



THE REPUBLIC OF UGANDA

**PROCEEDINGS**  
**OF**  
**THE CONSTITUENT ASSEMBLY**

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**OFFICIAL REPORT**

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THURSDAY, 1ST DECEMBER 1994

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Thursday 1st December, 1994

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

### PRAYERS

*(The Chairman, Hon. James Wapakhabulo, in the Chair)*

*(The Assembly was called to order)*

### COMMUNICATION FROM THE CHAIR

**THE CHAIRMAN:** Hon. Delegates, the Chairman of the Legal and Drafting Committee has written informing me that the Select Committee one has received over 45 proposed amendments to be synchronized all relating to land and they are coming from a large number of Members who are not less than 30. Now the Chairman was requesting that if we agree, we give the committee time tomorrow afternoon so that his committee can sit and receive Members to synchronize the various amendments. And he was requesting that maybe I should adjourn to tomorrow afternoon so that Members can have the time to go and take part in this exercise seeing that it is a sensitive subject and rather popular subject.

Now I was wondering whether this is a request we as a House can accept or we think we can remain in session while those Members who wish to synchronize their amendments go. It is not now - I am talking about tomorrow afternoon. I am trying to seek guidance from the Members. You see the real reason why I have brought it here is that now our plenary session is receiving reports from committees and what we pass, unless we reverse ourselves during reconsideration stage, whatever we pass is forming part of the constitution of Uganda. The question is whether it will be fair for us to sit in session and make decisions when some of the Members, not less than 30 and if you add Members of the committee, altogether about 60 Members will be away attending to the matters in this committee. This is what I thought I should put to you.

**MR. BESWERI MULONDO:** Thank you Mr. Chairman. I want to agree with you and take proposal number one. You can see the amendments that have come across on land are many and they are coming from quite a number of people and I am sure even those others who have not put in amendments would wish to attend this meeting because some have

been talking to us and we have persuaded them to agree to be part of those Members who are submitting these amendments.

I want to suggest that we adjourn to tomorrow and leave these people to sit undisturbed because some of us have some interest in what goes on in the plenary and we may not concentrate very well in the other committee if we also think that the plenary is going on.

So I want to agree with your proposal number one that you adjourn to tomorrow and then in the afternoon, this committee meets to look at these amendments. Thank you Mr. Chairman.

**MR. NDEGE:** Thank you, Mr. Chairman. I quite agree with your proposal but I was recommending that instead of sitting in the afternoon, since there are so many amendments - there are two pages of these - I suggest that we start at 10 o'clock until further notice because I know that tomorrow we may not even finish to synchronize all these amendments regarding land. That is why I was suggesting that we start at 10 a.m. and go on until we finish and continue through the afternoon. Thank you Mr. Chairman.

**MR. WANENDEYA:** Thank you very much Mr. Chairman. Land is a very, very crucial issue in our country. It is therefore appropriate as suggested by hon. Ndege that all the amendments on land should be started in the morning because all of us have got a very big interest in land. It is almost like the plenary itself and I doubt whether even starting from morning will finish discussing all those amendments on land. I therefore agree with you and instead of wasting time Mr. Chairman, I beg to request the indulgence of Members that we vote on it and we agree and we do not take a lot of time. I thank you Mr. Chairman.

**DR. KABAYO:** Thank you Mr. Chairman. I have a different opinion. I think we should use committee time for synchronization of amendments and discourage ourselves from encroaching on plenary sessions. Thank you.

**THE CHAIRMAN:** Well, the thing is that we have two propositions now. There is a request from the Chairman of the Legal and Drafting committee who says the afternoon would be good. There is hon. Ndege and hon. Wanendeya who are saying in fact

the amount of work is so much that the whole day including committee time should be committed to them.

**MR. SEBI DATA:** Thank you Mr. Chairman. Whereas I do not have a very strong opposition to the present proposals by the hon. Members, I have a bit of a fear that if we are not careful, this trend may continue into other amendments of a similar nature and we might have to go backwards and forwards. In effect we shall not have kept to our original decision. Mr. Chairman, we had all this time for committees. If Members had amendments on burning issues like the land - I know it is a burning issue. Maybe we should restrict and not overdo it because I fear we might have to be doing the same thing with many other amendments that are going to come. Thank you very much.

**THE CHAIRMAN:** Hon. Delegates, I think we shall take a compromise. There was the idea that we should take the whole day and even eat into committee time. I think select committees need their time also to continue with their work because if we delay select committees, we shall also delay the plenary. I would like to suggest that we give tomorrow afternoon to the Legal and Drafting committee and if they do not complete, I am sure the chairman can call the meeting the following day or they can meet until very late since it is Friday and make sure that they have done their work. Then select committees can continue in their meetings tomorrow morning. Hon. Kanyeihamba, do you disagree with that very generous offer?

**DR. KANYEIHAMBA:** Thank you Mr. Chairman. I think that your suggestion that we start in the afternoon of tomorrow is acceptable. I fear that having glanced at the number of amendments which we have to synchronize, it may not be possible that we finish tomorrow. Nevertheless, we can continue but I do not think that it will be possible to continue on Saturday. Presumably we would have to find some other time to continue at the beginning of the week.

**THE CHAIRMAN:** But if you continue at the beginning of the week, you will be using which time?

**DR. KANYEIHAMBA:** Well Mr. Chairman, it may have to come to the same thing that we may have to request another afternoon if select committees insist on that. Certainly, starting in the morning

would have been very advantageous; we would have gone through as many amendments as possible perhaps and then if there is any clause left over, we might say that maybe the following week the Legal and Drafting committee could do it with the few Members who will have not been dealt with. But I cannot visualize us doing the bulk of work in just one afternoon - looking at this work.

**MR. BAGEYA:** Thank you very much, Mr. Chairman. I remember quite correctly during the general debate, almost each and every individual in this House was very concerned about the land issue and considering what hon. Kanyeihamba has just said, if there are too many amendments which have got to be dealt with, I would strongly propose that we take up tomorrow morning for the same purpose so that at least we know we have lost one day. Because some of the Members have not been able to attend to these amendments because some of them are even chairmen who could not leave their committees to come and join and probably defend their amendments. Therefore, I request this august House to agree that we start on it from tomorrow morning. Unlike hon. Ndege, I would prefer that we start at least by 9.00 a.m. or 9.30 a.m. latest.

**MR. BAGENA ANTHONY:** Thank you Mr. Chairman. I would like to strongly agree with your proposal taking into account the fact that the committees have been given a deadline which kind of restricts us not to miss select committee time. I think if we can use up the plenary session time and like hon. Kanyeihamba says, if there will be need to use another afternoon, maybe we can come to that later but certainly I would not support that we lose the committee time because we already have a target and we have got to abide by that. Thank you Mr. Chairman.

**MR. BIDANDI SSALI:** Mr. Chairman, this is an observation on the submission presented by hon. Kanyeihamba.

In view of what we have all realised and in view of the fact that we have agreed that we should give ourselves a limited time within which committee work has got to be completed, we agreed that if the committee finds that it has not completed, it will have to meet at night or week-ends. I think we better start right now. I think it is important that we subject some of the consultative meetings to something which is I think a little bit urgent once in a while. Your proposal

of the committee meeting in the afternoon and if they do not finish they agree to start on Saturday morning will be quite in order. It is wrong at this very moment when we have all realised that we are late and when the country has realised that we are late to give a reason of consultation to the people.

I appeal to the chairman of the relevant committee to try and persuade his Members so that if they do not finish in the afternoon tomorrow, they may wish to continue on Saturday so that we gain time. Thank you.

**MR. NGOBI:** Thank you very much Mr. Chairman. I would like to concur with the sentiments expressed by hon. Bidandi Ssali. The other committees have work to be done and they have the morning to do the work and the afternoon; we are giving the whole of that time to this other committee one. I think I would agree with you Mr. Chairman, that we devote the afternoon to this consultation on committee one instead of using the whole day because work of other committees which also is equally important or maybe even if it is not quite but I think it is almost important as part of the constitution. It must be allowed also to be done so that we save time in the long run to conclude this constitution making together. That is why I think it is right Mr. Chairman that we meet in the afternoon for this committee and if work is not finished some other time must be found to complete that, allowing other committees also to carry on in the morning. Thank you very much.

**DR. KANYEIHAMBA:** Thank you Mr. Chairman. I was still waiting to catch your eye. Both contributions which have just taken place are really not taking into account that this matter is being decided now and we are talking about tomorrow where many Members, not only Members of the Legal and Drafting committee but those who will be submitting their views to the committee have already made up some arrangements I am sure for Saturday morning. If they mean the following Saturday, I can understand that one but really until now, we did not know that this decision was going to be discussed, let alone decided. So if it is a matter of urgency and people are saying that, then I would rather think that the committees which were supposed to meet tomorrow also sacrifice their time and we meet from tomorrow morning and synchronize these amendments and those other committees which would have met tomorrow meet on Saturday if that is the idea.

**THE CHAIRMAN:** Hon. Delegates, I think let us proceed on the basis as requested earlier on. Hon. Kanyeihamba was taking advantage of the generosity of hon. Ndege and hon. Wanendeya but otherwise his request was for the afternoon and I think we should grant that, that we give him the afternoon tomorrow and let the other committees continue with their meetings in the morning. Thank you. So that is agreed. That was the only communication I had from the Chair.

### ITEM NO. 3

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

##### CHAPTER 11 - FINANCE. CLAUSE 180, ARTICLE 180

##### CLAUSE 5.

**THE CHAIRMAN:** Hon. Delegates, when we adjourned last night, we were considering clause 5 of article 180. A recommendation had been made by committee three that clause five should remain as it is and adopted as part of the Constitution. However, hon. Byaruhanga and many other Members pointed out that clause by making reference in the first line to clause one - there was a mistake. It should have read: *"The withdrawal of funds under clause 4 of this article shall not exceed the amount authorised to be withdrawn from the Consolidated Fund by the Appropriation Act for the corresponding period in the immediately preceding financial year"*. There were arguments that actually, this clause was intended to put a ceiling on the expenditure out of the Consolidated Fund by virtue of the provisions of clause one but became very clear at the end of the day that the interpretation taken by hon. Byaruhanga was correct. But nevertheless, some Members did express concern that the wording was not good enough and hon. Magezi and hon. Byaruhanga undertook to synchronize their minds and come up with a formulation which they would think satisfies the intention of putting a limit on the amount of money which can be authorised to be used during the interim period while the Parliament is considering the budget for the financial year in question. Now I do not think it was necessary, although there was a motion moved, for us to have to put that to the vote seeing that the error could have been typographical rather than substantive and therefore the reference to

four could be changed without us having to vote. But as I said earlier on, hon. Magezi undertook to come with a formulation with regard to that particular clause and I will give him the Floor if he is ready.

