



THE REPUBLIC OF UGANDA

PARLIAMENTARY LIBRARY
P.O. BOX 708, KAMPALA

14 JUN 2007

ACC. No:.....

CALL No:.....

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

WEDNESDAY, 1ST MARCH 1995

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda

[Pg 3195]

Wednesday, 1st March, 1995

(The Assembly met at 9.30 a.m. in the International Conference Centre, Kampala)

P R A Y E R S

(The Deputy Chairman, Prof. Victoria Mwaka, in the Chair)

(The Assembly was called to order)

CONSIDERATION STAGE OF THE DRAFT
CONSTITUTION OF THE REPUBLIC OF
UGANDA

CHAPTER 12 - PUBLIC SERVICE

NEW ARTICLE 199 - REMUNERATION OF
CIVIL SERVANTS

THE DEPUTY CHAIRMAN: Hon. Delegates, when we adjourned yesterday, we had completed Article 198, and we were going on Article 199. But before we go to 199, there is a Motion brought by Hon. Jack Sabiiti, Akech, Okullu, and Dr. Nakyanzi, on the living wage. I think it was at that when we were lucky that we realised we did not have a quorum. Yes, Hon. Karuhanga, what is the problem?

MR. KARUHANGA ELLY (Nyabushozi County): I do not hear.

THE DEPUTY CHAIRMAN: Oh, you do not hear? Sorry. What I am saying is, by the time we adjourned yesterday, we had finished 198, and we were going to 199, but the numbering, we had inserted in some articles. That is an administrative matter. There is a Motion by Hon. Jack Sabiiti, Akech Okullu, and Dr. Nakyanzi on the remuneration of Civil Servants. And it was at that juncture that we were alerted, that we had problems with our numbers.

MR. SABIITI JACK (Rukiga County): Thank you, Madam Chairperson. This amendment which was passed by Committee 1, is a vital amendment which I think if given its due attention as a public officer will certainly do his work as expected. Madam Chairperson, as a representative of Rukiga County, and two as a civil servant, who has been approached by many civil servants, that this issue should be presented to the Assembly. I move that: *'A public officer shall be paid a living wage to be prescribed*

by Parliament. Madam Chairperson, this country has persistently experienced many institutional strikes. These strikes have continued to disrupt the country's economic development. This problem, like most problems we have tried to address ourselves to during this constitutional making process, deserve our attention. The leadership in this country, the press and the general population has talked much about corruption, misuse of public funds and public properties. This public opinion should be properly analysed so that a solution is found. Last week, Madam Chairperson, we constitutionalised two important institutions. Namely, the Inspectorate of Government and the Leadership Code. These two institutions are intended to prohibit conduct likely to compromise the only stay and integrity of public officers. The office of the IGG is intended to eliminate and foster the limitation of corruption and abuse of authority by public officers. Madam Chairperson, if we are serious and have agreed that, we must fight corruption, we must make sure that, public officers are facilitated to make sure that, they do their work. As of now, Madam Chairperson, the remuneration of public officers in Uganda is among the lowest in Africa. To give you a few examples, a public officer who is in the super scale, what we call the super scale in the Civil Services earns Shs. 172,000/- This is 5,000/- shillings per day. The lowest in the same category gets, 1/- shilling and 36 cents per day. This is the money intended to feed a public officer, intended to feed the family of a public officer, intended to buy cloths, intended to do most of things for these public officers. If you look at the medical sector, Madam Chairperson *-(interruption)-*

THE DEPUTY CHAIRMAN: Hon. Sabiiti, Hon. Lumala you see is persisting with his hand up.

MR. LUMALADEOGRATIUS (Kalungu West County): Madam Chairman, I thought that Article 199 is about retirement benefits, not about remunerations paid to those in service. So, I wonder whether his contribution is in order.

THE DEPUTY CHAIRMAN: No, he is discussing the report Item 44, it is a new insertion. You look at your report on the Motions which were circulated.

MR. BAGEYA GEORGE (Kigulu North County): Thank you, Madam Chairperson. I would have liked to help *-(interruption)-*

MR. SABIITI: Is that information or what?

MR. BAGEYA: Information.

MR. SABIITI: I do not need that information. I would like to continue so that -

THE DEPUTY CHAIRMAN: Sorry, but I had given him the Floor, and he had started talking.

