the Legal and Drafting Committee and I had thought that we convinced them, convinced him that this is actually already covered in the Draft Constitution that is in Article 59 (e). I thought that he agreed with the Legal and Drafting Committee and he would not move it in light of the provisions in that section. So this definitely was identical to what Hon. Ogwal is now suggesting. So I wanted to give that information that we did discuss this amendment and we agreed, at least with one of the movers, that it was already covered. So our view Sir, is that perhaps we need guidance from the Chair. The Legal and Drafting Committee considers this amendment and either advises that they are already covered by the Draft Constitution, in which case, most Delegates accept that advice or that they are not appropriate.

THE CHAIRMAN: No, no. I think the position is quite simple here. Already, your deputy had told us about the discussion that the committee had with Hon. Nabudere. Both you and Hon. Nabudere had not come in yet and we did not, at that stage, get the text of what was presented by Hon. Nabudere. What is transpiring now is that it was in the same terms as the one being proposed by Hon. Cecilia Ogwal. What we should ask is simply to ask Hon. Cecilia Ogwal whether in moving this amendment, she had already addressed her mind to 59 (1)(e).

MRS. CECILIA OGWAL: Yes, Mr. Chairman. I did study Article 51 and Article 59 (d) and (e) and I felt that there was still need for us to include that clause in order to give us the wide latitude to exercise our rights Mr. Chairman.

THE CHAIRMAN: But on a similar situation, the Legal and Drafting Committee which has been advising the House says that in their view, 59 (1)(e) adequately

covers what you have in mind. Could I have comment from Hon. Ben Wacha on this one?

PROF. NABUDERE: Mr. Chairman, my Motion yesterday which I took to the Legal and Drafting Committee was to the effect that we transfer Clauses 6 and 7 of Article 9 of Chapter Three to Article 65. That was my proposal. I rephrased those two clauses into the following wording: "Every Ugandan shall have the right to form and organise civic organisations and other pressure groups and such organisations and groups shall: (a), be managed under direct public affairs to conform to democratic principles in their internal organisation and practice and, (b), retain their autonomy in pursuit of their declared objectives". This was what I asked the committee to allow me to move this morning.

The Committee as a whole considered my request. I was informed - Mr. Chairman, I better explain first that I made this proposal because it was becoming clear that Chapter Three might not find its way into the Constitution because a number of extractions from it were taking place and it was becoming denuded as an article and so I thought that we could take some good elements from that article to reinforce the civic rights of Ugandans particularly in view of the amendment of Hon. Wagira and Ruzindana to Article One on the issue of sovereignty of the people where emphasis was placed on the institutions of the people rather than the State as possible avenues of people of Uganda exercising their democratic right. So it was in that context that I moved that perhaps we could strengthen this part of the Article 65 by transferring those elements in Clause 6 and Clause 7 of Article 9 of Chapter 2 into the present Article. I was informed by the committee that they have in fact decided that Chapter Three will remain and that particular part, Clauses 6 and 7 will be retained.

I was assured of that but somehow, during the discussion, I still thought there was need to bring, within the enforceable areas, an element to do with the fact that civic organisations and pressure groups should organise in a democratic way so that it gives members within those organisations the right to challenge leadership within these civic organisations if they are to run on democratic principles. During that discussion, it appeared that Members of the committee appreciated my point of view and they said to me, the Chairman told me, they assured me that they will take that into account when they are reconsidering that particular article when they come to present it to the Assembly and see in which way those elements could be brought into the text of the constitution.

It was on the basis of that understanding that I agreed that perhaps I would give the committee time to reconsider that matter. So it is not correct to say, as Chairman Kanyeihamba said, that this motion is moved in the same way. I think Hon. Cecilia Ogwal is moving it in her own right and she is suggesting that there should be something like that and we should, I think, consider it on her own merit rather than connecting it with what I said yesterday.

THE CHAIRMAN: That being so, I think let us move this way, that we stand over 65 and we refer this to the Legal and Drafting Committee and also in view of the discussions they have had with regard to Chapter Three where some civic rights are also referred, so that the committee comes back with the recommendation to us. How do you think about that Hon. Cecilia Ogwal? So that we do not finalise 65 until this matter has gone to the Legal and Drafting Committee, then we go on with other business. If that is okay, will you then proceed that way?

MRS. CECILIA OGWAL: Well, I think that is okay, Mr. Chairman.

THE CHAIRMAN: Thank you. So 65, we stand it over and it goes together with the proposals put before us by Hon. Cecilia Ogwal and then the committee can consider her proposals in light of this article as well as what they discussed with Hon. Dan Nabudere with regard to civic rights, then come up with a report to us.

DR. CRISPUS KIYONGA: Thank you very much Mr. Chairman. Mr. Chairman, this issue of Chapter Three seems to be causing a bit of difficulty because I also went to the legal committee. There is an amendment I wanted to move and I was told it would best fit in Chapter Three. Now even if the Legal and Drafting Committee recommends that Chapter Three remains, the decision still remains with the Assembly whether or not to retain it and it would appear to me Mr. Chairman, that it may be important that we resolve this matter as soon as possible. Otherwise we will jump so many provisions that should otherwise be contained as we go along.

PROF. KANYEIHAMBA: Thank you Mr. Chairman. I am sorry that Chapter Three seems to be causing a great deal of problems for many people. I am sorry that because of pressure of work, we have not been able to finalise it. It is not true that Chapter Three will remain. Certain aspects of it will, that is true and what Hon. Nabudere has suggested, we agreed that we would look at the listing of those very Clauses - I think 6 and 7 - into some appropriate place. That is true. We have advised

in the past that there is no reason why people should not consider provisions in Chapter Three and suggest other places where they could be. This would not be in conflict with our work. Indeed, it would help us when we come to consider that. Mr. Chairman, we had agreed as a committee, to meet today and finalise Chapter Three and bring a recommendation to the House but I think that, presumably, our meeting seems to be in conflict with the business committee, which is meeting at the same time. So we shall have to have another - earliest opportunity to consider Chapter Three and finalise hopefully tomorrow. I thank you Sir.

THE CHAIRMAN: Thank you. Now, we go to Article 66. Okay, the question is that Article 66 do stand part of the Draft constitution.

DR. JACOB ANIKU: Mr. Chairman, I handed in my amendment to Article 66 Clause (e) three days ago. Yesterday, I wished to discuss it with the Legal and Drafting Committee but due to pressure of work, they had no time to discuss that amendment. All the same, I gave a copy to the Chairman and I would like, Mr. Chairman, to beg that the August House takes a look at this amendment and consider it for passing.

THE CHAIRMAN: This amendment came to the Chairman's desk at 9.00 o'clock this morning. Hon. Aniku says he handed to the Chairman of the Legal and Drafting Committee a proposed amendment to Article 66 but due to pressure of work, the committee did not have time to discuss it.

PROF. KANYEIHAMBA: Mr. Chairman, last evening, when we were considering the other matters, many Members did hand in a number of amendments but really as I have said, we never had any opportunity to discuss those amendments. In any case, when we met yesterday, the information we had given was that we were going to discuss Clauses 70 on wards because we had previously discussed other clauses up to 69. Now the Delegates who are bringing these matters on other clauses are people who had not met us before and they are trying to push in some other amendments on clauses we had already considered. Our own view had been that, really, they should wait for these amendments until the consideration but if they are insisting that we should look at them, then surely, we should be given time to look at them and recommend accordingly. But it is really unfair on us to bring it now. In fact, I cannot even remember how it is worded even though he may have handed it to me last night and to see that we make an opinion on them. It is not possible Mr. Chairman. I thank you Sir.

DR. ANIKU: Mr. Chairman, this amendment is in variance with the original clause in the Draft Constitution and if we leave it until reconsideration stage, it may be overlooked and I would like to beg the August House that we spend a very little time to look at my amendment and see if we can pass it. Thank you very much Mr. Chairman.

THE CHAIRMAN: You see, we are in a position where we have been very strict with regard to unprocessed amendments. We have had a special case of a Member who had a breakdown of communication with us because she lost her father-in-law. But here where the committee had already done these things in your presence here, it becomes difficult. But the proposed amendment is to Clause 2 Article 66, which seems to vary the wording as it is in that one to some degree. Maybe if you read it out, then we can see whether it is something we can proceed with or it is too drastic.

DR. ANIKU: Thank you very much, Mr. Chairman. The amendment to Article 66 Clause 2 reads as follows: "*Parliament shall, for the purpose of this article, enact laws appropriate for the protection and sustainable use of the environment*". Mr. Chairman, I have a number of reasons why I made this amendment.

THE CHAIRMAN: Yes, but before you proceed, we have to -

DR. ANIKU: Okay, I will repeat it slowly (*Interruption*)

THE CHAIRMAN: No, no! let us first of all - you are deleting the whole of 2 as it is and replacing it with what you are reading?

DR. ANIKU: Yes.

THE CHAIRMAN: Okay, go ahead, let us hear it again.

DR. ANIKU: "*The Parliament shall, for the purpose of this article enact laws appropriate for the protection and sustainable use of the environment*".

THE CHAIRMAN: You see the present one, as Members do realise reads, "*Parliament shall for the purposes of this article enact laws for the taking of the necessary measures against pollution and destruction of the environment and generally for the protection of the environment*". The only main departure here is "*sustainable use of the environment*" which is the introduction by the amendment.

MR. MEDI KAGGWA: Thank you, Mr. Chairman. I would want to advise the mover of this motion to have a look at 278 and find out if what he is trying to propose is not covered there. Article 278 on environment.

THE CHAIRMAN: Hon. Aniku, 66 is giving the right to the people of Uganda to a clean environment and laws should be passed to promote that. What you are seeking to do is talking about protection of the environment for which 278 is the relevant provision, which also caters for development which includes sustainable use and all the rest. So I think it could be better if you really waited until we come to 278 and then if you want to make the word "use" much clearer, it comes in there.

DR. JOHN KABAYO: Thank you very much, Mr. Chairman. In addition to 278, there is also Article 36 Mr. Chairman which addresses the same issue. This one addresses the aspect of utilisation of the environment Mr. Chairman.

THE CHAIRMAN: Hon. Aniku, do you still insist on proceeding with yours in view of 36 and - I think you would be better coming in on those two.

DR. ANIKU: Thank you Mr. Chairman. I do see the repetition in Articles 36 and 278 and in view of that, I will withdraw my amendment. (*Applause*)

LT. GUMISIRIZA GUMA: Mr. Chairman, thank you. Last week when the Legal and Drafting Committee sat, I had the proposed amendment of Article 66 Clause (1) which says that "*Every Ugandan shall have a right to a clean and healthy environment*". To me, Mr. Chairman, I have nothing to change from this statement but I thought that rights which the State is not ready to guarantee should be removed from the chapter of the Fundamental Human Rights and be placed under Chapter Three of National Objectives and direct principles of the State. Otherwise, these rights cannot be achieved by mere declaration. So I thought Clause (1) would fit more appropriately in Chapter Three.

THE CHAIRMAN: Do you not think situations would arise where people could demand of their government to clean their rivers for instance if they are polluted by industrial process or to demand that anybody going to set up an industry in Uganda should first file a plan as to how he intends to dispose of the products of his activity? Do you not think that could be a right which some community somewhere can insist on? Our river has been polluted?

MR. GASTON MALIRO: Thank you Mr. Chairman. Mr. Chairman, I object to transferring this Article to the non-justiciable chapter. The reasons I have are that this particular article is very important as far as public health is concerned. Mr. Chairman, in public health, we have certain laws which are made and those acts must be also covered under the constitution. We have laws like the *Public Health Act* which deals with environmental protection in terms of health. The problem here Mr. Chairman, is that people are misunderstanding environment. We have got environmental health and we have got environment which deals with the forests, the animals and the rest. But we have got environment in terms of sanitation and that one is being protected under this particular article. If it is removed from here Mr. Chairman, we cannot have the power to enact laws like the *Public Health Act*, *Food and Drugs Act*, *Preservation of Amenities Act* and all those. Therefore, Mr. Chairman, I object very seriously to the removal of this article.