**DR. MAGEZI:** Thank you Mr. Chairman. First of all I would like to correct some typing errors on the sheet before us. There is 2 appearing in the middle of the page, it should be 5, which starts with this sentence that "any sum issued in any financial year from the Consolidated Fund Account under sub-section 4" - instead of a (1) of this section in respect ...

**THE CHAIRMAN:** We can call it a clause I think.

**DR. MAGEZI:** It is part of 180. This amendment is in respect of sub-clause 180 (4) and 180 (5). But I do note Mr. Chairman Sir, that we had pronounced ourselves on 180 (4) although there was need to remodel that to be in consonant with the existing public Finance Act, Chapter 149 part two; control and management of public finances as well as the established financial regulations which I have been able to secure this morning from the relevant officers.

**THE CHAIRMAN:** But hon. Member, I was also pointing out in what you have now renumbered five, you are making references to a section that would have been correct if it was a Statute or an Act. But here we are dealing with constitutional provisions or we are making reference to articles and clauses. So it should be under clause one and also under clause four of this article. I do not know whether we are following each other. In other words, where the word 'section' appears, we should replace it with the word 'clause' except that - no, no, let us start again. In four, there appears the word 'section' in the fourth line starting from the top. We should call that word 'article'. You remove the word 'clause' and put there the word 'article'. Then in five, "any sum issued in any financial year from the Consolidated Fund Account under clause four". So the word 'sub-section' becomes a clause of this article. You have got an amending sheet made available by hon. Magezi. In that write-up you have two parts. You have one named four, another one now amended to be five and in the write-up numbered four, there is on the fourth line starting from the top a word 'section' there. That word should be substituted with the word 'article' because in our constitutional arrangement we are talking of articles, clauses and sub-clauses

Then in what is five now, on the second line, you will see there the word 'sub-clause one'. Now it should be replaced with the word 'clause' and instead of one, you should put four and then where the word 'section' appears in that line, you should insert the word 'article'. I will ask hon. Kajura to explain at some stage. So, Am I right hon. Magezi?

**DR. MAGEZI:** Yes, indeed you are right Mr. Chairman.

**THE CHAIRMAN:** Now hon. Delegates, we had adopted four as it stands now but hon. Magezi is suggesting that it would read better if what is four and five were recast in the manner he is suggesting. I do not think it does us any harm reversing ourselves on this and listening to what he suggests if he sells it ably to the House. Then we shall be able to pronounce ourselves and replace the four and five if we adopt his formulation. So I think let us give him a chance to present what he has.

**DR. MAGEZI:** Thank you very much Mr. Chairman. Hon. Delegates, the existing public Finance Act in chapter 149 spells out the duties of the Minister for Finance and for quick reference, the Minister for Finance exercises his responsibilities through the officers of the Treasury. And the most important task for the Minister for Finance through his officers is the business of handling the finances of the country. In fact in that Act, it goes on to say that "Subject to the provisions of this Constitution and of this article, the Minister has the management of the Consolidated Fund and supervision, control and direction of all matters relating to the financial affairs of Uganda." So the inclusion of the title of the President is synonymous to making the President the Minister for Finance and therefore, it will make quite a lot of changes in the present system as it is established to make this pronouncement here. That is why when I looked up these papers this morning, I came up with this wording which is the exact position that the Minister is the right officer to handle the matters related to the Consolidated Fund of the Republic of Uganda.

In clause five, distinguished Delegates, we are setting the ceiling of the Vote-on-Account. In the draft, it is talking of the ceiling being the amount equal to the amount of money spent the previous year for that period; but as you know, from year to year, our budgets are different. Consequently, every year, the Minister does come up with a statement of the

request for the Vote-on-Account which as I have put in the definition there, it is simply a table showing the amount required on account Vote by Vote and this is normally one third of the net provision shown in each Vote in the draft estimates. So what five is saying is that that should be the limit which must not be exceeded; decided by the Minister for Finance in conjunction with others and it has to be approved by Parliament. Five (b) simply says that when the Appropriation Act has been passed and now it is law, the money which has been used as Vote-on-Account has to be recovered from the respective vote otherwise you could find that there would be a surplus, this Vote-on-Account to be an addition to the Vote passed after the budget has come in place. Mr. Chairman, the proposed amendment really speaks for itself and I hope distinguished Delegates will support it. I thank you Sir.

**THE CHAIRMAN:** Is it seconded? It is seconded, okay. Have you now spoken to the motion or you want more time or have explained sufficiently in your introduction remarks?

**DR. MAGEZI:** I think I am quite satisfied with the remarks I have made Mr. Chairman. I will take notes from the various hon. Members reactions.

**THE CHAIRMAN:** Well, the motion seeks to delete - that is how I understand it - to delete clause four and five of article 180 and replace it with the formulation that appears on the circulated sheet and in accordance with the remarks made by hon. Magezi who has moved the amendment. It has been seconded and now it is available for debate.

**MR. KITARIKO:** Thank you Mr. Chairman. I have been talking about the Constitution being concise and precise. All the hon. Member has done is to copy the rendering of this amendment from the Public Finance Act and nothing more. Really what I believe we should do is merely to say in five that the provision of four months' expenditure for the current financial year and stop there. That will cater for what Magezi wants. But I do not believe that this is an improvement on the articles in the constitution.

**THE CHAIRMAN:** You are just making an observation. Is it?

**MR. SABIITI:** Thank you Mr. Chairman. I do not see much difference between the original four and the amended version other than one area which we had

talked about yesterday but because we did not have enough information. So the only thing I would expect is to replace the word 'President' and just use the words 'Minister for Finance' and we leave the article as it is because the formulation in the original is better, concise and to the point. This one is a little bit wordy. So I would suggest that we amend four by putting there the Minister for Finance. Thank you Mr. Chairman.

**MR. BYARUHANGA:** Thank you Mr. Chairman. The amendment moved by Mr. Magezi defers from what we have in the draft in two respects. One respect is the replacement of 'the President' with 'the Minister'. Hon. Magezi is saying that the resolution of Parliament is enough and from there, the Minister responsible for Finance should go ahead and issue out this money, that we do not require for the President to endorse the resolution or take the direct action of releasing or issuing out the money. Mr. Chairman, in that respect I agree with Dr. Magezi.

But there is another aspect. Hon. Magezi is telling us that the Minister will spend from the vote on account without reference to the expenditure of the former year. That is, Mr. Chairman, that supposing today, let us say in the last financial year we had a budget of 600 billion shillings and therefore the Vote-on-Account was 200, and this year, the hon. Minister for Finance comes out with a budget of 1,200 billion shillings; we would have a Vote-on-Account of four billion and we are saying this Minister for Finance should go ahead and spend this 400 billion although we have not yet as Parliament discussed the budget although this new budget is totally different from last year's budget.

Now the effect of five as we have it in the draft and its difference from what we have had earlier in our constitution was that it was limiting this expenditure of vote-on-account; that you could not come out with an impossible budget and then go ahead and spend a third of that budget but you had or that this time you should be limited to spending a third of last year's approved budget until your budget has been examined by Parliament. Now, if we agree that by Parliament examining the vote-on-account and approving it by resolution, they will have actually examined the budget because if they find it impossible, they would even refuse to approve this vote-on-account; then the measure in five of limiting ourselves to spending a third of last year's approved budget is not necessary and therefore I am willing to

go along with hon. Magezi because his expenditure now will be realistic; because the Minister for Finance is going to come forward with a budget that recognises the needs of that financial year. If we limit the Minister to spending just a third of what he spent the former year, we may be crippling government departments, should there be a very big need that has expanded the budget. Mr. Chairman, I do not know whether I have been clear over this fact but from what I understand, hon. Magezi's arrangement now is more favourable to us in that it will be able to react to a current situation other than spending basing ourselves on the past situation. Therefore, I am in support of hon. Magezi's amendment.

**MR. RWOMUSHANA:** Thank you Mr. Chairman. I would like to seek clarification before I contribute from the mover of this motion hon. Magezi. With the removal of the President, he may authorize and therefore substituting it with the Minister responsible for Finance may authorize, it is a different wording notwithstanding. Where would the difference in meaning be? So I would like to have clarification from Dr. Magezi.

**DR. MAGEZI:** Thank you Mr. Chairman. The other important difference is that the Minister for Finance will present to Parliament a Vote-on-Account proposal indicating vote by vote, how much that money should be voted on Account. So Parliament will pass that as a resolution for Parliament and thereafter the Minister for Finance will go forward to implement it. Mark you, this is the time when a new budget has been proposed. Normally it is the next day to pass a vote-on-account because the last financial year expires on 31st. Normally you may find that there is not enough time if this procedure is long before you paralyse government for no funds available. So the existing system is as proposed here that once the vote on account is passed by Parliament, then the Minister can start issuing relevant instruments to spend. It does not therefore require the other purpose that the President may approve. That is the position.

**MR. RWOMUSHANA:** So Mr. chairman, I do not therefore see any harm with removing the word 'President' and therefore substituting it with 'the Minister responsible for Finance'. It would still cater for hon. Magezi's interest and I would therefore formally move that four be amended to the effect of removing the President, that it reads, '*if the Appropriation Bill in respect of any financial year has not been passed into law by the beginning of the*

*financial year with the approval of Parliament by resolution, the Minister responsible for Finance may authorize the withdrawal of monies from the Consolidated Fund*'.