MR. BAGEYA: For clarity, I would beg my Colleague to give way, because we have Article 67 which seems to cater for what he wants under Human Rights Act. Article 67 - these are economic rights which encompasses I think what my colleague wants to put across. Every person has the right to work under satisfactory safe and healthy conditions, and shall receive equal pay for equal work without discrimination. Now, constitutionally, I do not think we are in order to start discussing remuneration in this place. Because this is a job which should be done by Parliament other than the constitutional body. I thank you.

MR. SABIITI: I think what the Hon. Member has put across is not valid information, and therefore, I think I will not address myself to it. Madam Chairperson, if you look at another institution like the Medical sector *-(Interruption)-*

THE DEPUTY CHAIRMAN: There is a procedural matter down there.

HON. MEMBER: Point of procedure. Thank you, Madam Chairperson. I would have expected Hon. Jack SABIITI to properly propose his motion. When seconded, then he can talk on his Motion. Now, he has not yet even moved his motion and now talking. And we do not know whether it is seconded.

THE DEPUTY CHAIRMAN: You see, I had an assumption that, if a Motion is proposed by more than one person, by implication, the other two, three, four, five are seconding it. So, I was just going to call upon Hon. Okullu and Hon. Nakyanzi to amplify on the problem.

MR. SABIITI: Thank you, Madam Chairperson, for your guidance. In addition, yesterday this Mo-

tion was tabled and seconded. Madam Chairperson, if we look at the medical sector, again in the scales which we call higher and super-scale, those public officers earn 6,400 per day, these are the radical people who are the consultants in the highest scale. The lowest get 1,430 per day. In the Police and Prisons, in UP I, that is the highest, they get 2,600 per day, the lowest get 1,005. In the teaching service, Madam Chairperson, it is worse. The normal teacher cannot feed his family, cloth his wife and later on even paying school fees for his children.

MR. KABWEGYERE TARSIS (Igara West County): Thank you, Madam Chairperson. I am seeking clarification from Hon. SABIITI, in light of the figures he is giving. Could he be kind enough to give a figure now of a living wage that will be so relieving and alive to be applicable in the year 2,005.

MR. SABIITI: Madam Chairperson, if Hon. Kabwegyere has read the amendment, he should not have even tried to put across that information because I said it is Parliament to prescribe that.

DR. HIGIRO SEMAJEJE (Lwemiyaga County): Madam Chairperson, I am seeking clarification. Could the Mover of the Motion tell us what a living wage means. We need to know the meaning of living wage. After that we may support or not support him. Thank you.

MR. SABIITI: Madam Chairperson, surely Hon. Higiroy, I thought he understands what the living wage is. But since I am still continuing I will throw more light and he will understand what it means. Madam Chairperson, the Government's approach to this problem has been erratic and unfair. Whenever there is pressure from one institution there is a rush to raise salaries in order to address itself to one given problem. A case of the Judiciary is very clear to all of us how salaries have been raised. The Revenue Authority is another good example, and other institutions at times whenever they strike or they demand for increment in the salaries Government just responds. We therefore need to institutionalise payment of a living wage. A public officer should be paid a living wage as a base mark. Madam Chairperson, in order to ensure that there is a fair system of remunerating public officers we need to have a living wage where we should start from. There are many advantages Madam Chairman, for having a living wage. It is undoubtedly in the interest of the public that we should at least pay a living wage.

The most important reason for this is to overcome the problem arising from inadequate compensation.

MR. ELLY KARUHANGA: Madam Chairperson, I would like to know from Hon. Sabiiti, if he was a Judge Court and somebody sued the Government for not having paid a living wage to that person. What type of things he would consider as a Judge? Would he count the cost of tomatoes and onions, charcoal or electricity and water? Would he include in that the bus fare to his father's place of origin or where he is residing at work? What, as a Judge, would he really consider in living wage? Now does he see the ridiculousness of us writing this in a Constitution?

MR. SABIITI: Madam Chairperson, I can see that Hon. Karuhanga as a Lawyer he is deficient in this field of economics. As you know, we have what we call, Madam Chairperson, 'the cost of living index.' If this is not in the language of law, he should understand there are certain indicators we use when we are determining a living wage. *(Laughter)* Madam Chairperson, inadequately paid staff are seriously demotivated and likely provide high standard of service. Inadequately paid staff are much more exposed than properly paid staff to temptation of bribery, corruption and theft of Ministry Funds and assets. Inadequately paid staff are forced to seek other sources of income to make ends meet which even if legitimate, may compromise their effectiveness as public servants. If we are demanding too much from public servants, if we are saying let the servants do their job, if we are saying let the Managers manage, surely Government must remunerate these public servants. And in order to do this, we must have a bench-mark. This is why I am requesting the Hon. Delegates to consider constitutionalising this issue to put a provision in the Constitution so that Parliament prescribes the living wage of public officers.