THE CHAIRMAN: No! the Member had not moved actually a motion. He made his mind known to us and I think with a bit of clarification like yours and the attempts from the Chair, I think we could dissuade Hon. Gumisiriza from pursuing that line of action.

LT. GUMISIRIZA GUMA: There is a lot of logic in what you are saying but suppose tomorrow I go to banda and I find I have no clean water within my vicinity, am I supposed to sue the government on the basis of this clause of Article 66?

THE CHAIRMAN: The enforcement of these rights do not necessarily have to be by court processes all the time. It is a combination of factors and you get greater force behind you if you have a provision like this one in the constitution which is enforceable. I think let us not really pursue this. I think let us pronounce ourselves on Article 66.

MISS. IRENE KALIKWANI: Thank you Mr. Chairman. Mr. Chairman, there is one thing which is disturbing me not only here but even in some other clauses which we have passed, putting responsibility on the State. Because in some of these things, I think we have to put the responsibility on the people themselves because if we say we have a right to do this, what is our part in realising these rights? If the government is unable to do this, then we shall demand of it. What are we going to do? For instance, we have now the problem of the lakes and water weeds, what are the people themselves doing? The fishermen who are getting stranded, what efforts are they making to get rid of these water weeds? Now this is a

general appeal to the House that when we are passing some of these things, we should also spell out the responsibility that is due to the people because the people themselves have a part to play in realising these rights.

THE CHAIRMAN: Anyway, the point is taken but Hon. Kalikwani, if you look at the wording of 66 (1), there is no duty imposed on government or the State. It is a statement of a right. In other words, you could even take this to restrain someone who is polluting areas around your environment because you are entitled to a clean environment. It does not have to be the State, it is just saying every Ugandan shall have the right. It is a general right.

PROF. DAN WADADA NABUDERE: Mr. Chairman, I was saying that before you put the question, we should, I think reconsider, in view of our attention having been drawn to Article 278, whether Clause 2 is really necessary at this point. I think we should delete it because Clause 2 says, "*Parliament, for the purpose of this article...*" but Article 278 is also made for this article. It is giving power to Parliament and this sub-clause which is also given to Parliament in 278. So it is really superfluous. We should consider deleting.

DR. HIGIROSEMAJEGE: While I sympathise with what Hon. Nabudere says, we have not yet come to that article and it does not do harm when we get through with this one and it is over. It will still work even when we come to the other article. So when we complete this part, we finish with it. Mr. Chairman, let us not leave a job for the future when we can do it now.

THE CHAIRMAN: Well, I think you are being very pessimistic. You are suggesting that we might delete 278, but I think the point being made is that in view of 278 (1) and then the elaboration on that one - okay, I do not see why they call it 278 (1). I think the difference lies in the following, that while 66 (1) is granting a right for a Ugandan to insist that his neighbourhood and other environmental aspects that affect him be clean and healthy, (2) is saying for the purposes of that article - for enlarging or articulating the right and enabling the person, every Ugandan who has or wants to enjoy that right in particular areas. The other one is addressing itself to the protection of the environment generally and I think the two can stand together. Now, let me put the question that article 66 do stand part of the Constitution.

(Question put and agreed to)

THE CHAIRMAN: Article 67 has attracted an amendment by Hon. Amandrua and Hon. Sentongo. I give the Floor to Hon. Amandrua to present the amendment.

MR. AMANDRUA (NOTU): Mr. Chairman, Hon. Delegates, I thank you very much for giving us a chance to put our proposal as a motion for amending Article 67. We propose, Mr. Chairman, that Article 67, Clause (1) remains as it is and Clause (2) remains also as it is. Then we create another clause (3) to read as follows: "Every worker has a right to form or join a Trade Union of his or her choice for the promotion and protection of his or her economic and social interest and rights to collective bargaining and representation". (4): "The employer of every woman worker shall accord her special protection during pregnancy and after birth and paid leave and time to nurse her child". Then Clause 5, will read: "Every worker has a right to withdraw his or her labour according to law". So, Mr. Chairman, I beg to move the motion.

THE CHAIRMAN: Is that seconded? Could you have your reasons given and then we have a brief debate on it and we see how to proceed.

MR. AMANDRUA: Yes, Mr. Chairman. When we look at Article 59 which we have already passed and which reads - especially Article 59 (e) - 59(1). "All persons shall have a right to -" then we come to (e) "freedom of association which shall include freedom to form and join associations or unions including Trade Unions particularly and political and other civic organisations". Mr. Chairman, when you look at this Trade Union's rights, the workers' rights have not been spelt here. Therefore, if one reads this, one will not know why or what Trade Unions and Workers stand for and their objectives and their rights. So the purpose of bringing this amendment is to address this kind of silence on this particular issue.

Again this particular Article 59 (e) puts Trade Unions together with politicians and many others and we all know, sometimes anything can happen. Maybe one politician might say, this clause should be dealt away with and automatically Trade Unions will not be in existence. So for this purpose, we would like to have trade unions' rights like any other rights which have appeared in other clauses be constitutionalised and we feel Article 67 fits well in this particular article. That is why we have brought this motion here and the reasons are that unions or Trade Unions' rights and workers rights to form Trade Unions and their objectives are spelt here. These are the I.L.O conventions which I think the

delegates will not find as a difficult thing to adopt because they merely ask for workers' rights to form and join a trade union of his or her choice for the promotion and protection of his or her economic and social interest and the right to collective bargaining and representation.

Then another article, that is (4), is about a working woman. I have gone through this draft and I have not found where there is a protection for a pregnant working woman. I know women workers have suffered in various industries and in institutions because of being pregnant. Some employers do not want pregnant women. As soon as a woman is seen to be pregnant, they say or they can be dismissed or suspended and even if a pregnant woman is given maternity leave with pay, but babies have to be nursed and maintained and should be looked after during this weaning time. That is why I am, Mr. Chairman, asking this clause to be here so that there is protection against exploitation of women.

Then coming to (5), that is, "Every worker has a right to withdraw his or her labour according to law". Mr. Chairman and Delegates, this is also something very, very important and it is one of the important I.L.O conventions because they are one of the rights of the workers. This issue was brought sometime back in this Assembly and I am sure something amiss happened to it. But as we told you earlier on, we might bring it back and that is why we have brought it back.

Maybe I may add something a little on number (4) again about representation. Representation is very, very important because in some other places, Trade Unions are not allowed even to go near the factories to come to the employers for the purposes of representing workers' grievances and sometimes recognition is a very difficult thing. So if this clause is in place in the constitution, it will protect workers. I will give one example. I am very sorry to say that apartheid which was in South Africa - soon taking roots in Uganda because in Jinja SIATICO, we visited one factory and there was a very clear writing on the board saying that Ugandans are not allowed in the premises simply because, this I am sure, the idea is to bar the Trade Unions to go in. Why should Ugandans particularly be barred to go in that place? Why not Kenyans? Why not Tanzanians, Rwandese, Sudanese and Zaireans? I think the idea is just to bar people from going there and articulate workers' rights. So this is a kind of apartheid Ugandans should be careful of, we are now having outsiders coming in to buy the factories and new ones are germinating. But the protection of Trade Unions and workers is a very important aspect which must be put in the constitution of this country. Thank you very much.

THE CHAIRMAN: The motion seeks to amend Article 67 in terms moved by the Hon. Member.

DR. KAKUNGULU: Thank you Mr. Chairman. I stand to oppose the motion. For every action there is an equal and opposite reaction. Protecting only one aspect of the industry may create a dangerous precedent in that we are creating conditions whereby the employers are going to be pressurised against the wall by trade unions and other related institutions. As a result, they may react in such a way that we may discourage either foreign investment in this country or we may also discourage local entrepreneurs who want to start up such industries. Britain is suffering from a similar predicament in that its industries have either collapsed or have gone down the drain. This is because the trade unions have become so powerful that they discourage any more investment in that country. As a result, people with money have tended to run to the Far East where the labour costs are much reduced. As such, those countries have now superseded even countries like Britain in industrial production.

Similarly, we may create a condition where we are going to create unemployment in Uganda in that people will resort to reducing labour costs by using computers and other gadgets, even robots, such that our labour industry will be affected. There are laws in this country that cater for all the amendments in (e). So, Mr. Chairman, I think there is no use in moving all these similar amendments. I thank you.

MRS SSENTONGO: Thank you very much, Mr. Chairman. First of all, you will excuse me because I have a bad voice as I have also been attacked by a virus. Mr. Chairman, first and foremost, before I give my own contribution, I want to inform the previous speaker that his fears that investors will be discouraged to come to Uganda because of trade union work is irrelevant. All these investors, wherever they come from, they have the strongest trade unions ever found in the world. Mr. Chairman, we need the three clauses to be included for a purpose. Because the right of workers to join trade unions of one's choice has been badly abused by the majority of the employers in Uganda. This is because the previous constitutions of Uganda mildly mentioned about the freedom of workers.

So in view of that, there is a much wider room to the employers to frustrate and oppress helpless workers. And as a result of that, where workers normally push things harder to form trade unions, they end up being dismissed as a penalty hence losing their jobs. The practice today by employers is to engage casual workers

who are badly cheated in terms of remuneration and conditions of work and if one wants to scrutinise in depth what employers term casual workers, it leaves a lot to be desired because these are the people who start from day one to work continuously up to the end of the month and then again up to the time when one retires with all that cheating in terms of remuneration and conditions of work. So they are trying to get cheap labour not considering the life of the worker who is putting in that profit he is getting or he is enjoying. All this is contributed by lack of emphasis by the constitution and the laws cannot be ably enforced by the Ministry of Labour without freedom of workers if not properly guided by this constitution. If we are to talk of true economic development of Uganda, we need to address the three important components that is land, capital and labour. In most cases, employers provide capital and they tend to forget about labour and yet they cannot make much profit without labour. They always look at the maximum profits alone, but they do not bother to care for the lives of the human beings who do the work and produce. Secondly, the three marginalised groups represented here, that is the women, the youth and the disabled, are ably depicted in this Constitution. Why not workers? Workers as well, are voiceless and marginalised ever. So, this is the only opportune time when we are making our own Constitution to have the opportunity to have our workers well depicted and protected by this Constitution because it belongs to us all!

On Clause 4, we move this Amendment to accord women workers special protection during pregnancy and after birth because of the discriminative characters towards women. Vivid examples prevail and one of them is when a woman goes to Maternity Leave. This poor woman does not normally have enough rest to gain or to care for the new-born baby. So, what she has to do is to come earlier than the usual normal leave of maternity, to come and at save job. Uganda is a signatory to the ILO Convention regarding Maternity leave for mothers, but still this is abrogated because it is not depicted in our Constitution - employers cheat women under that cover. If we are all to make a meaningful Constitution here, there is no harm if we included these clauses.

On Clause 5, we moved it with the intention that workers are one of the groups in Uganda who are voiceless, they sell their labour to earn a living for themselves and their families - as we all know we have extended families. Unfortunately, workers being less privileged in most cases, they are mistreated. For example, there are workers who work under unhealthy conditions despite their humble appeal forwarded to such employers, but

due to the anxiety towards high productivity and much profit, it is normally ignored. You may all appreciate that workers have no way to fight for their violated rights apart from withdrawing their labour as this is the only tool workers can use for the safety of their lives. At this juncture, I wish to assure you that if this Clause is passed, it will not be the first in the world. There are other countries who have such Clauses in respect of workers. My little research I have made has shown me that the Namibian Constitution has this very Clause and I can quote. It is on, page 13, Clause(F): "All persons shall have the right to withdraw labour without being subjected to criminal penalties", but for us we say, the workers are free to withdraw their labour in accordance to law, but at least if these were not subjected to penalties, by ours, in accordance to law. Please, I appeal to all of you honourables to consider this with sympathy. Now, carrying such a Clause in the Constitution of this country only creates awareness in the employers such that they do not develop anti-people employment practices. For example, unscrupulous employers can force workers to choose between health and work. Can you imagine that? I can cite the UCB case; this was a vivid example. It had to cost the workers of UCB a whole year of dispute before they could remove offices or the working desks from the top of the man holes in the UCB basement which man holes were covering sewerage drainage system from all over Kampala. It was only after the Uganda Industrial Court visited the brokers in Court that a Court Order saved UCB workers from working inside what was intended to be a toilet. UCB workers had been inhaling toxic fumes from the man holes, from sewerage covers which were located under their working desks. It is only that such workers had no codified constitutional right to withdraw labour that they persevered under such cruel and inhuman conditions of work.