**THE CHAIRMAN:** There is still some difference before we react to your formulation. There is still some difference in timing. If you look at the draft by hon. Magezi, he is saying, if the Minister is satisfied that the Appropriation Act in respect of any financial year will not or has not come into operation by the beginning of that financial year. Here it is different from this one which says, '*if the Appropriation bill in respect of any financial year has not been passed into law by the beginning of the financial year*'; it means that you have to wait until you finish June 30th then come on the first of July and say, "oh! by the way, this law has not been passed. Therefore let us look around for a Vote-on-Account". This other one is saying, if you introduce the Budget for instance, at the beginning of June for the next financial year and you debate it and by the 29th, the Minister is sceptical whether it will go through or not by that time, then he can begin to have this machinery to be put in place. But if the budget is introduced in good time and it is passed, then he does not have to make arrangements for the vote on account. But under the formulation in the draft constitution, you have to wait until the other financial year has come to an end before you can say for certain that a law has not come into force, if the Appropriation Bill in respect of the financial year has not been passed into law by the beginning. The other one is, if the Minister is satisfied that it will not be possible, then he may start this process. If however, it is possible, then he does not have to start this process. I do not know whether I am making any sense. That is where there is some difference. Hon. Rwomushana was seeking to amend the motion of hon. Magezi in effect by saying let us ignore the formulation of hon. Magezi under four and keep what appears in the draft as it is but delete the word 'President' and replace it with the words 'Minister responsible for Finance'. Now, the position is that yesterday, we did discuss that and voted on it and the position was that the majority preferred to retain the power in the hands of the President. But because we had asked hon. Magezi to recast five and in his view, it would read more logically if he did it as it is, we were prepared to accept, to look at four and five to be deleted and replaced with a formulation which has come from hon. Magezi. Now, I do not think it will be fair for us now to go back and begin debating the formulation as it was yesterday which we rejected.

**MR. RWOMUSHANA:** Mr. chairman, with your advice, I beg to withdraw.

**MR. WANENDEYA:** Thank you Mr. Chairman. In matters of financial management, you will find that when somebody is employed, he has got to get a salary increment being approved and therefore the practice which we inherited from the British and is being used the world over is that the votes on account are based on the previous budgets which have been approved and when Parliament approves for the following year, then they adopt the payments based on the previous budgets but not any other way of saying that we approve the budget basing it on estimates. Because Parliament would then have the right to reject any new proposals and that is why you find that section 180 1(a) and (b) are most appropriate Mr. Chairman. Therefore, I would beg Members to consider this as one of those practices otherwise you may increase the salaries of people who may not be performing very well because you have put it in the budget that way. So I beg Members to look at this as one of the practices which are necessary in financial management and fiscal matters. I thank you Mr. Chairman.

**THE CHAIRMAN:** Hon. Magezi, you said yesterday that you wanted a formulation which takes care of a situation where in event the four months elapse before Parliament has passed the budget, the situation will be covered last. This financial year, the vote on account lapsed before NRC passed the budget and we had a bit of a crisis including this House. But I think let us debate the motion as it is and then pronounce ourselves on it.

**MR. RUZINDANA:** Thank you Mr. Chairman. I do support the formulation of hon. Magezi partly. You may recall that yesterday, I had moved the amendment to remove the President which was defeated. But this one even improves the article in the draft by enabling the Minister to take action before the new financial year comes into being. Secondly, it also cures that aspect of making the President a Minister responsible for Finance whenever a vote on account is required. And I would like to request the Assembly to review their position of yesterday because the position would make it very difficult to operate. The Minister responsible for Finance has a lot of procedures to go through before a lot of these things are done and if you require the President to do them, it will become quite cumbersome. The President is of course a Minister of Finance and Foreign

Affairs and everything but he delegates this authority to a Minister responsible and that Minister should be the one to be reflected in the constitution.

Secondly, in discussing clause four, I think let us leave out discussion of clause five because it is going to prejudice our position on clause four. Clause five, the way it is in the draft, I think had one problem, the typographical error of six instead of four and we should not confuse the two. As it is, the current amendment of hon. Magezi of 180 (4) is a better formulation than this one in the draft and we should all support it and cure the error of making the President a Minister of Finance.

**MR. APUUN:** I would like to be clarified on these two issues. Yesterday, Mr. Chairman, we said or we were all educated that appropriation Bill is supposed to be signed by the President and now hon. Dr. Magezi wants the Minister to go ahead to get the funds from the Consolidated Fund before even the President has signed the Appropriation Bill. I would want to be clarified here because it might mean the Minister will be undermining the President in signing the Appropriation Bill.

**THE CHAIRMAN:** No. Hon. Apuun when yesterday we were discussing this, I think it was stated quite clearly that upon the presentation of the budget, two things happen or should happen. One, there is a law which gives effect to the taxation measures which the Minister reads when he says "from midnight tonight...". The Finance Bill which incorporates those various tax proposals will not have been passed but there are provisional collection of taxes legislation which immediately enables those tax measures to take effect. That is one side of the coin. The other side is that the money for the previous financial year will have been finished on the 30th of June. The government must run even when the finance is finished but before the Parliament has passed the Appropriation Act or Bill which is then sent to the President to sign. Ordinarily, the Bill is passed towards the end of July, sometimes even in August because you have sectoral committees having to meet and discuss various proposals with various Ministries. Now this provision is saying while we are waiting for the passing of the Appropriation Act, what should happen to the expenditure on government services? The answer is, let Parliament by resolution authorize some money to be spent from the Consolidated Fund to meet the services of government notwithstanding that the Appropriation

Act has not been passed into law. That means the resolution under the present arrangements authorises the Minister of Finance to withdraw from the Consolidated Fund and when the Act is signed and the money is approved for each Ministry, the money spent on vote on account by the authority of the resolution is reduced from the budget for each Ministry. Now the question yesterday was, why does draft proposal clause four change the present practice by shifting the authority of spending on vote on account from the Minister to the President? Some Members argued that it should be the President because he is the one who will eventually sign the Appropriation Bill. Others were saying no, putting it at the level of the President makes the President the Minister of Finance because the Minister of Finance is the one who will know as he is chasing his Bill, whether it will be coming into law in good time or not and therefore he should begin the procedure for requisitioning money by a resolution from Parliament on vote on account and therefore they argued the resolution should give the Minister of Finance power. When we put to the vote yesterday, the majority favoured power to remain with the President. But then we found a problem with the formulation of clause five because of the practice that happened actually recently, I mean the event that happened recently in that NRC did not pass the budget in good time. In fact the vote on account covering the four months was already expended by the time the NRC passed the budget. I think they did in October. So it was suggested that hon. Magezi goes and re-formulates that one so that we have the authority to release money provisionally and to cover the stop-gap financing but also the ceiling on the amount to be given. Now, hon. Magezi is suggesting that the Minister should be the one to determine. Is he going to have the Bill in time or not? If he is sure that he is not going to have it in time, then he should go to Parliament and get authority to spend on vote on account. That is what is in four.

In five he is saying instead of tying it like it was tied in the draft which appears in five to the expenditure based on last year's budget, it should be left to be flexible because you may find that Parliament may not have been ready by the time the four months are finished. That is I think what he is trying to propose.

**MR RUZINDANA:** That is why I am saying we should not discuss 5 and 4 together. If we discuss 5 and 4 together, we may jeopardise the success of 4, because there is a wrong principle in 5, which wants

to make Vote on account, one third of what is being proposed in the current Financial Year and that will be a very difficult principle to support; because it would mean that a third of the Budget would not now be discussed thoroughly by Parliament, because it would already have been spent as Vote on Account and it would also presume the approval of Parliament of the Budget as presented by the Minister for Finance or at least that third of it and therefore, I would rather cure that aspect missing in the current Amendment of the approval by Parliament by resolution and then later, approve the existing No.5 of the Draft by also curing the typographical error of one and replacing it with 4.

So, that is what I wanted to request the Mover that if we could add 'with the approval of Parliament by resolution' in his Amendment and then later, adopt the existing Draft No.5 in the Draft Constitution. Thank you Mr. Chairman.

**THE CHAIRMAN:** I do not see how you come to the conclusion of one third; one third is in his footnote, but it is not in the formulation.

**MR RUZINDANA:** In his formulation it is four months and that is one third of one year.

**THE CHAIRMAN:** But that is in the formulation you prefer - the four months is in 4.

**MR RUZINDANA:** That is right, it in 4. In 4, what is missing is, 'approval by Parliament by resolution'. Yes, I want that one inserted, so that it is not only the Minister getting satisfied and then going ahead to spend money without the involvement of Parliament.

**THE CHAIRMAN:** You see, hon. Magezi had taken the view that the two would go together and had provided for a resolution in 5, but I should not answer for him.

**MR RUZINDANA:** I was saying 5 might find a problem, Mr. Chairman, because it is embedded in a wrong place.

**DR. MAGEZI:** Thank you very much, Mr. Chairman. I am moving an Amendment which I know about and which I have seen in practice. I do not intend to move the two separately, I think the challenge is on us here to pronounce ourselves on the Amendment as I have proposed, Mr. Chairman. Thank you.

**MR. ELYAU (Kalaki County):** Thank you, Mr. Chairman. I also support the amendment because normally this one third of the Budget is provisional, it is subject to Parliament, even to reject the provision, but since the Government machinery should continue running, it is when this money is provided for, giving the Parliament a chance to examine in detail the critics in the Budget. But because unlike recently, we were overtaken by pressure, sometimes we do not even have to change anything at all. That is why people are worried, but Members of Parliament have the right to divert even this small one third to where they think it is correct. That is why it is referring us to the preceding - we should always look to the Budget experience. So, I do not see any big difference, and after all, it is the Minister to handle the matter. Really the Minister is handling the matter on behalf of the President. I do not think the President has tried to go Ministry by Ministry in putting together these figures; and by the way, during the discussion of the Budget in the Cabinet, presently we have been well informed. So, I think the Minister is the appropriate person to handle the matter. So, I support the Amendment. I thank you.