MR. AMANYA MUSHEGA (Igara East County): Madam Chairperson, I would like to seek the guidance of the Chair here as a Constituent Assembly. Are we entitled to debate everything beneath the skies or this Constitution has some limits. Because I am of the impression that we are now listening to the current Minister of Finance of Uganda delivering a Budget in the Constituent Assembly. So, I would like to seek your guidance Madam Chairman, as to what is to be contained in the Constitution so that we concentrate on it and

what is an administrative matter, what is a legislative matter and what is actually budgetary matter. I seek your guidance here because I am lost as to whether really the Constitution- we can write wages in it or whether we are not really consuming the time of the tax payer and make it more difficult for the current civil servant to get a living wage by spending so much time here debating issues I consider irrelevant at the moment.

THE DEPUTY CHAIRMAN: Hon. Amanya Mushega, this is a Motion that was competently introduced by three Delegates and it is the Delegates to decide. As the Chairman I do not have the mandate to say you are right or wrong. Debate it say, yes or no and we move.

MR. SABIITI: Thank you, Madam Chairperson. Madam Chairperson, I know as a person who is in the offices of political personage, the remunerations are a little bit different. Therefore, when I am talking on behalf of the civil servant surely we are serious and we think this is the matter which should be discussed by this Assembly. Madam Chairperson, as I conclude let it be known that it is a violation of human rights to receive less pay for much work done. This is well entrenched in international conventions and therefore, I request Delegates to entrench this amendment in the Constitution so that Parliament tomorrow sits down and prescribes a living wage for the public officers. Thank you very much.

MISS. BYANYIMA WINNIE (Mbarara Municipality): Madam Chairperson, yesterday I asked you to adjourn the meeting so that there could be enough quorum for us to be able to throw out this amendment and not waste too much time on it. Madam Chairperson, this amendment is meaningless, like has been said before the living wage has no technical meaning although he argues that there is a way to determine the cost of living. Cost of living is not the same as living wage. This is meaningless and cannot be put in the Constitution. Wages, Madam Chairperson, are going to be determined by economic Laws of Supply and Demand. We are moving away from a planned economy and moving to an economy of competition, private enterprise. Government will have to try very hard to attract the best brains and compete with private sector employers in terms of remuneration. This cannot be legislated. This will be determined by the market forces. The Hon. Mover must adjust his thinking and stop thinking like we are living in the age of the planned

economy. We are now in another age. We are moving in a different direction from where he is.

Madam Chairman, all the problems of Uganda are not going to be solved by the Constitution. The Constitution is not a panacea for everything and we must not think that we are the first and the last ones to solve the problems of Uganda. Other people will come and also have their hand at solving these problems particularly these ones that are not legislative nature. I ask the Hon. Member who moved the Motion to be humble and accept that our mandate is limited to constitutional matters and let us leave other matters to other people who will come after us. I too, am a civil servant, I would like a living wage too, but I know that the way to get that wage is not through the Constitution. In the Constitution, we will write a Law but the Law will not generate the wealth and give the revenue to pay the civil servants. So, it does not pay to manipulate the emotions of civil servants here, or for us to sit and list a litany of the problems of the civil servants hoping that we shall win their sympathy in a wrong way. We must not manipulate their emotions. The problem of wages will be resolved outside this House. Madam Chairperson, I beg that you put the question and we throw this Motion out. Thank you.

MRS. AKECH BETTY (Women Delegate-Gulu): Madam Chairperson, if you notice that Paper of amendment or motion, I think it was circulated long ago and at that time we were looking at the idea of trying to establish the idea of the salary in the Constitution. Because if you look at Article 199, it says: *A public officer shall, on retirement, receive such reasonable pension as is commensurate with his rank, salary, and length of service.* We felt, at that time, that it was not really justifiable to talk over a salary at retirement when there is no salary mentioned at all in this Constitution. So, we felt that it was actually in line with Article 199. If we mention the establishment of a salary. However, the idea of a living wage when it was sold to many people, brought us a lot of questions. We were asked whether we could define what a living wage was. If I can remember properly, I thought that we had decided that we were not going to talk over a living wage, but that we were going to say public servants will be paid a wage that is commensurate with his work and this will be determined by Parliament. So, this was actually what was put for discussions to Committee 1. On this basis therefore, I supported that Motion. But in view of the fact that it is a bit

difficult to actually define a living wage because I know what is a living wage for you, may not be a living wage for the next person. Therefore, I feel that possibly we could leave this out and Parliament determines.