The right to withdraw labour for example, under such justifiable circumstances should be allowed by the Constitution as a human right. I want to dismiss the baseless arguments that such a Clause in the Constitution will expose Uganda to a chain of strikes as only being uninformed. The Republic of Namibia, Mr. Chairman, while the Constitution clearly recognises the right of withdraw of labour for justifiable reasons is not on the top of the strike divested nations. Supposing it is your child or your brother, and by the way, all these workers are our relatives because we have extended families here who were forced by that unscrupulous employer to work under such unhygienic conditions, would you still support the exclusion of this Clause, of withdrawal of labour under justifiable circumstances of that nature? I humbly invite you, all of you honourables, to support my

cause. Another example is, if one worker is forced to work for 10 months without pay, would you be happy to see your brother going naked, hungry because the salary he was supposed to work for is not being paid in time and for such a long time? So, those are some of the reasons that we want you to consider with sympathy because all these workers are our relatives - your brothers, your cousins, your whatever. Thank you.

THE CHAIRMAN: Let us hear from the seconder, Hon. Zubairi Atamvaku.

MR. ZUBAIRI ATAMVAKU (Arua Municipality): Thank you, Mr. Chairman. I whole heartedly support this Motion. Mr. Chairman, to leave such loop holes in the Constitution will expose our workers or the workers of this country to any form of exploitation, and will actually destroy the economy of the country. Mr. Chairman, history reveals to us that the so-called abolitionists of slave trade in Europe and America, actually realised that slave labour was counter productive to the economy. By extension as we are going to breed an army of terribly exploited workers, then we shall by the same token undermine our economy. Mr. Chairman, to submit that such an Amendment will discourage the investors, I believe, is unprogressive, reactionary and inhuman.

Mr. Chairman, we need investors but we do not need these investors just for the sake of building factories, beautiful buildings, even if the indigenous are poor, destitute and exploited. We need these investments for our benefit and investors also need some benefit from their work here or from the enterprises here. There is a two-way traffic. How then do we make laws to protect foreign investment and we have no laws - we have no constitutional guarantee to protect our workers? That is a lopsided contract. It is therefore opening the gate of this country to any common nobody, to siphon the resources of this country not only in terms of finance or capital but also in terms of our labour and sweat for that matter.

Mr. Chairman, to submit that British economy is failing because of strong Trade Unions is actually false. I will submit that the crisis faced by the British economy today, is not a crisis of labour union, but it is the generic crisis of the political economy of imperialism. (Applause) Mr. Chairman, I am sure that comrade Chango Machyo will agree with me that British economy was built on exploitation of other countries' resources. But today, we have other powerful financial states who have emerged to challenge their dominance of the world. That

is the crux of the crisis of British economy, it has got nothing to do with any pro-Trade Union laws.

Mr. Chairman, we are also told that there are already laws existing to protect Trade Unions. Now, if those laws do not discourage investors, how will they again discourage investors once we concretise it in the Constitutional frame work? It is because outside of the Constitution, these laws are so loose that capitalists at home here, the comprador class in collusion with external masters are able to manipulate these laws, to exploit all workers. Mr. Chairman, therefore, without being drunk with marxist rhetoric, I will submit that, these laws are so loose that they must be concretised in a Constitutional frame work. That is the only guarantee I can give our workers.

Mr. Chairman, the fourth ground I want to advance is that, employers already have financial leverage in the field of political engineering. Whenever there is a crisis between employers and workers, employers can influence the politicians by some financial kick-backs. What can the workers do? The only thing they can do is to withhold their labour. In any case, Mr. Chairman, these finances which are being used by capitalists to corrupt our politicians, legislators, is actually our resources. They are using our own resources to destroy us, but Mr. Chairman, when the workers withhold their labour, they are only withholding what belongs to themselves. Mr. Chairman, philosophically speaking, you have the legitimate rights to withhold what belongs to you, but you do not have the right to use what belongs to me for corrupting the legislators to pass laws against me. Mr. Chairman, I therefore say that, we need to move or we need to support this Amendment against the financial leverage of capitalists to the detriment of our workers. We must have a Constitutional guarantee of a possibility of political, industrial action that will create some kind of equilibrium.

Finally, Mr. Chairman, I believe that the Hon. delegates will notice a special attribute of this Amendment. There is a special regard to the working women. Hitherto, we have been passing laws or Constitutional provisions to guarantee, mainly, the rights of women in general, but actually the interests of the elite group, but this one now addresses the question of our working women. For that matter, Mr. Chairman, I pray that this Motion should be carried and I beg to support. Thank you.

MR. SSEKWEYAMA WAGABA (Mawokota-South): Thank you, Mr. Chairman. Mr. Chairman, I rise in support of the Motion. Mr. Chairman, as the

introducer of the Motion said, we have already passed Clauses that allow freedom of association of various interest groups and I think it will be discriminative to bar the trade Unionists or the workers from coming together and organising themselves for a common purpose that will not be against the common good. Mr. Chairman, I think that as Hon. Dr. Kakungulu said, that this would discourage foreign investors, we already have protective laws against foreign investors and I think we need to protect our workers because you will find that in very many Third World countries, these so-called foreign investors come and establish businesses here, one of the reasons being that they are looking for cheap labour. I think it is incumbent upon us to protect our workers from being so used.

Mr. Chairman, even from the political aspect, we have had experiences in many countries whereby political leaders get threatened by these workers coming together only because they carry with them some democratic aspects. I think that in order to guarantee the freedom of the workers, it is better that we entrench these provisions in a Constitution except, Mr. Chairman, that I have a problem with Amendment (4). Mr. Chairman, I support the Amendment, but I would like it to be slightly amended instead of saying that "*The employer of every women workers shall accord to her special protection during pregnancy and after birth and paid leave and time off to nurse her child*". You see, this is too open and some irresponsible women may be tempted to abuse it. So, I would rather, Mr. Chairman, that we modify it to read as follows: "*The employer of every woman worker shall accord her special protection during pregnancy on the job and to accord her reasonable Maternity Leave*". Mr. Chairman, I think that that would cover both the employer and the employee so that during pregnancy, the employer recognises the need to protect that woman and the child within her, but on the job and that during the terms and conditions of employment, they agree on what would be reasonable Maternity Leave which also must be paid.

Mr. Chairman, I also support the last provision that is "*Every worker has a right to with-draw his or her labour according to law*". Mr. Chairman, maybe before I go to that, I would like to move my Amendment -my slight Amendment and I hope that I will be supported on that. So, Mr. Chairman, may be I should then complete my contribution by supporting provision No.5 which I think is justified because there are some employers who would subject employees on such abject conditions and if they are not allowed to come together and decide to withdraw their labour, such individual workers

could be easily victimised and Mr. Chairman, this, we have experienced in many instances. But if a worker can have a right to join with his other friends and review the conditions and if the employer is not around to accord them sympathetic reactions, then, they should be entitled to withdraw their work either individually or collectively. Mr. Chairman, I beg to move.

THE CHAIRMAN: You were proposing an Amendment. What we shall do is that, we shall go into these Clauses one by one as we go down, but now, we are having a general debate. So, while you put your Amendment in writing and send it to me so that I can read it in context of what we have - Hon. Kania please.

MR. OBIGA KANIA (Terego County): Thank you, Mr. Chairman. Mr. Chairman, as the proposed Amendment stands, to me, it means that an employer will have no right to reject the demand of employees to form a Union. That to me, gives more unequal right to an employee without a fair share for the employer because what you are saying is, if I am an employer, I have no right to refuse the formation of a Union or the bringing of the Union services into my firm and yet, I should have the right to object. So, to me, the formation of Union and Union activities should remain a contractual affair between the employers and the employees rather than a Constitutional right which limits the freedom of the employer.

Mr. Chairman, from the nature of the Union activities that we have seen, in most cases, I think the problem of the Unions is marketing, it is not that they are not accepted. They want to go into a situation which has already been established, where possibly, the employees gain less than the actual Union Headquarters and the effect of this provision - this Amendment is precisely to entrench the position of the Headquarters of these Unions other than to help the employees. On the proposed Amendment (4), Mr. Chairman, to me, it appears that if I am an employer for profit and economic gain and own profitable labour, then I should not employ too many women - in fact I will start discriminating against women because the chances of them getting pregnant and my losing time, will be there. So, to me, that provision is going to work against the employment of women and I cannot support it. On the proposed Amendment No. 5, Mr. Chairman, my view is this. The employee has his asset, his labour, the employee has his labour and that every time, he has his right to withdraw it in the contractual statement that he signs with the employer. Once he accepts the terms of the employment, I think he is exercising his right. So, I do not see why he should have

the right to withdraw that labour anytime. In fact, in most cases, this withdrawal is only a talk of a strike under disguise and certainly the strike will be at the expense of the employer. I therefore, oppose the whole Amendment. Thank you.

MR. OKALEBO (Bukedea County): Thank you, Mr. Chairman. Before I proceed with my contribution to the proposed Amendment, I would like to seek clarification from the Movers of this Amendment on Sub-Clause (4) as proposed. It talks of time being given off to a mother to attend to her child, but I would like to ask a question here. That is, in case of a working man together with a working wife, and then the working wife dies after birth, leaving the child to the working father, what facilities is he accorded under this law? Because there, he will be the one to take care of the baby, but under this proposed Amendment, there is no provision for it. So, I seek clarification on that one - I am not proposing another Amendment, but I just seek clarification. On the other hand, Mr. Chairman, I am saying that, investors have to use our workers according to the established standards set up in the country of investment. This is for the purpose of safeguarding the conditions and dignity of the local workers in particular. Our workers should not be left at the whims and wishes and mercy of the investors merely because we want to attract them. The workers must be properly protected and they cannot be protected by the investors themselves, but by us, the people producing the labourers, or the workers and for that reason, I do support the Amendment in spirit and in policy and only seek clarification on point (4). Thank you, Mr. Chairman.

MR. BAGEYA PATRICK (Kigulu County North): Thank you very much, Mr. Chairman. Hon. Delegates, I wish to remind you that today we are making a Constitution for building the nation, we are not making a Constitution to run the nation. Much as I sympathise with the Movers, I would like to state very clearly that, at this rate we are going, we are going to send away the potential investors, looking at the case where even Government itself has had to retrench workers. It has not retrenched them because it does not need them but economic conditions have forced Government to do that. Therefore, the would-be employers, if we put this Amendment in place, would have to think twice before they come to invest here. I want us to remember that we do not have sufficient industries as yet to talk about. We have a very typical example right here. As soon as we came here, we as members of this honourable House, have heard drivers who have been complaining, that they have not been taken care of and yet, we seem to be in the

elite group of employers in this country. I do not know what kind of employers the Movers of this Motion are thinking about, if we, who seem to be very executive cannot even afford to feed our own drivers outside and they languish there with hunger, what conditions are we expecting to get?

Mr. Chairman, I would suggest that Article 67, (i) and (ii) the way it is, is sufficient and if we have to build this nation - *(Interruption)*

MR. SENDAWULA: Point of order! Is it in order for the Hon. Member to continue making this kind of allegation - the allegation that there are drivers who are left lying hungry, outside without food without substantiating? This kind of statement - because it is an embarrassment for most of the people who are here, who are employed in different organisations where they have drivers. Is he in order to continue without substantiating this?

THE CHAIRMAN: Hon. Bageya, can you substantiate your statement?

MR. BAGEYA: Thank you, Mr. Chairman, I am thrilled because the Hon. Member who has just given me the point of order is an Hon. Minister of this Government, and I think everybody is aware that Hon. Ministers in this country, are provided for not only drivers, but even house boys, and shamba boys and night watchmen at the expense of Government. I would therefore, say, that he does not have a right even to say that, is he paying these people from his own pocket? He cannot afford them!