**MR. BYAKIKA KASAJJA (Bunyole County):** Thank you, Mr. Chairman. I support the Amendment by hon. Magezi. Even in the 1962 Constitution, the provision is that, it is the Minister to seek approval from Parliament for spending that money during the time when the Appropriations Bill is not yet passed. What I can see missing in this Amendment is that hon. Magezi has tended to give the full power to the Minister for Finance without seeking approval of Parliament. I think what we need here, is to include approval of Parliament and then Article 4 will be very clear; because as it stands now, the Minister can unilaterally, just continue spending money without reference to Parliament.

**THE CHAIRMAN:** Hon. Byakika, we were reading 4 and 5 together. If you read 5 (a), "*shall not take care of sum shown as required on account in respect of that service in the vote on account approved by the National Assembly by resolution for that Financial Year*".

**MR. BYAKIKA:** Mr. Chairman, I can see that one now. If we take 4 and 5 together, then, I think hon. Magezi's Amendment is acceptable to me and I support it. Thank you very much.

**MR. BATEGANYA (Bukooli Central):** Thank you very much, Mr. Chairman. I have a problem with hon. Magezi's Amendment. Yesterday, we resolved ourselves on Clause 4 and if you are to go by our Rules, which is Rule 17, we would not be debating his No.4. However, he has raised a point that, if the Minister is satisfied, I would think that, that statement is not necessary, because Committee 3 has thought of that one and I think it is cultivating it in Article 181 which we are soon to debate. The idea of saying that estimates will now be tabled at least 15 days before the end of the Financial year, to me, is forestalling this type of consideration, because the Minister will have realised already before he presents his estimates or his Budget, that it will not be passed on time. That is Article 181. So, I would like to suggest that, we really abandon hon. Magezi's Article 4, because it is well taken care of elsewhere. That, notwithstanding, his formulation in 5, departs a lot from what is required in 5 in the Draft. On closer examination of Clause 5, it takes care of the contents in 4 ably because, in fact this is not a typographical error, when they talk of one, it is actually because 1 (b) takes care of 4 also.

So, I would like to appeal to members that we defeat this Motion of hon. Magezi and go by the Draft situation.

Another thing is, his 5 (a) talks of National Assembly, but throughout the Draft here, we have been talking of Parliament and it would also require surgery in that area. Thank you, Mr. Chairman.

**MR. NGOBI MATHIAS:** Point of clarification, Mr. Chairman. I have a problem here and I would like to have the clarification before I decide which way to vote on this. I have no quarrel with the Amendment to replace the President with the Minister responsible for Finance, but in the other section, if a new Budget has been proposed which may substantially be different from that of the previous year, supposing that increase is due to increased emoluments, payment to the staff the salaries and it has not been discussed, but it is now being authorised to be spent. Supposing when discussion comes, Parliament finds that it should not have authorised that much increase, what possibility is there, what practical resolution will be put in practice to reduce or increase or what are they going to do with the authorised expenditure, which now on examination, is found to be perhaps excessive or wrong? That is

just my problem and I would like to know how that is going to be resolved if you are going to approve expenditure in advance which you say, I now will examine and see if it is right.

**THE CHAIRMAN:** Hon. Ndege, you want to explain?

**MR. NDEGE (Luuka county):** I think you have ably answered this problem, because the Budgetary proposals by the Minister, most of them take immediate effect, which means, that even before Parliament agrees that the price of fuel will go up it goes up. What we are saying, is that, the Budgets of each Ministry to Ministry keep fluctuating from year to year. For instance, at the end of last year, one programme for the Ministry of Health came to an end and Government through our own tax and Budgets had to buy drugs for the citizens. Now, if we say that we should wait for four months before we approve expenditure for purchase of medicines, it will not be in the best interests of the people. So, what Dr. Magezi is saying that, the nature of our economy and the way we deal in it, the Minister's Budgetary tax proposals take immediate effect and therefore they affect the expenditure side of it. So if it does so, and since Budget proposals from Ministry to Ministry change every year, we should follow the trend of the changes by giving the Minister one third of what he has requested for, while we examine his proposals. I think this is very, very clear and we should support Dr. Magezi's Amendment which is very clear, precise and realistic in nature. Thank you.

**THE CHAIRMAN:** Hon. delegates, I think let us pronounce ourselves on this one. We have debated these things since yesterday and if we go on at this rate, we cannot finish this Constitution this year.

The question is that Clauses 4 and 5, as they appear in the Draft Constitution be deleted and be replaced by the formulation as tabled by hon. Magezi.

*(Question put and agreed to).*

**THE CHAIRMAN:** There is another proposal, it is recommended that a new Clause be inserted. Hon. Kaberuka.

**MR. KABERUKA (Ndorwa County West):** Mr. Chairman, Clause 6 was initially Clause 2 of Article 184. When we were debating Article 184, we had a Motion which deleted Clause 1, for reasons that I

will give when we reach or if you allow, which I can give right now and we were left with Clause 2. Now, we found that Clause 2 talks about withdrawal from consolidated funds and therefore, what the committee *(Interruption)*

**MR. NDEGE:** I do not know whether I am following very clearly, but under 180, there is an Amendment and *(Interruption)*

**THE CHAIRMAN:** That is what we are talking about. If you read the notes there, it says that it was originally in 184, but his committee wants to bring it in 180.

**MR. NDEGE:** Thank you. Then I have an Amendment after that.

**MR. KABERUKA:** So, Mr. Chairman, as I was saying, when Clause 1 of Article 184 was deleted, we remained with Clause 2 and the Committee felt that it is dealing with withdrawal from consolidated fund and the appropriate Article that it was talking about was Article 180 and so, in its wisdom, the committee shifted that Clause to become Clause 6 of Article 180.

**THE CHAIRMAN:** Hon. delegates, the question is that a new Clause 6 be inserted in Article 180. It has been moved by the Chairman of Committee 3.

**MR. MULENGA (Democratic Party):** Mr. Chairman, I have difficulty in deciding on what position to take, because the reason given by hon. Kaberuka, Chairman for committee 3, is that they wanted to find room for this Clause which was going to be lonely in 184 and before I can make up my mind, I want to know why they deleted the Clause which provided that a person entitled to get salary and allowances from consolidated fund, his salary will not be altered to his disadvantage while he is still holding office. Now, that one, they deleted yet, I feel it is a very important thing and it is because of it that Clause 2 was providing that Parliament shall prescribe the salaries and allowances of the holders of those offices.

So, although he has indicated that he wants to explain later, I think it is important that he explains now, why Clause 1 of 184 was deleted; because if we pass it here, if we pass the transfer and we go to 184 and the explanation given is not satisfactory, then we may have to revisit and bring it back. Thank you. Mr. Chairman.

**THE CHAIRMAN:** Hon. Kaberuka, you have heard what was said by hon. Mulenga and I think it makes sense that before Members can decide the fate of what he proposed to introduce in 180, having taken it from 184, maybe it is necessary to explain why you the whole of 184 is not necessary.

**MR. KABERUKA:** Thank you Mr. Chairman. There were many reasons, but I will mention three which I can recall. One of them was that, if you take this Clause I of Article 184, we thought that there would be a problem - for instance, when the currency reform was carried out. Now, the currency reform reduced everything with a certain factor. We thought that this would have been in conflict if this Article was there, the people whose salaries could be varied, would have had a problem; Government would have had a problem with those, because they would still have said, "the Constitution says, you cannot vary or you cannot reduce our salaries while we still hold office". Then the other point was, that if there was to be, for instance, a massive devaluation, that would also present a problem for people whose salaries are at a certain level and all of a sudden they experience a fall.

Then, in Clause 2, we also note that Parliament is supposed to fix salaries of the officers whose salaries are to be charged on consolidated funds and if for instance, Parliament decided they wanted to change, that would not be possible if Clause 1 stands. Those were some of the operates. I think Members may have to supplement.

**MR. WANENDEYA:** Thank you Mr. Chairman. In addition to what the Chairman of the Select Committee has said, if you look carefully at Article 184, Clause 1 as it appears in the Draft Constitution, you find that there are words like, 'salary' in the first Clause and you find that it is 'salaries'; and then you have also 'allowances' and then 'holders of offices' so that instead of having those two clauses, they are more or less similar and the only way we thought of, was to Consolidate those wordings in one sentence and make it part of 180; because it is withdrawals from the consolidated fund. Therefore, you get rid of the problem instead of having a Constitution which is being written with so many high sounding words, but they are almost similar, so we reduced it to that.

I would in addition, Mr. Chairman, I think as students of good English, if you look at the Clause which we want to make Clause 6, line No.3, you find

attached towards the end of that line, it would be prudent, Mr. Chairman, to omit the words 'which are' and you just say, 'attached to be charged on the consolidated fund'; so that it makes a whole lot of wholesome sense. I thank you, Mr. Chairman.

**THE CHAIRMAN:** But I think in discussing the liability of 184 or otherwise, the judicial or the legal members of our community, but more particularly those with judicial background, should be guiding us to a historical background to this particular Clause, but I can see hon. John Baptist Kawanga is ...

**MR. KAWANGA JOHN (Masaka Municipality):** I take note of the reasons that have been given for amending this Clause. They are purely financial, they have missed a point why this kind of Clause is always entrenched in a Constitution. It is to protect the people whose salaries are being directly charged on the consolidated fund. This is done to insulate them against and from the vagaries of political changes; to ensure that if somebody has been given an office, he cannot be influenced by the executive reducing his salary or increasing it just like that. That is why this kind of protection is always put in every Constitution. Removing it from this one will be a terrible disaster. I have noted the reasons that are given, but those who made the change would have noted that the clause reads: "*It shall not be altered to his disadvantage.*" Now, the kind of changes they are talking about would not be to the disadvantage of the owner of the salary if for example there has been a devaluation or an inflation or whatever it is, but the main principle must be preserved and that is why this Clause 184 (1) should be kept where it is. It will be terrible to remove it.