THE DEPUTY CHAIRMAN: Hon. Sabiiti, I think judging the atmosphere, are you withdrawing or I put the Question?

MR. SABIITI: Madam Chairperson, many Motions have been defeated on this Floor, others have been passed. These are the views of the people of Rukiga County and the civil servants and therefore, you can put the Question. But let it be on record that civil servants need a living wage. Thank you Madam Chairperson.

THE DEPUTY CHAIRMAN: That is enough discussion on this issue. Hon. Sabiiti has had his Motion. Now I put the Question as far as Hon. Sabiiti's Motion is concerned.

(Question put and negatived)

MRS. TURIAHIKAYO ALICE (Women-Kabarole): Madam Chairperson, I wish to move the Motion to amend Article 199, Clause 1, by deleting the word *reasonable* so that the Clause reads as follows: *A public officer shall on retirement receive such pension as his commensurate with his rank, salary and length of service.* I beg to move.

MR. KASOLE BWERERE (Buwekula County): Seconded!

MRS. TURIAHIKAYO: Madam Chairperson, the reason why I wanted that word deleted is that the word *reasonable* is subjective and it is difficult to decide what a reasonable pension would be. We need to ask ourselves reasonable to who? Is it reasonable to the giver or the recipient? It would be better to leave it open so that it reads a pension that - such a pension as is commensurate with one's rank, salary and length, because it is difficult to decide what is reasonable and what is not. I beg to move.

MR. RWABITA DEO (Ibanda South County): Thank you very much, Madam Chairperson. With the permission of the Mover we could and we should add after pension, *all gratuity*. Gratuity is different from pension but it should also be commensurate with one's rank, salary and length of service. So, the

amendment is that: "A public officer shall on retirement receive such pension or gratuity as his commensurate with his rank, salary and length of service." I beg to move.

MR. KARUHANGA: Thank you, Madam Chairperson. I am very happy that the word 'reasonable' is being struck out. But on the whole, I would have been happier if everything, 1, 2, 3, in Article 199 was deleted. I have noted in Article 31 of this Constitution a similar requirement. It reads: 'The State shall make Laws providing for the Provision of adequate and regular payment of pensions and other forms of retirement benefits the persons to whom they apply.' Now this is an objective. It is in the Constitution although it is not impossible. The problem with the reading and here I am calling upon a legal mind to read this Provision 199. 'A public officer shall on retirement receive such pension as a commensurate with his rank, salary and length of service.' This is a serious directive we are giving out. We are saying they shall receive pension, commensurate with the rank, salary and length of service. The intention is good. I am labouring the question of determining those salaries, commensuration, rank, salary and length of service. What is actually the saving that has come out of the amendment -(*interruption*)

MR. KITARIKO ROBERT (Democratic Party): Madam Chairperson, all that this Article is saying is that a man shall be entitled to adequate pension for somebody on retirement. We take into account number of years worked for, the salary divide by 500 is a formula which has been used for a long time. So, there is nothing really it is saying. It should merely say that a person has worked and retires in pensionable circumstances should be entitled to pension. So, really what they should say, is that a civil servant should be entitled to pension.

MR. KARUHANGA: Madam Chairperson, I appreciate the information. But I am only asking the Constitutionalising of it in the way the wording is. I know that public servant stands to lose nothing if this Article is not in the Constitution. We only bring trouble if we put it the way it is.

MR. KAGGWA MEDI (Kawempe Division South): I like to inform the Speaker on the Floor the reason why this thing was put in this Draft Constitution. When views were being collected it was a unanimous view that people who have served this

Nation do not get their pension. As we know pension arises out of the salary, one used to earn during his service. So, putting it here serves to make it mandatory to give what is due to those people who have served this Nation and have completed their term and I find nothing wrong with that and I think the word *commensurate* is really in line with that. Thank you.