THE CHAIRMAN: No, no! Hon. Bageya, you were to substantiate the statement that some members leave their drivers unfed. Can you quote a case of a Member who does not feed his driver?

MR. BAGEYA: Mr. Chairman, I am not one of the drivers, but I do not think everybody has been blind to the complaints that have run into the papers. I know some people would like to run from reality, but let us be very specific. I am very much interested in the promotion of the workers in this country

THE CHAIRMAN: No, but Hon. Bageya, you see, we have our Rules here. If you are not prepared to quote a case or cases, then you withdraw the remark and then you proceed with your comments.

MR. BAGEYA: Mr. Chairman, I am talking about facts not fantasies and therefore, I have no grounds to

withdraw. I am not blind and I am not deaf.

THE CHAIRMAN: Hon. Bageya, we are not talking about the physical nature of your capacity to see or not to see. What we are saying is, that you made a statement, a point of order was raised, and we have our Rules, our Rules are, you substantiate or if you are not ready to substantiate, you withdraw. But if you insist, then you continue to offend our rules.

MR. BAGEYA: Very reluctantly, I have to withdraw, but I have never seen any of us offer his driver a cup of tea upstairs and still with those remarks, I stand to oppose vehemently, the Motion on the Floor. Thank you.

MR. OLWA BEN (Kole County): Mr. Chairman, I would like to support this Motion. Mr. Chairman, I am actually talking from experience. People are talking about foreign investors but are not talking about local investors. Mr. Chairman, I am a local investor, and I am therefore, talking on the basis of what goes on on the ground. Mr. Chairman, the most satisfied labour force is the most efficient labour force. If you do not reward your labour force, you will therefore only lose production. Mr. Chairman, why we should support this Motion, it is because we have known for a long time now in this nation that most industries are actually operating below capacity. Most industries' properties are actually being stolen. Why is that? It is because the workers are not being rewarded, it is because the workers are not listened to. The only way, Mr. Chairman, we shall safeguard this is to ensure that we have workers who are properly rewarded and workers who can be listened to. In that way, we shall increase production. But this big thing about protecting foreign investors, Mr. Chairman, first of all, these foreign investors are bringing back only part of a portion of capital which initially they had stolen from us here - a very small proportion and how are we therefore going to protect former thieves, Mr. Chairman? I think this is unacceptable. But above all, even if we take them and they make profit, these profits are repatriated back, they are stealing our money, bringing it back so that further funds can be stolen, Mr. Chairman. I think this can take the interest of this nation. We should allow workers who are properly mobilised so that we should also encourage local investors who can freely invest in this country, Mr. Chairman. I know from experience if people are worried here about Clause (4), about a woman worker, In my own view, from experience in the past, a woman worker normally gets Leave in some quarters, some of my workers have said that it is better for them if their wives are on leave, they should also be allowed some Leave so that they rear the children and there should be no contradiction to that matter. I would actually support

that argument because the mother is rearing a future citizen, perhaps a future worker of this nation. So, the health of that worker will depend on how that worker is looked after during infancy, and I think that proposal should be supported. Now, saying that every worker should withdraw his or her labour, I do not think this really is a new proposal. We have in our Statute that in fact, workers can go on strike according to law. So, this is really nothing new and I think if they have a problem with management, this matter should be settled by way of a strike if there is need.

Mr. Chairman, I stand to support this Motion, very, very strongly. Thank you very much.

MR. KANDOLE CLEMENT (Kyaka County):

Thank you very much, Mr. Chairman. While I am a strong supporter of the workers' cause, I find a problem with this particular proposed Amendment. In the first place, Mr. Chairman, I find we are making a lot of repetitions when we are making this Draft Constitution, because when I look at the Article 59, Clause 1, (e), you find that actually what is being talked about here in the Amendment, is very well covered and almost using the very words. We are talking of all persons and the Amendment is talking of workers which are included in all the other persons and I get the impression, Mr. Chairman, that we have even reduced ourselves, that instead of writing a Constitution, now we are making - writing Statutes because we have gone to the details. Now, we are getting to the details of the principles which, according to my understanding, should be the work of Parliament. If you look at this particular provision which is being proposed for Amendment, I see there are also some inherent contradictions.

First of all, here, as a Government policy or a country, we are already talking of liberalisation, liberalisation of trade which naturally calls in for liberalisation of labour, which naturally calls in for competition. Now, all this, if we are liberalising labour, we cannot come in and begin making these laws which are only protective, which call for protectionism. I think eventually you find once the labour is liberalised, then you are going to take the best according to the requirements. I have a problem also when these international laws are being quoted, the Universal laws, Conventions, the Charters, these different Declarations. The purpose Mr. Chairman, is not to write these laws into our Constitution. I think what is important is that our Constitution should be in conformity with these laws, but not transfer these laws into our own Constitution. Now, if you look at these proposed Amendments Mr. Chairman, you will find first of all, the nature of the Trade

Union, the moment you form a Trade Union, its purpose is collective bargaining and representation. You do not have to spell it out in the law, because we know, the moment there is a Trade Union, that is its objective - collective bargaining and representation. When you are talking of this Maternity Leave and the rest of it, that one is very well taken care of in our Acts of Parliament, labour laws, Standing Orders of these workers - these laws already exist. When we are talking of withdrawing the labour and the rest of it, all these ones, Mr. Chairman, are well provided in the Standing Orders and terms of service and conditions of service by the different employers. So, eventually, I discover, Mr. Chairman, that the Amendment, while the spirit is very good, I think it is uncalled for, Mr. Chairman.

COL. KAHINDA OTAFIIRE (Ruhinda County):

Mr. Chairman, I strongly support the Amendment. I am very glad one of the speakers who has been on the Floor just a few minutes ago, said, we are making a Constitution for nation building. Indeed, we are making a Constitution for nation building, but nation building is not mere rhetoric - nation building means increasing and consolidating common wealth and wealth can only be created, and historically has always been created, by workers. If you are talking of nation building, then you are talking of the working class, because it is only the workers that add value to capital and objects of labour. It is therefore imperative for us, in this Constitution to give the worker, indeed the nation builder, a person of substance, utmost protection. Thank you Mr. Chairman.

MR. KASANGAKI PANTALEO (Buruli County):

Thank you very much, Mr. Chairman. Mr. Chairman and Hon. delegates, I wish to support this Motion. Some of us who have worked in factories or industries, we have met so many problems with these so-called employers who come here putting on very good dresses and terms of service, but the way they treat their workers in the factories is abominable. Some workers, they are made to sign some documents accepting the conditions of service, whereas the employers do not fulfil those conditions. Therefore, to remove that type of practice among our entrepreneurs, especially those who come from outside this country, we need to put these sort of precautions for our workers and also to encourage their freedom. These people should have the laws clearly spelling their rights to form a Trade Union or find out how they can withdraw their services.

As for the Clause (4) regarding special protection of women workers, I think we need to know what is meant

by special protection. For example, an employer who has a bar maid in his bar and he notices that the bar maid is pregnant and realises that his customers do not want to be served by a person with a protruding stomach or pregnancy, the best thing he could probably do is to remove that lady from the bar and therefore, maybe - can we call that special protection? And if we remove that person, to give service, may be the employer might be forced to make her redundant while she waits for delivery. In other words, I am trying to find out what type of special protection do we have in mind when we are going to pass this law. Do we mean to give our female workers light duties when they are pregnant - from the time they are pregnant up to the time they deliver? Then after delivering, they wait three months until they come back? It seems this Motion is double-edged. It could be good on the face of it that the ladies will be pleased but internally, this might force our employers to get rid of them indirectly and therefore, making our work force, which is mainly made of women, redundant.

So, in view of that, I would like to request the movers of this Motion, what meaning they have behind this special protection of women during their pregnancy. Thank you, Mr. Chairman.

MR. PINTO MANUEL (Kakautu County): Hon. Chairman, I sympathise very strongly with the spirit that is behind the Amendment in this Motion, but I believe this could easily be catered for under 59 (e), "*The freedom of association which shall include freedom to form and joint associations or Unions, including Trade Unions political and other civil Associations*" and request that the Movers consult the Drafting Committee to see how the provisions which we fully sympathise with, that they are brought under this Amendment. They could be combined under Article 59 which is under the protection of freedoms of conscious, expression and movement.

Mr. Chairman, I would like to disassociate myself with Hon. delegates who feel that they are contributing against this Amendment on the grounds that they are protecting investment, that they are trying to protect foreign investors. Mr. Chairman, we are making a Constitution for Ugandans, and our primary duty is to protect Ugandans, Ugandan workers and the people we represent. Therefore, skipping the people we represent here, to look at foreign investors as suitable argument, is in my opinion, Mr. Chairman, uncalled for. Secondly, as delegates, we are here to represent our people and I can see by and large Hon. delegates giving their opinions, that they are here to represent themselves and not representing the workers and the other people, who I believe form the majority of those we represent here.

Mr. Chairman, as far as we are concerned here, we should remember that where our Colleagues try to protect the rights of the workers by bringing such an Amendment, we should look at it very carefully because not too far away from us, in a neighbouring country, professional associations like that of Doctors has been subjected to very harsh measures, to the extent that employment of doctors in such a country has been disbanded depriving them of the right to employment and indeed to serve their colleagues in that country. So, we are talking of a serious matter, therefore we could bring this right and incorporate it under 59 so that our Constitution is not superfluous, I would strongly support the spirit of the Amendment. Thank you.

MR. KATUMBA (Kiboga County West): I stand to oppose the inclusion of Clause (4). In the first instance, it is not a Constitutional issue. Secondly, it is amorphous in that, it is open for abuse by the employees by claiming a lot of needs as special attention. If it is made a Constitutional issue, it will produce negative effects to women in that, employers are likely to prefer men in employment who will not require special attention. So, Mr. Chairman, I beg to oppose the inclusion of that clause.

DR. MUSANA SOPHY (Bulkwe County North): I stand to partly oppose this Motion for the following reasons. First of all, the first Article, which is supposed to be Article 3, the first Clause is contained in a combined Article 59, Clause (1), paragraph (e), plus Article 55. If you combine both of those, this Clause 3, is not called for. Secondly, this new Clause (4), has got more negative effects on women employees than the positive effects which the Article is trying to include in this new inclusion for the following reasons: First of all, for the fact that there is no qualification for the statement which says, "*special attention*", that one, will be abused on both sides. For example, supposing a woman says "I need special attention because you have let me off at 6.00 O'clock" and the man says, "the special attention I will accord you is to make you sleep at my home overnight until the following day". Then, what will happen to the husband? The amendment is so amorphous and open to abuse. Then secondly, the male employees and the employers as such even if they are Ugandans, they will look at all the men and the women who are asking for jobs, and they will prefer the men who do not need special attention or the very young girls or the "*Off layers*" - the old women, Yes! because those ones will not need special attention. (Laughter) (Interruption)

THE CHAIRMAN: Is there a point of order?

DR. MUSANA: I am in order because I am an agriculturalist and I know and as a woman, I have already reached that age. So, I qualify. I think Clause (4) is not Constitutional since we have already passed the new Article 60. The Second Clause which says we have allowed for the Parliament to legislate for laws which will be enabling for the marginalised groups, since the second mover of this motion has said that the workers are voiceless, then they could be grouped among marginalised groups and the legislature will make laws and the following laws are there already, the only thing we are missing is enforcement, not making constitutional what should be legislated for. As for the last Article (5), I think that one could be amended to include just the last line of Article (3) and say that every worker has got the right to withdraw his labour and to have collective bargaining and representation according to law and that will be the only clause which will be needed to be amended to this Article. Thank you very much, Mr. Chairman.

MR. WAGIDOSOMADIBO (Bulambuli County): Thank you, Mr. Chairman. Mr. Chairman, as Hon. Kandole has ably put it, the proposed Amendment is a mere repetition of provisions that already exist in this Draft Constitution. Consequently, as a matter of principle, I must oppose the Amendment. Mr. Chairman, Article 59, Clause (1), Sub-section (e), provides for the formation of associations including Trade Unions. The fact that Trade Associations can be formed implies that they will have their objectives. Consequently, what we are doing, Mr. Chairman, is to include the objectives of the Trade Associations in this Constitution because the proposed Amendment to Clause (3), says, "*Every worker has a right to form or join a Trade Union*", which is a repetition of the existing provision, but it goes on to add what would be the objectives of a Trade Union - that is to promote and to protect the economic and social interests of the workers.