**THE CHAIRMAN:** The historical background, if I may say, is that, if you take Britain, it was a Constitutional understanding that once a person was appointed, for instance a judge, they would not remove them from office unless they really misbehaved and sometimes when the King found that they could not remove a Judge, the only thing they did was to reduce their salaries to virtually nothing, so that they were forced to resign and give up their offices. And so a Constitutional principle was developed that, their emoluments should not be changed to their disadvantage; because it was being used as a means of coercing people holding judicial office to vacate if their judgements were not favourable to those in power. So, I think that was partly the historical background.

**MR. MALIRO GASTON (Mwenge County - North):** Mr. Chairman, I see no reason whatsoever why this article 184 (i), was actually left out. It offers a safeguard to an employee who draws his salary from the consolidated fund. As the hon. Member has just said, it says that, it should not be altered to his disadvantage after that person has been appointed to the office. Now, if there is a devaluation of currency, it means the new salary for that person would not be less in value than what he was getting, but instead, would perhaps be more to his advantage. Now, when this one is removed, Mr. Chairman, it would imply that it is left to the whims of the employer to do what he or she prefers. I would think that we leave Article 184 as it is in its original place. I thank you, Mr. Chairman.

**THE CHAIRMAN:** Unfortunately, we are getting confused, we are beginning to debate whether or not 184 should stay. The Motion was that, a new Clause be introduced in 180 to be numbered No 6 but the wording to be taken as it appears in 184 (ii). Hon. Mulenga you did start this matter, what do you suggest we do?

**MR. MULENGA:** Thank you, Mr. Chairman. I asked the question because I had read and discovered that really the reason was this and I want to join those who oppose the Amendment: because the reason given for it, is unsatisfactory. The reason given for introducing a new Clause 6 to Article 180: so that Clause 1 of 184 be deleted.

I am saying and I do not have to repeat the reasons that have been given, but it is necessary that, that Clause be taken back where it was in the Draft in order that we may eventually reinstate Clause 1 of 184. The point is, when someone's salary is charged on the consolidated fund, it is some form of protection like the expenses of this Assembly were charged on consolidated fund; it is some sort of protection to ensure that the Assembly goes on uninterrupted and not unduly influenced. Similarly, when an Office is selected, put in the Constitution, and given that status, that the salary and allowances of that office shall be charged on the consolidated fund, it is in order to protect it.

As has been pointed out, the currency reform which occurred in 1987, did not alter the salaries and allowances of holders of offices to their disadvantage. You recall that that reform simply removed two zeros, a shilling became equal to the old hundred

shilling. That was not changing to the disadvantage. What happened afterwards, the inflation that came in, notwithstanding, there was no alteration of salaries. But if at any given time, the executive or even Parliament, decides to reduce the salaries of a given class whose salaries are charged on the consolidated fund, downwards, that would be altering to the disadvantage of the holder and that is what is being avoided or to be avoided by this provision. Mr. Chairman, I beg to oppose this Amendment and I ask Members to reject the recommendation of committee 3 on this item.

**MR. ZZIWA GEORGE (Kawempe Division North):** Thank you, Mr. Chairman. I oppose this Amendment. In addition to what hon. Mulenga has said regarding the alteration of salaries, I think moving this Clause from 184 to 180 would in fact, violate the principle of our marginal notes; the marginal note on 180 is talking about the withdrawal from the consolidated fund and 184 (ii), is talking about fixing salaries and that would in fact, put it completely out from the place they want to place it. Article 184 (i) should be reinstated as reasons given - *(Interruption)*

**THE CHAIRMAN:** The machine is fluctuating - any way, you did say that it was your view that the two Clauses should be left in 184. I think that is how you were summarizing your contribution.

Now, we cannot pronounce ourselves on that one yet, what we can do now, is whether we accept that the recommendation, that Clause 6 in the same words as those that appear under 184 (ii), should be introduced at 180 as Clause 6. I put the question.

**MR. JACKSABIITI:** Thank Mr. Chairman. There is a principle which I would like covered before you put the question, Mr. Chairman. This is the principle of payment of salaries. The committee was obsessed with the salaries of those who are privileged to have access to these monies on the consolidated fund, but they forgot one principle: that all public officers need a guarantee. They need to be protected and I do not see why this very Article cannot accommodate a phrase of all public officers' salaries to be charged on the consolidated fund; because Mr. Chairman, I do not see why other public officers are left to suffer and a few citizens enjoy automatic payment of salaries. So, Mr. Chairman, I wanted to find out from the Chairman of Committee 3 whether they considered this or whether they found it inappropriate.

**THE CHAIRMAN:** Can I suggest that you put that proposition to the Chairman of Committee 1, where Public Service is I think being considered, so that when we come to that, we look at that - the reason for protecting these people is not that because they should guarantee their salaries every month as against those of other public servants. I think the Government pays everybody. The only thing is that, the nature of the work they do requires that big protection from the Constitution itself; I think that is really the reasoning - it is because of the jobs they do that they require that protection. I put the question.

*(Question put and negated)*

**THE CHAIRMAN:** And so, the recommendation that we introduce the Clause 6 in Article 180 has been negated. We shall decide whether to keep it in the Constitution when we come to 184. Now, hon. Ndege had circulated an Amendment, but he has I think abandoned it by removing himself from the Chamber. And the seconder has also abandoned it, because you see, in absence of this Amendment, I was going to proceed now to put the question on Article 180.

**MR. ERESU:** Mr. Chairman, given that the Mover of the Amendment is not in the House and that the seconder is also not seen anywhere, I therefore propose that the Amendment to be moved by hon. John Ndege, be thrown out and we go ahead and pronounce ourselves on that - *(Interruption)*

**THE CHAIRMAN:** Hon. Ndege, you have just saved your Amendment by a very thin skin. Yes, go ahead.

**MR. NDEGE:** Thank you, Mr. Chairman. Yesterday, as I indicated with hon. Kutesa, that we want to stop the syndrome of Ministers spending money without Parliamentary approval, and I have been consulting nobody other than a former Minister for Finance and another Colleague who has been a Banker for a long time and we wish to, not to withdraw, but make some changes to read as follows. *"The withdrawal of funds under Supplementary Appropriations Act in excess of 10 percent of the amount authorised by the Appropriation Act of that Financial Year, shall not be. There will be no withdrawal without prior authority of Parliament"*. Now, let me - *(Interruption)*

**THE CHAIRMAN:** Could you, I think for the benefit of Members, it would have been good if that was written down, because it totally defers from what you have circulated. Are you saying that Government shall not spend more than the money authorised under an Appropriation Act beyond 10 percent without first obtaining the consent of Parliament? Is that what you are saying? Then you write it that way.

**MR. NDEGE:** Mr. Chairman, as I told you, I was delayed, because we were having a consultation with my other Colleague and so we have had to amend the original wording. The idea of this, is that, under the present law, there is no limit to the Minister of how much he can spend without authority of Parliament. That is under the present law and we thought and I think everybody is concerned that while there might be an earthquake and the Minister has to authorize some funds for some emergencies, we have put a limit for the benefit of the future, of how much he can exceed or spend without coming to Parliament, so that if he has to spend anything in excess of that leverage, he has to seek Parliamentary approval.

As you know, every year we have to end the year with the approving of supplementary estimates. There is no time to debate those supplementary estimates because the year has come to an end and we have to begin a new one. In order to stop this syndrome, we vary the percentage even to nil, but I think it would be prudent giving the Minister, the President or his Cabinet some leverage of what they can spend in case of emergency. Mr. Chairman, I beg to move.

**THE CHAIRMAN:** I think what the Member is saying, in summary is that, ordinarily Government spends beyond Budgets on supplementary and then brings in the Statutes or the Bills later to validate and he would like to limit that to 10 percent of the approved Budget. The question is one of wording really. Hon. Basaliza you have some ideas?

**MR. BASALIZA:** Point of Procedure. Mr. Chairman, it was just a point of procedure because hon. Ndege made an Amendment and it was not seconded, so I was wondering why he went ahead to talk for his own Amendment. Thank you, Mr. Chairman.

**THE CHAIRMAN:** No, hon. Ndege did circulate an Amendment which he had reformulated on wise Council and so, we thought if we can improve on his, because he had not presented it yet, if he can improve

it before he moves it, so much the better. We do not then have to go through the process of discussing and then he says let me improve, then we discuss the improved version; that is why, I thought we should go ahead, but still I am not satisfied with the formulation. This is my problem.

Well, it was seconded by a Member who hold moved out. Hon. Atwoki what do you suggest? It was seconded by fellow bankers.

**MR. ATWOKI AMBROSE (Youth - Northern Region):** Thank you, Mr. Chairman. In view of the fact that the formulation of the Amendment needs a lot of surgery, I propose that it be referred to the Legal and Drafting Committee before we can discuss it.

**THE CHAIRMAN:** Let me hear the formulation.

**AN HON. DELEGATE:** Mr. Chairman, the formulation of the Amendment as proposed by hon. Ndege reads as follows: *'The withdrawal of funds under Supplementary Appropriation Act shall not exceed 10 percent of the amount of salaries under Appropriation Act of that financial year without prior authority of Parliament.'* Now, we are having to mention 'supplementary', because this is a tradition by which excess over Budget or excess over appropriation is made and what is being stated here, is that, anything over 10 per cent should be spent after authorization of Parliament.

**THE CHAIRMAN:** Could you read it again because I think it is still not very clear.

**AN HON. DELEGATE:** Okay. *The withdrawal of funds under Supplementary Appropriation Act shall not exceed 10 percent of the amount of salaries under Appropriation Act of that Financial Year without prior authority of Parliament.* This is in reference to 1 (b).

**THE CHAIRMAN:** But still, you are saying withdrawal of funds under a Supplementary Appropriation Act, shall not exceed 10 percent. If it is a Supplementary Appropriation Act, it has already been through Parliament. Therefore, there is Parliamentary approval and authority and therefore, why do you want to limit that when Parliament has said yes, you can withdraw under Supplementary Appropriation such and such, you limit it to 10 percent. You can either be saying two things: one, that the

Supplementary Appropriation Act shall not provide for more than 10 percent of the monies approved in the Appropriation Act or you are saying, the Minister may spend under Supplementary Appropriation, but shall not exceed 10 percent of the total Budget, unless Parliament has given authority. Which one are you saying?