MR. MALINGA IGNATIUS (Usuk County): Madam Chairperson, the purpose of this provision is quite very clear. It is just the provision to enable the Auditor General to charge the pension of an eligible public servant to the consolidated fund. It is important to put it in the Constitution. Otherwise you will need to have an Act of Parliament in respect of each retiring member of the Public Service. If you look at our Statute Book, absence of a Provision such as this, resulted into provisions like have a Statute in our Laws called, 'lalobo Act'. What that Act did was only to provide a pension for a retiring *lalobo*. This is what we are trying to avoid. It does not do much. But this provision is perfectly okay. It just enables the Auditor General - it gives him the authority as to charge this expenditure onto the consolidated Fund. I would recommend Delegates that we retain this Provision by improving it because I think what we should be saying is that an eligible public servant. Because if I joined yesterday and I retire today, then I am not eligible. Thank you.

MR. KARUHANGA: I am happy that Hon. Malinga has pointed out something which I think will finally come up as a compromise to this view. My thinking is that what we really want to put in the Constitution to say, that Parliament shall prescribe the Law setting up pensions for public officers and that is all. What we certainly do not want to achieve now, is to introduce a serious confusion in the Law talking about ranks, period of service, tax exemption and the rest. This as Hon. Kitariko pointed out, and as pointed out by Hon. Malinga now, I think what we want and of course by the Mover, the Question of reasonability, what we want to do is to empower Parliament to set or force it to set up a pension scheme for public servants but not to put it the way it is wanted. Therefore, I would like with the permission from the Mover to make what I think is an amendment.

MRS. TURIAHIKAYO: Madam Chairperson, I strongly object to the deletion of this Article because I feel that is an important provision. And as a matter of information to the Hon. Member who

proposed that amendment, he referred to Article 31 in the National Objectives. But if I remember well, that Article was transferred to Public Service Section. The Legal and Drafting Committee probably can guide or help us to remember that transfer that we made. Otherwise I object to his amendment, Madam Chairperson.

MR. CHEBET MAIKUT (Kween County): Madam Chairperson, I am seeking guidance from those authorities who may be knowledgeable about the rationale of putting these provisions here about the pensions of retiring public officers. While a few minutes ago, we had thrown out into a dustbin a Motion that was seeking to provide for the welfare of the same type of people, those who are still in active service in the Public Service. So, can it not be provided elsewhere in another legislation, for example, in Parliament. I would like to know it should be justified to put it in the Constitution here. Thank you.

MR. BIDANDI SSALI (Nakawa Division): Madam Chairperson, I am also seeking clarification, especially so from the Mover who has just clarified that the former Article 31 was transferred to the Chapter on Civil Service. I would like her to explain to me the difference between what she is trying to bring out in her amendment and what was contained in the former Chapter 31 which says: *'The State shall make Laws providing for the Provision of adequate and regular payment of pensions and other forms of retirement benefits to persons to whom they apply.'* I just want to know the difference between that one which is already apparently passed and what she is trying to achieve. Thank you.

THE DEPUTY CHAIRMAN: Before we proceed you also note that Hon. Turyahikayo informed us that this Article 31 was to be transferred to Chapter 18 of the miscellaneous. What do you have to say about that one?

MRS. TURYAHIKAYO: Madam Chairperson, that is why I commented that probably the Legal and Drafting Committee may have to help us in this. Because I remember it was supposed to be transferred to Public Service Chapter and not miscellaneous Chapter.

MR. KARUHANGA: Madam Chairperson, I am a Member of the Legal and Drafting Committee. Madam Chairperson, it would have been a disaster for us to transfer Article 31 to Public Service. That

would mean that it is only the Public Servants who are entitled to pensions. The Article 31 is broader, it encompasses all other people who are in employment outside the Public Service. So, I suggest that we take this Article back to the Legal Committee and as she has suggested, we come back with some formulation having taken it into account these fears which have been expressed and they go further than just Article 1. They even touch on Article 2 because on 2, as you realise, there is the question of inflation changes in the value of money and talking about tax exemption. You are talking about a very rich man or woman who at the age of 60 because she is working and has got pension, does not pay tax and you are passing onto other people to bear the tax burden. This may be good now but in 20 years time this may change. So, I think this whole Article should go back to Legal Committee and I accept Hon. Turyahikayo's proposal.