Mr. Chairman, proposed Amendment (4), where it says "*The employer of every woman...*", Mr. Chairman, I would invite delegates to make reference to Article 67, Sub-Clause (2) which provides that every worker shall be accorded rest and reasonable working hours and periods of holidays with pay as well as with remuneration for public holidays. If this is read in connection with the provisions relating to the rights of women, it becomes superfluous to include this provision in this Constitution. When it comes to proposed Amendment No. 5, Mr. Chairman, I consent that these are merely the terms of the contract of the employment because it says, "*Every workers has the right to withdraw his or her labour according to law*". The inherent right to be hired implies

the inherent right to retire from employment. It would equally call for provisions which protects the workers because we need to have a provision which says, every employer has the right to terminate the services of an employee. These are merely terms of employment which can be contained in the contract of employment. Mr. Chairman, these are basically repetitions or things that would be contained in any legislation that would come subsequently to the Constitution. Thank you very much, Mr. Chairman.

THE CHAIRMAN: Hon. delegates, we have some proposed Amendments, I think let us - I have received a number of proposed Amendments from the Floor and I propose that we deal with these proposed Amendments one by one so that Members who have Amendments can dispose of those. Such people who may not have spoken may find themselves, maybe, speaking on the proposed Amendments so that we proceed that way instead of continuing with the general debate on all the provisions. There are three proposed insertions; first one, the proposed Amendment does not seem to interfere with the Article or the Clauses that are there, but the Movers proposed to insert Clause (3) to read: "*Every worker has a right to form or join a Trade Union of his or her choice for the promotion and protection of his or her economic and social interest and the right to collective bargaining and representation*". The three proposed Amendments are not linked in a way that if we amend one, we are dropping others, it is just that they are statements relating to matters that affect the worker. There was a Member who ought to amend his provision. Was it Hon. Sebaana Kizito? Hon. Kizito sought to amend, but I think Sebaana Kizito sought to amend something before that.

MR. SEBAANA KIZITO: I am an employer, Therefore, when I read all this, I just wonder at the agitation of these - especially in view of the fact that employers are not satisfied - the workers cannot satisfy their needs where an employer has not satisfied his needs. I do, therefore, want to do it for the benefit of other employers. I want to amend 65 (i) to include at the end something to do with satisfactory work. To the effect that "*Every employer has a right to expect satisfactory work from his workers*". (Laughter).

THE CHAIRMAN: How do you want it to read? Can you read your proposed Amendment. It was Seconded by Hon. Leander Komakec.

MR. SEBAANA KIZITO: Okay, (Interruption)

THE CHAIRMAN: No, could you start from the top so that we see how it fits in.

MR. SEBAANA KIZITO: Okay, Mr. Chairman. It says - 67 (1) says: "Every person has the right to work under satisfactory, safe and healthy conditions and shall receive equal pay for equal work without discrimination". I want to remove the full stop and to add the following words - or put a comma or semi-colon, whatever you want. Then to add: "and every employer has a right to receive satisfactory work from his workers". The reason I am moving this is. It would appear - (Interruption) - the reasons are, in this Article, we are forgetting that workers can only be workers if there are employers. We are talking about the rights of workers and we are not talking about the right of employers anywhere in this Constitution. Therefore, I think that at this juncture, it is proper to say that employers also have got some rights which they must have because we have seen that many workers are agitating for their own rights and employers do not have anywhere to run to. Therefore, employers must be in a position to be protected by law just as workers are being protected by the same law. This is what I call equality and we are seeking for equality of treatment in this Constitution. I beg to move, Mr. Chairman.

MR. MWEBESA (Presidential Nominee): In the first place, Mr. Chairman, I had put up my hand about these Amendments but I did not get a chance but if you allow me now, I have something to mention about an Amendment. The whole idea of bringing this Clause NO. 3 - (Interruption)-

THE CHAIRMAN: No, you see we are now specific.

MR. MWEBESA: I am specific Mr. Chairman.

THE CHAIRMAN: No, we are discussing (1). There is an Amendment moved to (1).

MR. MWEBESA: But if I make this statement, it will also concern
(1) Sir.

THE CHAIRMAN: Well, you should be contributing to (1).

MR. MWEBESA: I will be contributing to (1) - that is right. If I say every worker has a right to form or join a Trade Union, which is the intention of the House here as I have heard, to emphasise that the workers must join a union, then in accordance with the law, in NO (1) here, every Person has a right to work satisfactorily. All these things are in accordance with Labour Laws, with all collective bargaining that exists. We do not need to

consider all Amendments one by one. I want deletion of (1), (2), and then all the subsequent Amendments (4) and (5). Reason being that the intention of this Motion - (Interruption)

THE CHAIRMAN: No, we are now discussing Hon. Sebaana Kizito's Motion. Hon. Sebaana Kizito's Motion is to - he has moved an Amendment to (1). Of course, ordinarily, we should have required that these matters should have gone to the Legal and Drafting but since we are discussing this 67 and the Amendment is small, I think we can dispose of it instead of making a reference to the Legal and Drafting on this one. There is a request for Clarification.

MRS. OKULLO (Woman Delegate - Gulu): Thank you, Mr. Chairman. I sympathise with Hon. Sebaana Kizito. However, I wanted to know his concept of "satisfactory work". For instance, if a woman gets pregnant and goes on leave for, let us say 45 days and she is not working - Is this woman, according to him, offering satisfactory work or is she not? If not, then to me, I think that his Clause is restrictive and discriminative because it will mean women, because of their nature of child birth and child rearing, will not be offering satisfactory work. So can he clarify this point for me before I can support him? Thank you very much.

MR. SEBAANA KIZITO: The question of pregnant women, Mr. Chairman, is being dealt with by subsequent Amendments and I do not think it comes here. However, if you want to know my opinion about satisfactory work, I expect that is when a person is at work, not when he or she is on leave. When a person is physically working, I am expecting satisfactory work, which I demand of my employees and they give it to me.

MR. LUBULWA (Katikamu South County): Thank you Mr. Chairman, I happen also to be an employer but this Amendment by Hon. Sebaana Kizito is very difficult to understand. The word satisfactory is very difficult actually to understand and put in the Constitution because each factory or each employer might put down terms of what it wants in terms of quality, in terms of volume, in terms of number of hours and so on and so forth. That one becomes very difficult because one could wake up to say that I am an employer but for me to be offered satisfactory work, you need to put in 15 hours of work per day. That to him is satisfactory but you realise that in practical terms, it is very difficult for somebody to work for 15 hours. Mr. Chairman, if we pass such a law, that the employer demands satisfactory work - it is true we demand satisfactory work but to put it here undefined,

to say what is satisfactory, it becomes very difficult and it may call for exploitation of workers, Mr. Chairman. Thank you very much.

MR. BANTARIZA (Buhweju County): Thank you Mr. Chairman. I would have wanted some clarification on the word women - when you say women because some of us we are employers. When somebody comes and registers for an employment, she writes on single. Most of these ladies you see in factories, they are recorded single and then the next day you see them pregnant (*Laughter*) - then the employer gets in to pay for the leave because you just get it from the records and then when it comes to Mr. Sebaana Kizito's Amendment, I think there are terms and services for employees because when it comes to the yearly increment, then if that one is not putting in enough, that is you will not get an increment. That is my contribution.

THE CHAIRMAN: So, are you opposing the Amendment or you are supporting it?

MR. BANTARIZA: No, I am opposing the Amendment.

THE CHAIRMAN: I think, let us pronounce ourselves on this one of Hon. Sebaana Kizito's Amendment, then we go to the next items. Let me put the question.

(Question put and negatived)

THE CHAIRMAN: Order! Hon. Sebaana Kizito had that Amendment and it was not carried. Let us go to Clause (3). Is there an Amendment on Clause (3)?

MISS. KALIKWANI (Women - Kamuli): Thank you Mr. Chairman. I want to be clarified. The Article we are discussing, in the margin I see it is economic rights. Now, are economic rights for workers alone or employers as well?

THE CHAIRMAN: Well, we have just voted, you people said "NO".

MISS KALIKWANI: So, economic rights are for workers alone?

THE CHAIRMAN: Hon. Sebaana Kizito sought to widen it and it was defeated. So, for us we proceed. Let us hear the Proposed Amendment to (3).

DR. BYARUHANGA M.F. (Kitagwenda County): Thank you Mr. Chairman. I propose to amend Clause

(3) by deleting everything after the word "choice" so that clause shall read as "Every worker has a right to form or join a Trade Union of his or her choice" - because, Mr. Chairman, it is the duty of Trade Unions to promote and protect workers interests and to bargain collectively for pay raises and the rest. Now, we have been informed that Articles which we had earlier passed - 59 1 (e) - gives every worker the right to form or to join a Trade Union. But it is not clarified whether that Trade Union should be of his choice because in the past, we have had governments forcing or prescribing that numbers or - (*Interruption*)

THE CHAIRMAN: Let us first know whether you are seconded before you go into details. Seconded by Hon. Nekyon, Hon. Mwebesa and others.

DR. BYARUHANGA: So, why I want to bring in is phrase "his or her choice" is that in the past, some Trade Unions have actually been organised by governments. I would like this time Trade Unions organised by the workers themselves and this right should be enshrined in our Constitution, Thank you Mr. Chairman.

MR. BABU: Point of Information. I wanted to inform the Mover, Mr. Chairman, that the protection of the worker is not only defined in our own laws and in this Draft Constitution but it is also defined in the Universal Declaration of Human Rights, of which we are signatories. It is also defined in the International Convention of Economic, Social and Cultural Rights. What I was trying to say, Mr. Chairman, is that somehow, somebody has been giving us the impression that the workers in this country are not protected. We are signatories to all these and in the Court of Law they hold. I would like to say, therefore, Mr. Chairman, that 59 (1) (e) plus the International Conventions, all of them put together, protect the worker. We are just repeating the same thing. Mr. Chairman.

THE CHAIRMAN: Have you finished moving your Motion?

DR. BYARUHANGA: Thank you, Mr. Chairman. I had thought that we had generally accepted that these Amendments as proposed by Hon. Amandrua would stand but since - (*Interruption*)

THE CHAIRMAN: No, you are moving an Amendment to (3). It has been moved by Hon. Amandrua, you are making an Amendment to it. We shall pronounce ourselves on your Amendment and then determine the fate of the Amendment after that.

DR. BYARUHANGA: Then allow me to add, Mr. Chairman, especially after Hon. Babu's comments that, as far as I can see, this country is now in the period of capital accumulation in order to create or build capitalism and in this period of capital accumulation, the worker must inevitably be exploited. However, as we make this Constitution, we must realise that we are making a Constitution for all Ugandans and that this Constitution should protect or ensure the rights of all the Ugandans. Now, since we are in a phase where exploitation must be expected, I believe that we should say it again and again in this Constitution that workers' rights be protected. Thank you Mr. Chairman.

MR. NEKYON (Maruzi County): Mr. Chairman, I would like to support the Amendment because during the debate, I have heard some very strange arguments. Some Members of this Assembly have said that this is just a repetition and we do not require it but I believe that the main issue here is that, a worker should be able to join only the union of his own choice. We know for a fact that on many occasions, employers have created disturbances in existing unions and then created unions of their own choice and then ordered workers to move in that union. Now, when that happens, the workers lose their power of bargaining because then they have leaders of that union whom they are always say yes to. The other workers just follow those leaders and this is what has been causing a lot of trouble among the union workers. Therefore, by including this thing in our Constitution, we are giving the highest protection possible to any worker in this country.