**AN HON. DELEGATE:** The first one.

**THE CHAIRMAN:** That the Supplementary Appropriation Act shall not provide for a withdrawal in excess of 10 percent of the amount approved in the Appropriations Act, unless Parliament approves? Hon. Kawanga, can you help them with formulation?

**MR. KAWANGA JOHN:** Mr. Chairman, I want to suggest to them that they should actually drop the attempt; because it is always Parliament which passes these things; it is the one which always makes the Appropriation Act. If there is a policy matter of this nature, Parliament should include it in its own Act, rather than making it part of this Constitution. I do not see why it should become a Constitutional matter. So, I suggest they drop the attempt to formulate it and we move ahead. Hon. Ndege, you can read the writing on the wall.

**MR. NDEGE:** I think Mr. Chairman, it is very easy to get heated up, but for the future, under the present law, the Minister may even spend 100 percent of whatever you have appropriated without coming to Parliament. So, the attempt to limit this, is a very serious and crucial matter and we should not overlook it by the fact that, we need a Drafting situation. I think we should get other views and then we can come to a compromise; otherwise, we shall be overlooking a very, very, important venue under which monies can be spent without the approval of Parliament and according to my experience in the last five years, this has been one of the most painful decisions I have had to take at the end of each Financial Year; when the Minister comes to you and says, "Do not get excited, I have spent, so please approve." I think we should be a bit more rational. Thank you.

**MR. CHEBET MAIKUT (Kween County):** Mr. Chairman, I would like to strongly join hon. Kawanga in urging the hon. Mover of this Motion, hon. Ndege, to withdraw his Motion in good faith, be-

cause it seems we are really going into details, not really the principle of what we want entrenched in the Constitution; because if we have got to cover percentages in my view, it will not be complete and this is a Constitutional provision.

When I look at Article 184, Clause 1, (A) and (B) and Clause 4, for which we have almost already passed, I think it takes care of the fears of hon. Ndege's Motion. So, really the principle is already enshrined and it will not be wise for us to say, once Parliament has given the authority for appropriation, that we should again limit the expenditure incurred under authority of say when Parliament has passed a resolution. So, Mr. Chairman, I beg to move that a question be put on his Motion; so that we dispose it off honourably. Thank you very much.

**THE CHAIRMAN:** I can see there is still a lot of interest, maybe I will try Hon. Kandole, you have been wanting to talk.

**MR. KANDOLE (Kyaaka County):** Mr. Chairman, I also want to agree with hon. Kawanga that, first of all, my understanding of what Supplementary is, is that, this is the money which is spent inevitably and for unforeseen circumstances, outside of the normal Budget. So, it is in most cases unknown until at the end of a given time, when you have the aggregate of what has been spent, then you take to Parliament for approval. So, I find it very difficult, Mr. Chairman, to see why we can fix a percentage of the unknown, because this money is not going to be known until at the end of a given time, when you know what has been spent and you seek permission for having spent that money. So, for that reason, I would request the hon. Bankers, Mr. Chairman, to withdraw the Motion.

**THE CHAIRMAN:** But banker Kabugo is not with the other two bankers on this one. Hon. Ssendawula, you seem to have some answer.

**MR. SSENDAWULA (Bukoto South):** Mr. Chairman, it is possible that when hon. Ndege formulated his Amendment, he may have not consulted the people in such a way that his motion is fairly palatable and because of the way he presented it, made it weak; but the point that we want to put across is very, very, vital. In 184, we have been talking for a very long time about vote on account; that is spending before you pass the Appropriation Act and what is now being drafted or presented, is to talk

about that expenditure that you make when you have exhausted what you were otherwise authorised by the Appropriation Act and say, there should be a limit; because what we have observed in the recent past, either through poor Budgetary presentation or method, the Supplementary, sometimes is a third of the main Budget. So, you find that the whole idea of the Budget is lost. So, if people had the prudence and looked at the figures properly, then they must know that should they want to resort to supplementary, there is also a limit; they are not going to go far; so that they make sure that from the very beginning, what they are presenting is right and proper. So the whole message that we want to put across is the concern but if we have not presented it as well as our Colleagues would have wanted it to be, certainly, we are concerned about that excessive expenditure which is usually covered under Supplementary. That is the issue.

**DR HIGIROSEMAJEGE (Rwemiyaga County)** Mr. Chairman, I sympathise with hon. Ndege's Amendment and effort, but you see, I am rather concerned because, the 10 percent he is talking about might be adequate this year, but 10 years from now, it will be a different thing all together. We are writing a Constitution which we hope will go on for the next 60 to 100 years and Mr. Chairman, I think such details should be left for the Parliaments of the time and we would not like to interfere with this kind of thing. Mr. Chairman, I oppose.

**MR. KAMURON (Kongasis County):** Mr. Chairman, hon. Ndege's Amendment has developed a very interesting argument. I would like hon. Ndege to clarify to me how he determines supplementaries. Because the government may be forced to spend money outside the budget; for example to solve disaster problems like earthquakes, like floods and like famine. So, I would like him to explain how he can determine the cost of such disasters if he speaks in terms of 10 per cent. Thank you.

**MR. NDEGE:** Mr. Chairman, any company which runs efficiently must have limits and guidelines and we cannot authorize the Minister for Finance to spend any monies anyhow just because he has received the money. That is why I am saying that any money in excess of 10 percent of what we have authorized him to spend, he must call Parliament to say yes, and what we are answering is that we are giving him a leverage of 10 percent to cater for these - like the Toro earthquake. I am sure that it will not

cost more than 10 percent. Now, if it was a war, definitely you have to call Parliament and request for more money. But we cannot say that because there will be earthquakes and we do not know what and so on, we give the Minister for Finance a free hand, a blank cheque of spending monies beyond the Appropriation Act without coming to Parliament; I think it will be a disaster for us to overlook such a thing. Thank you.

**MR. O'LET (Erute County South):** Mr. Chairman, just to make a correction on someone talking about emergencies. These are provided for under Article 183 - The Contingencies Fund in which they could withdraw on emergencies. If, on the other hand, Mr. Ndege had framed his Amendment properly, I would have supported it because ministries tend to spend money in haphazard ways so that if they are restricted to 10 percent of the amount approved for that particular Financial Year in which they could account for the 10 percent, then that will be a reasonable amount which they could spend but most of them for failure to estimate properly, you find that they are spending even 50 percent of the original budget or estimate; which would sound rather unreasonable. So, the only thing is to restrict them. So, I would only pray that Ndege should frame his Amendment properly and I would give it full support.

**MR. KATENTA APUULI (Conservative Party):** Thank you hon. Chairman. Hon. Delegates, I would like to appeal to you to look at hon. Ndege's formulation and give him a chance to reproduce the Amendment in a proper formulation. However, the principle of this Amendment is very good for a country like ours. What this country needs most, is really financial discipline and this Amendment is introduced in the interest of working within a balanced budget. 10 percent of any amount of a ministry budget is not a small amount of money. Our Parliament does not sit like the Privy Council in London. The Parliament is right here and if there is really need for Parliament to be called to sit to pass a Supplementary Budget, it can be called. I do not think that we should just ignore this Amendment because it is improperly formulated. I think the hon. Delegate should be given the opportunity to formulate this Amendment because the principle in itself is good. If one is allowed to spend money in any manner he wants, then there is no point in Parliament spending time debating a budget. What do people budget for? If you cannot budget within 10 percent

of accuracy, excluding emergencies, then there is something wrong with your ability to budget and I think, therefore, the principle should be retained - if the hon. Member can be given the opportunity to present it tomorrow when the hon. Delegates are in better mood. Thank you Chairman.

**THE CHAIRMAN:** I think instead of debating what we really do not have in proper shape here, I would like to suggest that - does hon. Magezi say he has reformulated it for them? The principle which is being proposed is that the Ministry of Finance should not authorize expenditure under Supplementary Estimates or as Supplementary Expenditure in excess of 10 percent of the budget for that year without obtaining the authority of the Parliament. That is what they are trying to say - that they could spend a bit but should it reach near that, they must go to Parliament. In other words, they must rush to Parliament to obtain Parliamentary approval. Now, that means they may have supplementary Appropriation Number 1, Supplementary Appropriation Number 2 and so on and so forth depending on the requirements as they go along. Is that the formulation you want? The question is being raised that should we put that in the Constitution? Hon. Eresu.

**MR. ERESU:** Mr. Chairman, the question as to whether this should be a Constitutional matter or not, I say viewing our economy and the extent to which we can easily get indebted because of over-expenditure, and the need to have financial discipline, we should now provide for this as a Constitutional matter so as to streamline our finances in this country. We are making a Constitution from our view point from the position in which we are as Ugandans. So, Mr. Chairman, for the purpose that I have already stated, I think it is a Constitutional matter that ministries are streamlined in their financial handling of the affairs of this country so that somehow we operate within our budget limits. Thank you very much.

**THE CHAIRMAN:** Let me say that since we are now clear as to the principle, we can go to whether we accept it or not. Then if we accept it, hon. Kanyeihamba and his Committee can formulate that in the language that is required. Okay? The Formulation in a rough form though the principle is that - the Minister for Finance, if he spends under supplementary expenditure, he should first obtain the authority of the Parliament which is to exceed 10 percent of the total budget for that year. Now, I will put the question.

*(Question put and negatived)*

**THE CHAIRMAN:** Hon. Delegates, the matter was put to the question and was negatived and so now, we have considered all the Clauses under Article 180. Now, let me put the question. The question is that Article 180 do stand part of the Draft Constitution.

*(Question put and agreed to)*

**THE CHAIRMAN:** We move to Article 181.

**ARTICLE 181**  
Clause I

**THE CHAIRMAN:** Here it is proposed that Clause I be amended. I give the Floor to the Chairman of Select Committee III. Hon. Kaberuka.

**MR. KABERUKA:** Thank you Mr. Chairman. The Committee after deliberating on the Amendment that was put to it, finally resolved that Clause I of Article 181 be amended to read as follows: *'That the President shall cause to be prepared and laid before Parliament in each financial year but in any case not later than 15th day before the end of the financial year, estimates of revenue and expenditure of Uganda for the next Financial year.'* I beg to move.