MR. KAGGWA: Thank you very much, Madam Chairperson. Madam Chairperson, when I look at my notes on Article 31, it was agreed that it will be transferred to Chapter 18 Miscellaneous and the heading will be terminal benefits. The idea was to make it justifiable and to improve on it. But in my notes it was Chapter 18. Thank you.

THE DEPUTY CHAIRMAN: Now, there is a proposal that we go back to the Legal and Drafting Committee and come out with clean work so that we do not contract ourselves. So, Article 199 is suspended.

MR. KAHINDA OTAFIIRE (Ruhinda County): Madam Chairperson, I beg to move that Article 195 be inserted and be read as follows: *'There shall be a Health Service Commission for Uganda.'* Madam Chairperson, I beg to move.

HON. DELEGATES: Seconded!

MR. KAHINDA OTAFIIRE: Madam Chairperson, there are about 14,600 health workers in this country and our history has indicated that these health workers have been neglected by the traditional Public Service Commission. I believe that this neglect has been a result most likely of insensitivity by the Public Service Commission to the peculiar conditions of service of the Health Workers. These Health Workers comprise of paramedics, nurses and midwives, pharmacists, doctors and dental surgeons. Their nature of training is unique and their

nature of posting is also unique. Quite a number of these health workers are posted as emergency cases soon after their training, before they are interviewed, and are forgotten. Quite a lot of these health workers have served up to 20 years on temporary terms and this has had effect on the morale and performance of these health workers. On top of this the nature of training of the health workers is unique in that they may be one of the few professions which do on the job training. They train on human beings. When these health workers are being trained, they train on human beings. So, the recruitment and training of health workers can only be paid attention adequately by those who understand the peculiar circumstances in which they train and how they work. These health workers are constantly exposed to risks. Most of us who do not work in health service, do not understand because if you want somebody very, very unhealthy it is a health worker. A doctor or nurse or medical assistant handles people who are sick from morning to when this person goes to bed. Even when they have gone to bed they are called back to attend to people, to inject yet the health worker is treated by the civil service like he or she was an ordinary civil servant.

MR. KITARIKO: Is it in order Madam Chairperson, for the current Speaker to make a public statement to this Assembly accusing the Public Service Commission for neglecting the Health Services when what he is talking about a roll of the Ministry of Public Service?

MR. KAHINDA OTAFIIRE: I think Madam Chairperson, Mr. Kitariko himself is out of order and by his being out of order he is confirming what I have been saying. This is the insensitivity of the Public Service on the Public Service Commission to the plight of the Health Workers. You can see, Hon. Kitariko was involved in the Public Service Review Commission, he is I suppose an expert, you can see his Health Workers are suffering and Hon. Kitariko is trying to cheat me on the head.

Nonetheless, Madam Chairperson, I think it is very prudent for us. If we have to achieve health for all by the year 2000, or slightly around soon after the year 2000, it is important that we encourage these health workers by putting them under the management of those who understand the peculiar circumstances of the health worker. Madam Chairman, we passed an Article here authorising making it a constitutional right for public servants to go on strike. But as you

will realise Madam Chairperson, it is universally accepted that health workers do not go on strike. Their punishment is automatic dismissal. Like soldiers when they go strike it is called - Now the health workers are treated similarly. They have no recourse to the ordinary means of making their working complaints known by withdrawing their labour. They cannot do that. The health worker cannot lock their patients like the civil servants can lock away their files and go away. So, Madam Chairperson, I think it is important that we allow these health workers to be controlled by a Commission or people who understand the peculiar circumstances of the health worker, the conditions under which he or she works.

Secondly, because sharing of power between the centre and the districts is imperative that we put in place a Body that will not only control the appointment and promotions and disciplining of these health workers that will also support technical supervision. False formulation, guidelines and maintenance of health standards and practice and this can only be done by a health service commission which understands the Madam Chairperson, I beg to move.