I am surprised to hear somebody saying that we are signatories to this Convention, that Convention. These Conventions have no legal bearing here unless we - *(Applause)* - pass a counter legislation to implement that kind of convention. We have so many conventions but they are not applying to our workers. Therefore, the best protection that we can give to a worker in this country is to include a provision in this Constitution and this is what everybody is talking about. To say that you are repeating it - well, if there is a law, you cannot say you should keep this thing out of the Constitution because there is a law. The inclusion in the Constitution makes it difficult for that agreement to be amended. All the things we are talking about have got certain legal provisions made by Parliament in the past but we are including them to ensure that they are not amended at the whim of any government that would come into power tomorrow. We are making it more permanent as a Law.

Therefore, I want to say that the weakest point here now, is that this country has no employment policy at all.

People are looking for jobs in places where they meet people at the gate being retrenched. So, they have no where to go and they are wondering about like wild animals. As long as we do not have employment policy, as long as we have no planning of manpower in the country, as long as we do not have any Planning Commission in the country, the workers are really at the mercy of fate and this is what is actually going on and even if we talk about all these things, the workers will have to approach this issue of unemployment, lack of employment policy. That is why I am supporting this Amendment very strongly and I ask the rest of you to support these people who have been really suffering. Thank you.

THE CHAIRMAN: Now, Hon. Delegates, we have heard the Mover and a supporter. Can I get someone who is going to oppose so that we pronounce ourselves on this without having to waste more time on this.

DR. OKULLO-EPAK: (Oyam County South): Thank you Mr. Chairman. I am not opposing the original Amendment as such. I am opposing this Amendment to put a full stop at the word "choice". *(Interruption)*

THE CHAIRMAN: Well, that is what we are debating right now and that is the one would like us to decide on first.

DR. OKULLO-EPAK: I am not agreeing with the current Amendment because, Mr. Chairman, I think the intention to bring this Amendment here under the principle for Economic Rights would be lost if we remove the present extension which is trying to explain why workers need to form unions. They need to form unions in order to achieve their economic rights and I think if we stop halfway, we would have not achieved and matched this Amendment with the principle under which it is being introduced Mr. Chairman. I thank you.

THE CHAIRMAN: Can I suggest that we vote on this one now? Yes, let us vote on the Amendment right now. The Amendment is by Hon. Byaruhanga that the words after the word "choice" appearing in second line be deleted right up to the end so that it reads: "Every worker has a right to form or join a Trade Union of his or her choice". Now, if that Amendment is carried, there is very little else we need to do on (3) because we shall have retained most of the wording from the original Mover so that we will not have to go back to it again. This is the effect of it.

MR. MULENGA (Democratic Party): Thank you Mr. Chairman. Perhaps I better ask for Clarification. I

thought that this Clause (3) has yet to be determined whether it should be included or not, whether reduced or not? Because some of us are opposed to it being included at all!

THE CHAIRMAN: You see, we have debated the original Amendment. We debated it extensively as together with the rest. Then, we are now debating an Amendment to it. If we carry the Amendment, all that will be left to me to do as Chairman will be to put the question, whether we accept (3) as amended if it is amended. If it is not amended, then we put the question on it.

MR. MULENGA: Mr. Chairman, you had indicated earlier on that those of us who did not speak in the main discussion of the three Amendments, will have the opportunity during - *(Interruption)*

THE CHAIRMAN: But you see, now I cannot give you the permission to debate the original statement as it was because that was extensively debated and not all of us have to contribute. But I thought that if you had feelings on the Amendment, then you can come out and speak and some Members have. We have heard the Mover for and against and because of time, I was taking the view that we pronounce ourselves on the Amendment and then go back to the original, if it is amended, then we pronounce ourselves on it. I think it is clear enough really. Let us put the question on the Amendment by Hon. Byaruhanga.

(Question put and negatived)

THE CHAIRMAN: We now pronounce ourselves on whether or not. Now the question is whether or not the proposed Amendment to Clause (3) do stand part of the Article. That is what we are now deciding. I will put the question. Will those in favour say "Aye" to the contrary. "No". I think it was difficult to get. There were attempts to rig from two centres. That made it very difficult for the Chair. Okay, let me put it again. The point is this - that an additional Article (3) be inserted as moved by Hon. Amandrua and others. I will put the question again.

(Question put and agreed to)

THE CHAIRMAN: Now, let us come to the second one which is proposed to be Clause (4). On Proposed Clause (4), we have a number of proposed Amendments but the first one was by Hon. Sekweyama but there is also a proposal to recast it substantially by Hon. Omara Anubo but I think what we shall do is that we shall take one Amendment and those who want to modify can try

to amend that Amendment so that we vote the Amendments in sequence. Hon. Sekweyama, have you sent us your written text? Yes, could you read it out please.

MR. SSEKWEYAMA (Mawokota South County): My Amendment reads as follows: "*The employer of every woman worker shall accord special protection to her during pregnancy on the job and to accord her reasonable paid maternity leave*". Mr. Chairman, I gave my reasons earlier. I sympathise with a woman who is pregnant at work but I thought that, that part which says "*shall be accorded special protection after birth and paid leave and time off to nurse her child*" left too much liberty to such a woman to the extent that she could be tempted to abuse it. So, Mr. Chairman, I thought that we could modify it in those words so that we can protect the employers too. I beg to move.

THE CHAIRMAN: Yes, the Motion was seconded by Hon. Ssemala Kiwanuka.

MR. SSEMALA (Kyamuswa County): Thank you, Mr. Chairman. I would like to support the Amendment by Hon. Sekweyama on a few grounds. I would think that this Amendment, as it is written, in a way will tend to usher in discrimination against women because some people will look at it and say, the more women I have on the job, the more often I have to give time off for this or that other thing and in so doing, it will be in a way, reverse discrimination. Also, we have in our culture, some of our women give birth to more than 15 kids and if an employee has more than a big share of women workers, then that is quite a lot of time given off to a woman to nurse the child and also we have been discussing laws that will be equal between men and women and although now women are being discriminated against, there will come a time when men can use this law in order to take time off work because it is been in developed countries. Men are demanding the same because men and women will end up sharing equal time to nurse the child and nursing does not mean necessarily that breast feeding. It might mean using a bottle. So, if a man will demand this time and also be given this time, we might end up that the employer will be losing a lot of time to give to both men and women and if a man is married to more than one woman, you can see where this will lead to. So, Mr. Chairman, I support the Amendment as brought in by Mr. Sekweyama and I wish the whole House will support it. Thank you very much.

MRS. EGUNYU (Women Representative - Kumi): Thank you very much Mr. Chairman. I strongly oppose the Amendment on the following grounds: One, it provides that the woman worker should be paid a

reasonable maternity leave - It provides that the employer should pay the woman worker reasonable paid maternity leave. The term 'reasonable' is a relative term. The employer may decide that during the term of maternity, the woman is not engaged in production and therefore, the employer is not earning anything out of her labour and therefore, decide to pay her half of what she is entitled as salary and justify it as reasonable.

Mr. Chairman, furthermore, we should look at the problems of women workers. During maternity, which I believe is a national duty for the reproduction of this nation, the woman needs care, she needs protection just as much as the child because under the present law which is the Employment Decree, a woman is only entitled to 45 days maternity leave. She can take it either before or after birth and if she takes it after birth, it means that by the time she is required to report back to work, the child is only 1 and 1/2 months and such a child is going to be left under the care of a house girl and therefore, you find that the life of that child is also endangered. More so, granted that there are no child care facilities in Uganda whereby the mother leaves the child within the neighbourhood of her employment so that she can breast feed that child or look after that child or take time off work to nurse the child. So, in those circumstances, I believe the original Amendment was more adequate protection and I do not believe that it will discourage the employers because it would also protect the women's right to work and at the same time ensure that she actually does her work efficiently by according her the time to nurse her child so that when she is in office, she is comfortable and gives the best out of her labour and does work efficiently. So, I oppose the Amendment.

MR. TIGWEZIRE (Bunyangabu County): Thank you very much Mr. Chairman. Before I support the Amendment, I had proposed a further Amendment and I had talked to the Mover and thought we had come to an agreement. I am intrigued by the word "reasonable" because it is a relative term. It is vague. Who determines the reasonableness? With that understanding, I beg the Mover, if he can agree with me, to accept the following: I want to read that: "*The employer of every woman worker shall accord her protection during pregnancy and after birth in accordance with the law*" and we leave it there. We leave it to Parliament to be specific, to go to the details instead of going into the details here. We cannot turn ourselves into Parliament. (Applause). I beg to move Mr. Chairman.

THE CHAIRMAN: Hon. Tigwezire did propose an Amendment to the Amendment. Could we hear from the

Hon. Mover of the Amendment.

MR. SEKWEYAMA: Yes, Mr. Chairman, the Hon. Mover did approach me. It is only that I had already forwarded my Amendment but in principle, I did agree with him and I beg that to the extent of his Amendment, I drop mine.

THE CHAIRMAN: Could Hon. Tigwezire now read out what the Amendment would be.

MR. TIGWEZIRE: Thank you very much Mr. Chairman. Mr. Chairman, I beg to move the Amendment to the effect that Clause (4) reads as follows: "The employer of every woman worker shall accord her protection during pregnancy and after birth in accordance with the Law." The reason why I want this is that - we cannot turn ourselves into Parliament, parliament is there and there are labour Laws. These laws can be revisited where they have not been effected. We know these laws but it is only the employers who have not been effecting these laws but if we are going to go into every detail here, then I think we are not writing a Constitution. Mr. Chairman, on that understanding, I want the indulgence of every Member here so that we write this Constitution and leave work to Parliament, in future, to enact other laws in terms of labour laws. I thank you very much Mr. Chairman.

MRS. MATEMBE (Woman - Mbarara): Thank you Mr. Chairman. I wanted to suggest to you Mr. Chairman, that in view of what has now been tabled as the Amendment - if you look at what Hon. Omara Atubo did move, you will find that Hon. Omara Atubo's Amendment is more technically written and it encompasses the current Amendment now. Could we have the benefit of reading for us to see how it tallies with the other one so that we combine the two, Mr. Chairman?

THE CHAIRMAN: No, a text was sent here. They were also seeking to amend this particular provision but making it, in a more general sense, to say the employer shall accord every woman worker special protection in respect of her natural maternal functions in society. - (Interjection). Anyway, I think let us just proceed with the Motion on the Floor as moved by Hon. Tigwezire and accepted by the Mover of the other Amendment so that we pronounce ourselves on it. I think it was read out - I do not see what clarification really one would seek from it. (Interjections)

MRS. BWAMBALE (Woman - Kasese): Thank you Mr. Chairman. The clarification I am seeking might

make the situation better. I definitely support this further Amendment - the second Amendment. It is improving the reproductive rights of women at work. Now, the Clarification I wanted to give the House through you, Mr. Chairman, is that we did pass Article 14 and transferred it to Article 61 - I hope - which was giving the women the rights of protection in accordance with their special status and the natural maternal functions that they play in society and in my own understanding, I thought this was empowering the state, through its legislation, to come up with a law on the maternal status function. So that it even makes it better here under the rights of the women workers when we take the second Amendment.

This Amendment, as it is here, is very restrictive and would tie the hands of Parliament to only that small section but if we say that the employer of every woman worker shall accord her special protection during pregnancy and after birth in accordance with the law, then, that facilitates other laws like the Domestic Relations Bill which have and which can expand and embrace all the aspects of maternal functions including leave for the women. Second Clarification is - That can give Parliament, under legislation, to define who every woman worker is because I may be a house wife and I also claim that I am a worker for my husband and therefore, he should give me leave. *(Interruption)*

THE CHAIRMAN: Hon. Bwambale, you sought the Floor to get clarification but you are now going into substantive contribution. I think I have to stop you there.

MRS. BWAMBALE: Mr. Chairman, I am closing like this -

THE CHAIRMAN: No! You sought the Floor to clarify a point which you have clarified. I think you have finished.

MRS. BWAMBALE: Thank you Mr. Chairman. I think I have clarified.

THE CHAIRMAN: What we have is as follows. To replace (4), if it is carried, with: - *"The employer of every woman worker shall accord her protection during pregnancy and after birth, in accordance with the law."* I put the question on the Amendment.