**THE CHAIRMAN:** Yes, you have heard the Proposal as contained in the recommendation of the Committee. Hon. Magezi.

**DR. MAGEZI:** Thank you very much Mr. Chairman. I think there is a consequential Amendment now for 181 (1) - instead of 'The President' to read 'The Minister', because as we all know it is the Ministry of Finance's most important task to prepare the annual estimates and the treasury - *(Interjections)*

**THE CHAIRMAN:** No, let him finish first and then you can inform him.

**DR. MAGEZI:** And the treasury has the final responsibility for the form and detailed content of the Draft Annual Estimates and Supplementary Estimates submitted to the Parliament. So, I find that giving this task to the President is really out of form and I therefore, propose that in place of the President it should be the Minister responsible for Finance.

**MR. KABERUKA:** Thank you Mr. Chairman. All along since yesterday I have been trying to give this information. The word 'President' here is used simply because the functions of the President can either be exercised by him directly or indirectly by officers sub-ordinate to him. So, the Ministers derive their powers from the President. So whether you put there the Minister, it does not change the substance because it is put there in that right that he can exercise those powers himself or indirectly through officers subordinate to him and the Ministers are in that category.

**MR. WANENDEYA :** Thank you very much Mr. Chairman. Even if it is obvious that it is the President who exercises the powers by appointing a Minister. I fear that we are going into dangerous ways of writing a Constitution in the sense that, it would be better so that we get there the Minister responsible for finance so that we do not even change our laws. Because it would mean, Mr. Chairman, that we would go down correcting other legislation in place where it says the Minister responsible for Finance. I would, therefore, urge Members to know that when we did not want Select Committees in place, later on we changed our minds. Mr. Chairman, as a man who is well known in finance I implore Members to change their minds on this issue. Otherwise, it means changing our legislation which is already in place. I thank you Mr. Chairman.

**DR. KANYEIHAMBA:** Thank you Mr. Chairman. First of all I want to give information that both the 1962 Constitution and the 1967 Constitution prescribed the Minister responsible for Finance as someone who was responsible for laying the Financial Statements to Parliament. Mr. Chairman, I want also to give the information that in Committee II on this subject, Select Committee II has recommended that the functions of cabinet shall be to formulate and initiate the policies of Uganda rather than as to what was previously provided that it is the President and Ministers will simply be his agents. In that light, Mr. Chairman, I think it is very proper that we should insert Minister responsible for Finance, instead of the President because that has many Constitutional implications. The first being that whenever Parliament would wish to ask the Minister for Finance as to what has happened or whatever, he would point to the Constitution that this is for the President - the President is somewhere, until he comes, he will answer. I would like to avoid that kind of situation where ministers would always pass the buck to the

President simply because he is not available to address Parliament.

Secondly, Mr. Chairman, Constitutionally, somebody could challenge that it should be the president himself causing these papers to be inserted. If you look at the Clauses which are prior, you see that any monies raised, received in trust on behalf of the government of Uganda - it is on behalf of the government of Uganda and through that, the people of Uganda and the person who is in charge of this department is the Minister responsible for Finance and therefore, for avoiding any future confusion, I think we should insert in the Constitution, the Minister responsible for Finance and leave out the President who for other reasons may not address Parliament. I thank you Sir.

**MR. OMARA ATUBO (Otuke County):** Mr. Chairman, I think while trying to decide on this matter, we should read Clause 1 of Article 181 which says "*the President shall cause to be prepared and laid before Parliament...*" Mr. Chairman, it is not imposing responsibility on the President personally to lay before Parliament but that the President shall cause to be prepared and laid before Parliament. Mr. Chairman, this drafting is so because we are having a directly elected President which is not the situation in the 1962 and 1967 Constitutions and in a way we are also having a sort of Presidential system of government or if as some people call it a mixture of presidential and parliamentary system of government. To this effect, therefore, Mr. Chairman, if you look at Article 102 of the Constitution it says: *The Executive authority of Uganda is vested in the president and shall be exercised by him in accordance with this Constitution and the Laws of Uganda* and in Clause 4 it says: *Subject to the provision of this Constitution, the functions conferred on the president by Clause 1 of this Article may be exercised by him either directly or through officers subordinate to him.* So, Mr. Chairman, the point raised by hon. Kanyeihamba that somebody could go to court and challenge the President to present the budget or any financial report directly to Parliament does not arise because Article 181 is imposing upon the President the responsibility of causing and then Article 102 is giving the executive power vested in the President but at the same is allowing the President to delegate those powers.

If you look at the Article on the cabinet, that is Article 114, it says: *there shall be a cabinet which shall*

*consist of the President, the Vice President and such number of ministers as may appear to the President to be reasonably necessary for the efficient running of the state and the administration and execution of the functions of the government.*

Mr. Chairman, no where in this Constitution is the title of the Minister for Finance constitutionalised and the President using his wisdom may say - "**I do not want a Minister of Finance in my government**" and therefore, it would be very difficult for you to talk of Minister responsible for Finance, Minister responsible for Internal Affairs, Minister responsible for so and so. So, Mr. Chairman, I do not see any problem with this drafting in 181 where the president is supposed to cause to be laid. Thank you Mr. Chairman.

**MR. MASALU MUSENE (Manjia County):**

Thank you Mr. Chairman. I appreciate what hon. Omara Atubo has said but again first of all it is obvious that any government must always have a Minister responsible for Finance and this being a chapter directly dealing with finance, I feel it is appropriate that we should indicate that it is the minister responsible for finance who should act.

Not only that, we have just this afternoon passed Article 180, Clause 4 where we have endorsed Minister responsible for Finance. Now, if we go ahead here to change, shall we not be inconsistent? Because we have to be consistent. Here we say Minister responsible for Finance, again we say President. I think it will not be a good way of writing a Constitution. So, I feel we should replace this with the Minister responsible for Finance for purposes of consistency and in view of the normality of any government which must at any time have a Minister responsible for Finance to handle financial matters. I thank you Mr. Chairman.

**MR. BIDANDI SSALI (Nakawa Division):** As a layman, Mr. Chairman, I am wondering whether a time could come when a President can appoint more than one Minister for Finance, three ministers in one Ministry. Therefore, I do not know whether the Constitution will also specify which branch of the Ministry of Finance we are talking about. All what I am saying, Mr. Chairman, is that I tend to agree with point of view of hon. Omara Atubo.

**MR. OBIGAKANIA MARIO (Terego County):**

Thank you Mr. Chairman. I would just seek clarification from the Chair. Yesterday we rejected an

Amendment on Article 180, sub section IV where a Member wanted to introduce instead of 'President', "Minister responsible for Finance" and if I am correct we rejected that Amendment and we retained 'president'. In view of that, Mr. Chairman, today we have passed an Amendment by hon. Magezi talking about the "Minister responsible for Finance". I would like to get a Clarification from you or from the legal people whether the two are not really contradicting themselves in the total effect of Article 180. Thank you Mr. Chairman.

**THE CHAIRMAN:** Maybe you were not around when the Members agreed to allow the Member to move the Amendment to delete those two and replace them with a new formulation because of the mandate he was given yesterday to go and reformulate so that in a way really we reversed ourselves. So, that was taken care of before we even allowed the Member to move the Amendment.

**MR. OBIGA:** Yes, but Mr. Chairman, I also thought I could get your guidance - there appeared valid reasons which were given for rejecting the replacement with the Minister responsible for Finance and maintaining the President in that Article. I thought maybe those reasons could still hold.

**THE CHAIRMAN:** No, what we are doing now, we are debating 181 (1). We are not debating 180. You are taking us to debate 180, which we have, in fact adopted and passed. We are now on 181, Clause 1. It is being proposed that the word 'President' be deleted and instead in its place Minister responsible for Finance - I think we have quite discussed but let me hear hon. Senteza Kajubi.

**PROF. SENTEZAKAJUBI (Kyadondo North):** Thank you Mr. Chairman. The presentation of the Budget is so important and I think it is the most important Session of Parliament in the year that it must be done on behalf of the President and that there is no way we can say that the presentation or preparation of the budget is the responsibility of the Minister responsible for Finance only. The President must cause the Minister for Finance to prepare the statement which I think goes to cabinet before it is presented to parliament on his behalf. Very often when you read in the papers - let us say the American Constitution which I think we are borrowing so much from, when taxation goes wrong - you do not hear the people blaming the Secretary for Finance. They blame either Barack Clinton or Bush. That

is what you hear. Taxation are the policies of the President. So, Mr. Chairman, for that reason, I would oppose any Amendment which tries to get the President out of this and say it is just merely the policy of the Minister responsible for Finance. Mr. Chairman, I see the budget in fact, as the total government policy presented in the Financial Statement which is put before Parliament annually. So, Mr. Chairman, I beg to support the Committee's proposal and to oppose the suggestion to replace 'President' with "Minister responsible for Finance". Mr. Chairman, I beg to move.

**MR. KIRUNDA KIVEJINJA (Bugweri County):** Thank you Mr. Chairman. I think I oppose the Amendment and take the chance of the debate to clarify the issue so that we debate issues when we are clear.

In the Draft Constitution, we are providing for an elected President. He is the only one who will have the mandate of the people of Uganda to administer this country, with the guidance of Parliament and supervision. But the person responsible for the administration is the President and he is the one who is going to choose even his vice President and all his ministers and he is free to choose them and drop them at will. Now, you cannot say he is a substantive position of a Minister in his own right. He can only do so under the guidance of the one who put him in that position. So, let us please discard the myth that because you are Minister for Finance, you have extraneous powers beyond the one who appointed you. So long as the powers of the country are going to be in the hands of the President, then he should be the one to focus on and he is the one ultimately responsible even when his ministers do part. Thank you Mr. Chairman

**PROF. NSIBAMBI (Presidential Nominee):** We are suffering from what I call the syndrome of Presidentialism. *(Laughter)* This syndrome has been responsible for Presidents treating states as their personal property and it has done a lot of harm to the cause of democracy. We want now to create a situation where we have a president who is accountable to the people. I am opposed to the President causing some other person to do what he is supposed to do. Why does he cause a person to do what you are given to do? That is again enhancing the phenomenon of presidentialism. *(Interjections)* I am willing to accept information, Mr. Chairman.