DR. NYEKO JACK (Presidential Nominee): Madam Chairperson, thank you. I would like to oppose this Motion on one or two grounds. The reason advanced to me is not sufficient. The ministry of health has several departments. Each department is responsible either for training, promotion and others activities. If we start creating commissions on professions like this, then we shall also be asked to create commissions, on agriculture. We may also be asked to create commissions on engineering workers and to my knowledge I think this will be too much. If we are going to strengthen for instance the public service commission, what we could do is, we can create a desk. Say the health service desk within the public service commission whose primary responsibility will be coordinating the, activities, of the ministry of health, the staffing, the promotion and other operations of the ministry of health and health related workers. So this will thus be a desk within the public service commission. Because if you start to say the ministry agriculture and animal industry and fisheries-(*Interruption*)-

MR. WAGIRA MOSES (Kibuku County): Point of information. I thank you, Madam Chairperson. The information I wanted to give to Hon. Nyeko is that, yesterday in this very Assembly where he was

present, we created an education service commission given the importance of that profession. Now here is a commission being anticipated for a profession which deals with our very lives. You will talk about a commission for may be veterinary workers, but a situation is that, if there is an anomaly in the service of veterinary workers and the animals die. Sometimes it is a dish, but suppose it is a human being who has died. So I do not think it is good to equate the health profession with the veterinary or agriculture much as they are also important. And I think that is the very spirit in which we passed the education service commission. Thank you.

DR. NYEKO: Madam Chairperson, I appreciate that information. But if you look at the education as a profession, the number of teachers and related personnel, they are so many. But if you talk of health you are talking of something like 6,00 -7,000 personnel which the ministry of health alone should be able to handle. The problem is, in most of those professional ministries, if I could finish, because he may find during my explanation most of his information may become irrelevant. In most of these Professional ministries the problem is within the ministry itself. The actual professional people because they are birds of the same feathers, there is a tendency of malice among themselves. This is true in agriculture, it is true in veterinary and it is true also in health. So in my view *-(Interruption)-*

MRS. SEBAGEREKA VICTORIA (Women Delegate - Mukono): Point of clarification. I would like to get clarification from the Member holding the Floor. How does he see a teaching service commission, the judicial commission, and at the same time he refuses a commission that has to do with the health of the people. Another Madam Chairperson, these people have been operating in very, very difficult circumstances. Sometimes there is no medication, sometimes there is no implementation- I mean things to work with. And we have had a lot of brain drainage from this country because of the poor conditions and because the ministry cannot go down deep to check on grievances. So I feel - I fully support that this commission is put in place so that the grievances, the medication, everything is taken care of. I thank you, Madam Chairperson.

DR. NYEKO: Madam Chairperson, what I was saying is, really if we start going into this commission, then we shall be forced to create agricultural services commission. Because the services of

agriculture which is actually the main foreign currency earner in this country, would need a commission by itself. Without proper food supply even the health services will not function properly. So, much as the health workers are looking after our the other related professions like agriculture, veterinary, workers, e.t.c, e.t.c, they are equally important and we may be forced to make commissions for all of them. So I oppose this Motion. The services of the health should be taken by the public service commission. And the ministry of health the public service commission can create a desk if we want as special desk on health. Thank you.

THE DEPUTY CHAIRMAN: Hon. Nyeko you see the problem with your submission, I know I am not allowed to debate. You are talking of agriculture and engineering having submitted Motions to form commissions for themselves, I do not have it, we have not received it in our services. So that may not be applicable because we do not have anybody who has moved it. Unless if you are alerting us that it is one forth coming.

DR. MATOVU BYATIKE (Entebbe Municipality): Thank you very much, Madam Chairperson. Madam Chairperson, there are three distinct enemies of an African that are recognized. Ignorance, poverty and disease. These are three enemies of an African. Madam Chairperson, now we have now something in place for the ignorance that is the education commission, we have something for poverty. Now we do not have anything to take special care for the third enemy; namely health, the disease. Madam Chairperson, I think that speaks for a special attention.

MR. ATWOKI AMBROSE (Youth Delegate - Northern Region): Point of information. Maybe the Dr. could inform me where the existence for the commission of Poverty is. Could you please inform me of the existence of poverty - I mean for poverty in the constitution.

DR. MATOVU BYATIKE: I did not say there is a commission for that, but there is something that will take care-special care for poverty. A commission is not there. 'Entandikwa' is there - *(Laughter)* Madam Chairperson, I have just been reminded the department of the Audit is there- is created. The Audit service commission is there, so that takes care of that side. Now, Madam Chairperson, now we are not trying to accuse the public service

commission of having completely neglected the health services, that is not their fault. They have so much on their hands, they have so much on their plate. The problem is that, once they have the public service commission, the best they can do is to co-opt somebody to give them technical advice on health services during interviews and things like that. Now, as I said disease or health as such is one of the worst enemies of an African. So I think Madam Chairperson, that we need a commission to put in more in line of health not depending on the advice of one co-opted person to take care of the interviews, the welfare and so on, but to have a special commission, a special group to take care of the care of the health services. So I think, on those grounds, Madam Chairperson, the commission is really necessary to take care of the health services. In fact that is why we did not say medical just to confine it to just the medical cases but the health aspect in a wide sense. And there are so many people, I think there are over 11,000 people registered in the health services that takes care of the environment and all sorts of other things. So I think a special commission Madam Chairperson, is very, very, important and I support the amendment to introduce the health commission, Thank you very much.