(Question put and agreed to)

THE CHAIRMAN: That actually sought to delete the whole of (4) as it is. So, that actually substituted it and there's nothing else we will do about it. It was to delete

(4) and substitute it with that and we have carried it. Now, the last one is (5) - the right to withdraw labour. There was a proposal by Hon. Tiberio Atwoma. Hon. Tiberio Atwoma had a proposed Amendment on this one. His Amendment seeks to delete (5) and substitute it.

MR. ATWOMA (Chua County): Thank you Mr. Chairman. My Amendment to this is very simple because I think we should take also the interest of the employer into account. As we were discussing the general theme of the Amendment, there were some Speakers who also showed some concern, why the employer was not included. So, I am putting it that both the employer and the employed have the right to withdraw from the contract of employment according to the law. - Yes, because I am speaking of this - *(Interruption)*

THE CHAIRMAN: But is it seconded? Hon. Byakika here has seconded it.

MR. ATWOMA: Mr. Chairman, I think Hon. Members will realise that many of us here also are employers and as we talk of protecting the rights of employees, I think the employers are also entitled to protection and we are not only gazing at the employers coming from outside. There are local employers who should also be taken care of. So, I would say, with my experience in the labour Department - we were the founders of the Labour Department in Uganda in 1948 and we know a little bit how to take care of the employers and also of the employees. That is what has made Uganda what it is today. So, therefore, Mr. Chairman, it is very simple and I think everybody will accept it, that the employers also must have the right to determine the contract with the employee and not only the employee. I think this is just only to be fair, to be equal because here is our symbol of balancing. So, we must balance between the employer and the employee. So, I beg to move.

DR. ODUR (Dokolo County): Thank you Mr. Chairman. I am afraid I oppose this Amendment. The situation is this that during the Odoki Commission's touring the country, there was overwhelming evidence that the workers are really complaining and they are frightened because over the years, their rights and freedoms have been abused. Now, as we move into the area of privatisation, it is very important that the workers of this country should be very well protected with clear and understandable laws. The proposed law regarding labour is very clear here because labour is one of the major components of production and unless we empower the workers to use that main tool to promote their rights, then really, we are not going to protect the workers of this

country. I, therefore, would want to encourage all Hon. Delegates that we do everything possible to ensure that the future workers of this country are well catered for in the Constitution.

As far as the employers are concerned, this particular Chapter is not really handling them and I have yet to see where we are going to protect their rights. This article is concerned with the workers and I would urge that we protect their rights. Thank you Mr. Chairman.

MR. MUSHEMEZA (Sheema County South): Thank you Mr. Chairman. I have always been and I shall always ever be on the side of those who labour in society. In the production process in society, labour is an important aspect of productive forces of society and once the productive forces of society are low, then you cannot have production or development and this means the workers must be protected very clearly by the law. My experience, as a lecturer in Makerere has taught me that the state or any other employer will always respond to well organised sections of society or well organised people and this means, if you are not organised, to exercise your right to withdraw labour will be very difficult and I have observed from my experience that the right to withdraw labour is very important as a bargaining tool and it delivers goods.

On that basis, Mr. Chairman, I oppose the Amendment by Hon. Atwoma because the original Amendment is very clear and protects the rights of workers to withdraw their labour. I thank you Mr. Chairman.

MR. CHANGO MACHYO (Samia Bugwe South): Mr. Chairman, I stand to oppose the Amendment by Hon. Tiberio Atwoma Okeny very strongly. The point is, we do not realise that actually the workers in any country are the backbone of the wealth of that country. Without workers we would not have such buildings. Now, if you have got a satisfied working class in a country, that country would be prosperous. The example quoted of Britain by Hon. Kakungulu is that since the time of Margaret Thatcher, the workers have been marginalised and their purchasing power has declined and that is why Britain is declining economically because the workers cannot support the economy. Mr. Chairman, we should know that for anybody to prosper, to make super profits, at the expenses of low workers's wages because we must have foreign investors, is the highest means of violating human rights. You cannot talk of human rights when the workers are unable to feed themselves Mr. Chairman, industrialists, therefore, cannot prosper without a market. Now, in this country we

know that the price of beer was at one time put at 1,500/

Now, retrenchment took place. That affected the purchasing power of those who were capable of drinking beer and you know what happened. The price of beer had to come down and even today, as I am speaking, *Mahwa* is more important (*Laughter*). Mr. Chairman, *mahwa* is more important because there are some people here who, first of all go for a sitting, then come for a wash down and precisely because - - (*Laughter*) - most people are retrenched, they cannot afford to feed their children, they cannot afford to buy beers. So, you neglect workers, you are neglecting the national economy.

Mr. Chairman, someone has said that these investors move their industrial plants from high labour cost to what they call new industrialised countries. Mr. Chairman, some time back, I read a book and the title was "*Asians Tigers in Distress*". What is happening is that workers, whether it is in Taiwan, in Hong Kong - and yesterday I was in Hong Kong or in South Korea - the workers there, are also protesting against such wages where super profits are made at the expense of their lives. Mr. Chairman, in Uganda - (*Interruption*)

THE CHAIRMAN: Order! Will you not heckle the Hon. Member. Sorry, do not heckle Mr. Chango Machyo.

MR. CHANGO MACHYO: If we tie the hands of workers in Uganda - in fact, those who are boasting to be employers are tying their own hands. On the other hand, if we do not protect workers from the so called investors, it is like failing to protect the horses or the ox-plough against the leopard which eats up the horses which produce the wealth. Thank you, Mr. Chairman. I, therefore, oppose the Amendment as moved.

MR. BYAKIKA KASAJJA (Bunyole County): Thank you Mr. Chairman. All along we have tended to be inclined to support the worker without considering the employer. I think we are being unfair to the employer. In the first instance, one of the terms that are usually agreed upon between employer and employee is that, they both agree on terms of employment, for example to say that either party can give say one month's notice to terminate employment. Now, if we leave it as it is, we are depriving the employer of his right which he has had now to give notice within say, a month or so - where it is necessary to terminate somebody's employment. I think we should consider both sides. If we leave the whole protection just to a worker, time will come when the worker will be so strong through the unions that the employer will be completely embarrassed and I think that this is a case

where we should really make an allowance for both the worker and the employer to have a right to withdraw labour either way and I support the Amendment.

THE CHAIRMAN: Now, I think we can pronounce ourselves on this one. The Motion is by Hon. Tiberio Atwoma that "*Both the employer and the employee have the right to withdraw from the contract of employment according to law*". This Motion is to delete (5) and replace it with words I have just read out. Now, the words that are there are "*Every worker has a right to withdraw his or her labour according to the law*". That is the original Motion to insert a new Clause (5). So, I now go to put the question.

(Question put and negated)

THE CHAIRMAN: Now, let us pronounce ourselves on the Amendment *(Interruption)*

MR. KAMURON (Kongasis County): Mr. Chairman, before we pronounce ourselves on this Article, it appears that during the course of the debate, we have been talking about workers' rights but the marginal note here talks about economic rights. Then, would it not be appropriate for the House to remove the word economic and replace it with workers' rights? If that is agreed Mr. Chairman, then I would like to move that the word "*Economic*" be replaced by the word "*Workers*" so that it reads "*Workers' Rights*".

THE CHAIRMAN: That could be a good proposition to the Technical Committee. Actually in our laws, we do not regard side notes as part of the pieces of legislation. So, those can be done as a clerical job. We do not have to pronounce ourselves on it here. But it is a good indication. But I think we should go ahead now and decide whether we adopt (5) or not. Let me put the question that the proposed Amendment to insert (5) as set out on the distributed piece of paper do stand part of the Article i.e. Article 67. I now put the question.

(Question put and agreed to)

THE CHAIRMAN: Now, let us pronounce ourselves on 67 as amended and of course, the Technical Committee will take into account the observation made by Hon. Kamuron. Now, I put the question that Article 67 as amended do stand part of the Draft Constitution.

(Question put and agreed to)

THE CHAIRMAN: Yes, Dr. Byaruhanga what Point of Procedure?

DR. BYARUHANGA (Kitagwenda County): Thank you Mr. Chairman. In view of the strong views put to us by Hon. Sebaana Kizito, Hon. Kalikwani and Hon. Atwoma, would it not be in order Sir, to create a new article after this 67 for the employers. While the work on the constitution is still continuing, and if there are those interests that feel strongly - I mean the employers should also be protected.

THE CHAIRMAN: Nothing stops them making a proposition which will go to the Legal and Drafting Committee as an amendment. And it can come here in a separate situation but not now. Members are free to propose amendments to the constitution. So, that goes without saying. Now, what we have is Article 68, - Administrative Justice. There is one before - there is an attempt to insert immediately before 68 an article to be numbered 68, at page 10 on the handout, and it is right of access to information. This is Hon. Pulkol, Omara Atubo, Wasswa Lule. Hon. Pulkol is not with us so, Hon. Omara Atubo, would like to move that.

MR. OMARA ATUBO: MR. Chairman, the main originator of this amendment, David Pulkol is not with us. But he has done good to hire a competent lawyer to argue his case and I will come in at the secondary level to get the case argued. So, Mr. Chairman, we had agreed with Mr. Pulkol that, Hon. Owor should present the case, and then we come in with the Hon. Wasswa Lule in the course of the debate. Thank you, Mr. Chairman.

THE CHAIRMAN: Well, order! We shall ask Hon. Charles Owor to do his advocate's job.

MR. OWOR: Mr. Chairman, I was actually, right from the start a co-sponsor. But for some reason, my name did not appear. So, really I have no professional fees attached to this. However, Mr. Chairman, this amendment seeks to insert a new provision on the right of access to information which provides that every person shall have a right of access to information in the possession of the state or any organ or agency of the state except that the release of the information is likely to prejudice the security or sovereignty of the state or interfere with the right of privacy of any other person, and clause 2 of that provision would provide that Parliament shall make laws regulating the procedure for obtaining access to information referred to in Clause (1) of this Article. Mr. Chairman, I seek guidance. There is a third Clause that, on consultation with the Hon. Nabudere, has been added and all the sponsors of this amendment have no quarrel with it. I wonder whether it is better for us to include it and we debate it all together or we wait for the

Hon. Nabudere to move it as an amendment to this amendment.

THE CHAIRMAN: Before the Motion becomes the property of the Constituent Assembly, you are free to re-word it. And once we have seconded, and then we frame the question, and we have to proceed by an amendment. But now, you can re-word it so that we do not have to go through that procedure.

MR. OWOR: In that sense, Mr. Chairman, I therefore, would proceed to add the third Clause and also there is a slight correction on the first clause. But let me first add a third clause that, "*The state shall automatically declassify and release all public records for the free inspection of the public after 20 years of classification.*" That is the third clause. "*The state shall automatically declassify and release all public records for the free inspection of the public after 20 years of declassification.*" And then the other correction is in Clause (1). Instead of "*every person*", it shall be "*every citizen*". After that, Mr. Chairman, I proceed to make a few observations.

THE CHAIRMAN: Is it seconded? The text of three, could you read it out slowly so that, Members can put it down.

MR. OWOR: Okay, I will read through again. "*The state shall automatically declassify and release all public records for the free inspection of the public after 20 years of declassification.*" "*The state shall automatically declassify and release all public records for the free inspection of the public after 20 years of declassification.*"

THE CHAIRMAN: Yes, Hon. Nabudere, do you confirm that text?

MR. NABUDERE: Mr. Chairman, I just wanted to say that, at the end it should read "*after 20 years of their classification.*"

THE CHAIRMAN: Okay.

MR. NABUDERE: -and release all records. We can remove the word "public." Mr. Chairman, I do not know, I am being queried here by some Members, I think may be we better leave it - "*public records.*"

THE CHAIRMAN: Are you saying that you are making changes within the text as it was read out?

PROF. NABUDERE: So that it should read as the original read by Hon. Owor - "*Public records.*" except that, at the end we say "*their classification.*"

THE CHAIRMAN: Now, Hon. Delegates, that is the motion - he has not yet made his comments but what does the Chairman of the Legal and Drafting Committee wish to say?