**MR. TIGWEZIRE (Bunyangabu County):** Point of Information. Mr. Chairman, I would like to inform the hon. Presidential Nominee that he is talking of Ministers being responsible for the people but he forgets that these ministers are appointed by the President, not by the people directly. So, I think it is imperative that these Ministers are responsible to the President. So, when we say the President causes any document to be laid before - he will be giving an order to the people he appointed and it is very much in order but when we say you are going to make Ministers responsible to people who never even elected them to such offices, I think we are going wrong. I thank you.

**PROF. SENTEZA KAJUBI :** Point of Information. Mr. Chairman, I would like to inform the hon. Member on the Floor who has said that he is against the President causing anyone to do anything - I would like to inform him that the President has caused him to be a Member of this Assembly. *(Laughter)*

**MR. OMARA ATUBO:** Point of Information. While I agree with the President - I am not in love with the President who is too powerful, but I would invite the hon. Professor to look at Article 120 talking about collective responsibility of Ministers; because he is arguing that Ministers should be responsible to the people. Mr. Chairman, under the Draft Constitution in Article 120, the Doctrine of Collective Responsibility - here as it is drafted in our Constitution, what we have said that Ministers shall individually be accountable to the President for the administration of their ministries and collective responsible for any decision by the cabinet. Now, Mr. Chairman, our Constitution is very clear on this matter. No Minister is going to be individually accountable to the people. As a cabinet, they are collectively responsible and therefore, whether to the people or to Parliament, they will not be seeing any individual Minister but this Minister will be covered up under this amorphous body and even if they are speaking, they will be speaking one for all and all for one. Thank you Mr. Chairman.

**PROF. NSIBAMBI:** I thank the hon. Members for their information. I would like to reply as follows: 1) Although I am a Presidential Nominee, he is not causing me to think. I am thinking in my own right and I am acting professionally-. *(Laughter)* I am enjoying professional autonomy. It is precisely the point I am making here, namely that when you have these Ministers, they have clear schedules or clear

assignments and I see no point why another person should cause them to do what they are supposed to do. This incidentally explains why in fact, Ministers resign without even being caused to resign. We have known several cases, at least elsewhere, where ministers have even resigned once a fundamental thing has gone wrong in his area despite the existence of the collective responsibility. Collective responsibility ensures that you do not clash with each other openly over an issue which you accepted in cabinet. But it has a limit. It does not preclude being accountable and running one's ministry efficiently and not dodging decisions and waiting for the President to advise you on how to run your Ministry. I would like to oppose the current formulation and suggest that it should be the Minister responsible for Finance to prepare and that he should not be caused; because there will be a situation when the President is over loaded, where he will not be able to over-see whatever is happening elsewhere and people will have to act professionally, autonomously, and efficaciously. I thank you.

**MR. LUBOWA (Budiope County):** Thank you very much Mr. Chairman. I am compelled to believe that the President being the Chief Manager of all Government business, and yet all business moves on account of the money budgeted for, I really feel the president should be the one to cause the laying of the estimates. *(Applause)* I want us to recall what happened on the day the last budget was read. Remember because the State opening had not been done, we had something quite unusual. The State opening had to be on the same day the budget was read; which means in this case the President was trying to co-ordinate the movement of the government in total. I, therefore, feel the President should cause the laying of the estimates.

**THE CHAIRMAN:** I think we have debated enough of this. Let me put the question. It is on a proposition which was made by hon. Magezi that we delete 'President' there and insert "Minister responsible for Finance". *(Interjections)* Sorry?

**AN HON. DELEGATE:** Mr. Chairman, I wanted to interject on that point. In view of what hon. Omara Atubo has put across and also giving reference to all those chapters which satisfy that the President himself is answerable to the business of a state, I found it unnecessary that we really were dragged into passing an Article which was not necessary - which was put by hon. Dr. Magezi -

**THE CHAIRMAN:** No, I think there, there is a distinction here. We are saying the President shall cause to be prepared, even before the matter comes to Parliament and then to be laid before the Parliament. We are talking about the Budget. The other one we are talking about the situation where the President has caused to be laid but before those can be converted into legislation what happens? The Minister who is responsible for Managing government money as the Finance Statute says - then he is being given some money to be able to pay out to various ministries until the Bill is passed. Which is different from the budget which is a much bigger thing including taxation proposals as well as allocation of resources throughout the economy. So, let me put the question.

*(Question put and negatived)*

**THE CHAIRMAN:** Now, that brings me to hon. Mulenga.

**MR. MULENGA:** Mr. Chairman, I am seeking clarification before the question is put whether we really mean revenue and expenditure of Uganda or of the government. I would have thought that the expenditure and revenue we are talking about here is government funds, not the entire Uganda revenue and expenditure. But because I am not conversant with these financial matters, I wanted clarification first.

**THE CHAIRMAN:** Could that be clarified by the Chairman of the Committee before we proceed to decide whether the Proposed Amendments of Clause I should be approved? Hon. Kaberuka.

**MR. KABERUKA:** Mr. Chairman, what is the Clarification?

**THE CHAIRMAN:** Estimates of revenue of expenditure of Uganda. He is saying should it be of Uganda or of Uganda Government?

**MR. KABERUKA:** It is government Budget.

**MR. MULENGA:** So, Mr. Chairman, I would move to substitute 'government' for 'Uganda'. So that it reads *"The President shall cause to be prepared and read before Parliament in each Financial Year but in any case not later than the 15th day before the end of the Financial Year, estimates of revenue and expenditure of govern-*

*ment for the next Financial Year"*. 'Government' is defined in the Constitution to mean 'government of Uganda'.

**THE CHAIRMAN:** Yes, unless we change the definition, that is correct. The definition of government wherever it appears means government of Uganda.

**MR. OMARA A FUBO:** Mr. Chairman, I support the Amendment moved by hon. Mulenga. First of all if you look at the definition of Uganda in 286, I think - in the Interpretation Clause - 286, 'Uganda' means 'Republic of Uganda' and therefore, if you are talking about the the budget of the country, you are talking about the budget of the Republic of Uganda; that means all institutions: RCs, District Councils and Companies and the Republic of Uganda is a bigger thing, and therefore, strictly speaking we are really talking of the budget of the government of Uganda which I think hon. Mulenga is very correct. So, I support it, Mr. Chairman. Thank you.

**PROF. SENTEZA KAJUBI:** Thank you Mr. Chairman. Mr. Chairman, before you put the question and although I agree entirely with the Amendment as proposed by Committee III, I am intrigued by what is in the Draft Constitution itself and maybe somebody can give me some explanation as to what is so, which says *-The President shall cause to be prepared and laid before Parliament in each Financial Year but not, in any case, not later than the 15th day after the commencement of the Financial year.* I am wondering what the Draft says. *(Interruption)*

**THE CHAIRMAN:** But you see Professor, that will be for academic purposes only.

**PROF. SENTEZA:** Yes, I want to be informed. There must have been some reason for that, Mr. Chairman and I am seeking if there is a Member of this august body who knows the reason why that must have been put so.

**THE CHAIRMAN:** Hon. Kasujja has left. Hon. Serwanga Lwanga is not here - I am looking at the Members of the Odoki Commission

**PROF. SENTEZA:** Maybe he is here

**THE CHAIRMAN:** Oh yes, yes, is Hon. Yvonne Kaggwa.

**PROF. SENTEZA:** In fact, I wanted to ask him.

**MR. KAGWA (kawempe Division South):** Thank you Mr. Chairman. When this Draft was being made, it was considered that unlike in the past, and more specifically in the Community days when budgets were read together in East Africa, precedence had shown that Uganda Budgets were no longer read at the time when they were supposed and so it was just addressing a real situation that it could be done after the commencement of the Financial year, and it so happens I was in the Committee III - Members felt that I think discipline should be brought to bear to governments of the day to do business at the right time. Thank you Mr. Chairman.

**THE CHAIRMAN:** You are satisfied hon. Senteza no doubt? Hon. Magezi.

**DR. MAGEZI:** Thank you very much Mr. Chairman. I seek Clarification in view of the Decentralisation, are the districts part of the Government of Uganda? Therefore, are all their budgets going to be forwarded to the President before or not?

**THE CHAIRMAN:** Is hon. Kabugo going to answer that?

**MR. KABUGO (Nakaseke County):** Mr. Chairman, District Councils have got different dates of their Financial Years. Normally they start on 1st October and end on the 30th of September. So our budget is supposed to run from 1st July to end of June. So, there is a difference between the two authorities.

**THE CHAIRMAN:** They maybe given grants from the Budget to be presented but they are not part of this. This is for the government of Uganda. Okay, now let me put the question on the Proposed Amendment that the word 'Uganda' be replaced with 'government'.

*(Question put and agreed to)*

**THE CHAIRMAN:** Now, the Motion has been moved that Clause (1) of 181 be amended as suggested in the report of the Select Committee III. I put the question.

*(Question put and agreed to)*

**THE CHAIRMAN:** Now, the formulation appearing in the report is now what replaces Clause (1) of 181 and notably saying that the Budget must be presented 15 days before the close of the Financial year preceding the year to which they relate.

I can see fatigue among the Members. *(Laughter)* Hon. Delegates, before I adjourn there is an announcement from the chairman of the Legal and Drafting Committee. The announcement is that the Committee will meet tomorrow here in the Main Hall at 2.30 to synchronise the various Amendments which have been proposed on behalf of Committee Number I and it is urged that those who have moved Amendments and Members of that Committee including other Members of the C.A. who are interested should come at that time and take part in the exercise of synchronising the Amendments on land. With those few words from the Chair, I wish to adjourn so that we resume on Monday here at 2.30. We stand adjourned. Thank you.

*(The Assembly rose and adjourned until Monday, 5th december, 1994 at 2.30 p.m.)*