AN HON. DELEGATE: Thank you, Mr. Chairman. I am seeking clarification from the Movers of this motion. First of all, let me say that the Legal and Drafting Committee considered the original amendment and decided it was proper that it should be debated for a decision by the assembly. Nevertheless, it has been modified by the additional Clause (3) which apparently originated from Professor Nabudere and I wanted to say first of all that, the Legal and Drafting Committee has not addressed itself on that one. However, I wanted some clarification on the movers in relation to Clause (3) because currently, the law on disclosure of information is such that, there are certain public records which, in the public interest, can never be revealed. If you want I can explain.

There are for example, certain sensitive documents relating to foreign policy where government may have had to follow policies which were, shall I say, not in conformity with what they had said publicly. And it is accepted by all nations. There are certain information on public affairs which cannot be disclosed at all. This Clause number (3) is a blanket authority that government would be obliged to disclose these documents after 20 years even if such disclosure would be bad to public interest. I wonder whether that is their intention, or whether it is an anomaly that they intend to cover that position where documents may be kept secret for longer than 20 years. In many other laws, some documents cannot be disclosed after 30 or 20 years, or 10 years, 50 years, depending on the gravity of the information and embarrassing situation that the country would find itself in, if such information was disclosed. Therefore, I think that, it is very, very important Sir, that we preserve the right of a nation to keep some of its public records secret for longer than 20 years. I do not know whether the movers of the Motion can explain. I thank you, Sir.

THE CHAIRMAN: I think Hon. Members, I would like to say only one thing from the Chair that, the right to freedom of information by citizens is a modern right which is championed in many countries. But I have experience of it somewhere and when it was written, and actually discussed in detail, one found that he could not

but run into a lot of exceptions to the general rule that a citizen has a right to information in possession of the state. And some of the exceptions were like this that matters relating to national security and defence of international relations between the country concerned and other governments at international organisations would be accepted but of course in a reasonable manner not blanket - records of meetings of Cabinet.

Because if you do not qualify this one, tomorrow any Ugandan can demand to have access to live Cabinet Records. Trade secrets and privileged or confidential, commercial or financial information obtained from a person. As a state, you are dealing - someone has given you, in confidence, their commercial information but because it is in your possession, it can be requested under the Right to Information. Parliamentary papers, the subject of parliamentary privilege, reports and registers and memoranda prepared by government authorities which are not yet completed but they are being prepared, papers relating to lawful official activities for investigation and prosecution of crime. Can someone demand such information before it has been used and how does that prejudice the means of personal privacy and security, I think that one is mentioned in there. You find that also reports prepared for the government by government authorities in relation to matters like geological or geophysical information on data concerning wells and minerals which you may not want to disclose before they are eventually made available after use. And sometimes, information relating to regulation and supervision of financial institutions. I may not want to publish a mention from the Bank of Uganda how they are managing other banks in terms of their financial records. But because they are in the hands of government. Now, when this was prepared, it was first in this format, but when people sat down and analysed, the impact of it, some of the exceptions I have read out are to be included.

Now, as it stands, exception is quite general, and it can cause, in my view some problems. But I thought I should let you know this before we proceed to discuss this. But what I would have suggested is that, maybe if we want to proceed with right to information by the people of Uganda, maybe the Legal and Drafting Committee again together with the sponsor can sit down and look at it particularly at the point at which how far should that information go and how fresh (*Applause*). Is that agreeable? Sō, Hon. Charles Owor, what do you say? Dq, you not think may want to go and benefit from - (*Interruption*)-

MR. OWOR: My amendment, Mr. Chairman, is without due consultation with the other Members. But I would have thought maybe the right people to ask are

the legal and drafting committee whether they think this is something which warrants - although, I am a Member, but now I am standing in as a mover. But personally, I would have really not seen any more need to discuss with the Legal and Drafting Committee, after you have already made your observation, Mr. Chairman.

THE CHAIRMAN: Yes, but I was not suggesting that the matter should be killed. I was only saying that, there is need to hedge it properly in view of other policy alternatives which may not have been clear at the beginning. Hon. Omura Atubo, since you are one of the sponsors.

MR. ATUBO: Mr. Chairman, really, I do not have any serious objection to your suggestion, since it will really make this amendment possibly more acceptable to the House. But while we await to hear the views of the Legal and Drafting Committee, may I at this stage, Mr. Chairman, state that, what we intend to achieve by this amendment is not a blanket right or access to information. The exceptions mentioned in Clause (1) are mainly exceptions regarding information prejudicial to security or sovereignty of the people but more particularly, there will not be any automatic access to any information with the state. Parliament in Sub-clause (2), will have to make specific laws. And, Mr. Chairman, it is my view that at the time that Parliament is making specific laws, all those exceptions you have mentioned will now be specified in the law regarding access to information. If we are drafting it in such a way that all those exceptions are stated in the constitution, it will be so bulky. So, we really, at this stage could say that, the right of information is allowed by the constitution subject to the laws passed in that respect by Parliament. You are not going to say, automatically now. It is like the law we have passed on abortion. Nobody is now going to ask for abortion anyhow, but we have got to wait for Parliament to pass the law in respect of that. So, I thought that, those beautiful exceptions you have mentioned which we also discussed may come at the later stage on an enactment by Parliament. Mr. Chairman. Thank you.

THE CHAIRMAN: That being so, of course that would be better if you opened (1), with subsection to (2).

MR. KAVUMA (Kyadondo South): Thank you, Mr. Chairman. Sir, even (2) as it stands, I think it is talking of Parliament making laws for merely regulating the procedure of getting this information. It is not providing for substantive law about what should be excluded or not. So, I think even if it was subjected to 2, two must also be improved upon. Because we are saying the constitution

is going to be right if it is carried. That Parliament can only make laws regarding the procedure of getting this information. I think it is still not strong enough, as people were saying, to allow parliament to accommodate a situation where we may accommodate the exceptions Mr. Chairman, you were talking about. I thank you Sir.

MR. KAWERE (Mukono North): Thank you, Mr. Chairman. I would like to remind the Hon. Delegates, that we all took an oath of secrecy before we started deliberating in here. I would not feel that, it is proper that we go round it and we start to debate inserting an article or a clause in the constitution to the effect that, people or researchers, as they are today go round and ask for government secrets. There is the government secrets act, which should provide for this if they wanted. So we from Mukono North object to this being debated. I would like to end by requesting that you put a question and we see what comes out of it. Thank you, Mr. Chairman.

THE CHAIRMAN: Hon. Kawere, we are at a very preliminary stage, the question has not even been moved.

PROF. KABWEGYERE: Thank you, Mr. Chairman. I think you are ruling that we do not debate these amendments. But that, we have possibly to give some hints which the legal and drafting committee can take into consideration. Mr. Chairman, when you look at the amendments as proposed, they have the effect of our abolishing the state by law. That is really the underlying implications. You know there was that time when there was a hope that a state would disappear. But now, you want it to disappear by law, so you say it is not there. And I think when you look at *(Interruption)* - the moment the state has no secret within two decades, the moment anybody who could be an agent because you say every citizen but you could be an agent of imperialists whom I am sure know very well they can come through citizens. The moment that citizens can freely have this information freely, and so on, you have really opened up the state so nakedly, it is not there.

MR. KUTEESA: Thank you very much, Mr. Chairman. Mr. Chairman, as you rightly pointed out, this is a very modern provision. It is a modern right many countries. The position has been expressed by Hon. Kabwegyere who has the original fear and position. But as modern times have come in and freedoms of people have become more observed and recognized, the freedom of information right has also come about. I agree entirely with your guidance, Mr. Chairman, that there should be more study, not only in categories or areas of information that must be accessed, but I think we should

give consideration to the length of period before declassification. I think 20 year's time is too short. I assume and I am not sure but that is the attempt, supposing that Uganda was in the course of developing a nuclear weapon, we may not succeed even in the next 20 years. But I do not think that, if we have just gathered a few neutrons and electrons, in 20 years, then that should become public. So, Mr. Chairman, I agree that we should not feel scared about providing for this right. It is a right, it is modern, many people are not aware of it. But it is a necessary right. The question is, the areas that it should cover, the period when this information becomes available - rather than declassified if at all, and because we are saying that certain categories of information shall never be released. That is the important part that we need to protect.

It is true that, there is a serious attempt world wide to minimize the role of government in the lives of people. And I think it is a good thing. The more government you have on you, the more dictatorial governments become. So, if we can reduce the whelm of government in our lives, so much the better. Whether it is in industry, whether it is in enterprise, whether it is in our other freedoms. And really, we should be able to check these secret bills of our leaders. But within limits. And I think that is why I would totally agree with you, Mr. Chairman, that this matter should be referred to the Legal and Drafting Committee. I would go further that, having had the privilege of you as chairman, dealing with these rights else where, and any other person who has had previous experience should help the Legal and Drafting Committee. Because as Hon. Charles Owor says, this matter has been already through the Drafting Committee. And if they did not make as many improvements as you could, that may be a reflection on their lack of experience with this kind of right. So, any input from any angle, certainly from you, Mr. Chairman, I think would improve the performance of the committee and I am of the view that this should be studied much further. It is wrong, in my opinion, Mr. Chairman, to just reject it off hand. It is equally wrong not to study it in depth and bring it out and spell out the correct circumstances under which this right of information should be preserved. Thank you.

MR. KIYONGA FRANCIS (Upe county): Thank you, Mr. Chairman. I just would like to make some observation of the whole article. What I would like to say, Mr. Chairman is this, that this article, it is not true that, all the information the population may need may be really confidential or regarded as classified information. There are other information which may be good to the service and the need of the people, and yet people take it as a

whole and use it as classified information. One thing I may say is corruption. I do think you will also find that, some people who are corrupt could use the rejection of this article to cover their corruption. The article also tries to remind us that, what is regarded now as classified information may also at one time not really be confidential or classified. Another thing, I wanted just to point out what may be wrong, according to me, in this amendment is clause three. I thought Clause (2), has already catered for Clause (3) in the sense that, Parliament is empowered to decide how long such information may take to be declassified. So, I think the problem really, Hon. Delegates could be Clause (3). So that, we leave it open to Clause (2) for the Parliament to decide how Long such information can take before they are declassified. Thank you.

THE CHAIRMAN: I think, Hon. Delegates, we are about to start debating the merits of the matter. The Motion has not even been moved. It has not been moved. And we had sort of come to some consensus, that this matter goes back to the Legal and Drafting Committee. And Members can make representations as the matter is polished up and redrafted. Hon. Sabiiti, you have something new.

MR. SABIITI (Rukiga County): Thank you, Mr. Chairman. I wonder whether the sponsors of these amendments have had a chance to look at the Official Secrets Act, if they did, I do not think that there is need for Clause (2) and (3). Because some of these amendments are catered for in the Secrets Act. I would therefore, suggest as you have put it, that the sponsors first read this particular Act and then check with the Legal Committee. and then they come up with a proper amendment. Thank you, Mr. Chairman.

THE CHAIRMAN: Thank you. I think let us really stop it at that. Let the Legal and Drafting Committee - I am sure there are some Members who are more touched by this. Hon. Okanya, Hon. Basoga Nsadh, Hon. Sernaala - the Journalists, who would most likely be interested in going to make inputs at the committee, as they consider that together with the sponsors of this. And then, since it is not an old article in here, we can insert it anyway and then the rest will be just re-numbering, if it is adopted. If that be agreed, then we proceed that way. So agreed. Thank you. The others under 29, that is a very important provision to be a general qualification. I think that one is better when we are very fresh. Does the Chairman of Legal and Drafting have anything to say? I think your meeting has been overtaken by -

PROF. KANYEIHAMBA: Thank you, Mr. Chairman. Yes, there are a number of amendments which are in the pipe line, I think that the technical committee is still compiling them. So, we have quite a number of them that can carry us through tomorrow. But now I take this opportunity, Sir, to see that the Members of the Legal and Drafting Committee are asked to meet somewhere in the Members's lobby this afternoon at 3.00 O'clock Sir.

THE CHAIRMAN: Before I close, let me remind Members of the Business Committee that we are having the meeting of the Business Committee this afternoon at 3.30 p.m. here in the main hall.

With that I adjourn the Constituent Assembly to tomorrow at 8.30 a.m. in the morning. Thank you.

(The Assembly rose at 5.30 p.m. and adjourned until 15th September 1994 at 8.30 a.m.)