MR. MAZIMA ELIPHAZ (NUDIPU): Thank you very much, Madam Chairperson. I rise to support the Motion. First of all, I am happy with the name health service commission, it includes the medical officers, it includes the public educators, we can even include the traditional Doctors and the Midwives. Madam Chairperson, I would like to inform the House that of recent I was in Southern Africa, but what did I meet? I saw a number of Doctors who told me that they left this country because they were humiliated, they were put in certain places in Hospitals, they were never confirmed nobody checked on them, and because of that they decided to leave the country. Who is losing after training them, it is Uganda. Its Ugandans who are losing because of de-motivation. Such a commission would assist, Madam Chairperson to look into the issues of those people. And the public service cannot handle that issue since it might not be knowledgeable in that area. I would like to give you the justification for that why this is unique. Someone was saying maybe agriculture also could ask for its own commission, maybe the veterinary could do the same, social workers could do the same. But I consider this area as being unique why? Because I can see-
(Interruption)-

DR. NYEKO: Madam Chairperson, I would like to inform the speaker on the Floor that the teaching service has - I mean education has had teaching service commission for a long time, but we have a lot of teachers who have left this country and gone out. So to me even if you form health service commission it will not stop teachers - I mean Doctors from getting out of the country if they so wish. Thank you.

MR. MAZIMA: Thank you very much for the information. There are so many reasons that take people outside. I have asked Doctors, I am reporting the reasons they gave me. Madam Chairperson, I was stating that, this field is very unique. Why is it unique? Because they are concerned with our lives. Other fields are either concerned with the food, with the milk we take, with the things we want but they are concerned with our lives. The lives of 17 million Ugandans and if somebody is concerned with your life - with lives, why can't you really take care of this person. Why can't you promote his activities? why can't you do anything in order to make sure that this person is happy? Two, Doctors in this country spend a longer time than the rest of the people training, five years plus one year on internship that is six. Challenge me if there is any other profession that spends that period while training. They also train while they are working, classroom work and field work at the same time, and tell me, Madam Chairperson, and the House if there is anybody who takes oath after graduation it is only the Doctors. Why are they taking the oath? It means they are different and therefore, they should be given a different status. Now they are simply posted. Madam Chairperson, for your own information and information of the House, when they graduate they are not interviewed. I am told that they are interviewed after fives or even more, but they are posted on emergency cases. They say go to Mbarara Hospital, go to Kitgum Hospital because the problem is acute. That shows that it is very unique but other people, they wait for interviews and so on and so forth. And they work for 24 hours while the rest of us, we are paid for hours. If I am teacher for example when I was still teaching, I used to work for hours and that was all. But they work for 24 hours from Monday to Monday, while the rest of us, we are paid for 8 hours, if I am a teacher for example when I was still teaching, I used to work for 8 hours, and that was all. But they work for 24 hours from Monday to Friday. And for the information of the House, Madam Chairperson, if I am working as a teacher or an officer as I used to do while I was still in NUDIPU, I used to get fed up with

work. And I could lock my files and whatever I was doing in the cupboard but a Doctor cannot put a patient in the cupboard and leave, he will have to be there. So it shows that they are very, very important. And when you go to their promotions you are only required - Doctors should challenge me, to go for a further training for you to be promoted, but other people if you work and acquire skills through experience, you can be promoted. For example, a soldier, when he is learning how to shoot people, at times he starts with sticks like mine, but the Doctor will start on a person. This shows how unique the field is, and therefore, justification for giving them a commission to handle their affairs. Thank you.

MR. KASAJJA PATRICK (Bulamogi County): Thank you very much, Madam Chairperson. I would like to start by saying that I think we are stripping the institution of public service naked. First of all, the person who moved this Motion did not tell us what the composition of public service will be after we have taken away health service, the education service. And as Hon. Nyeko has stated other groups like agriculture and geology will also come up Madam Chairperson to say, we need commission to cover our professions. So Members, I would like to appeal to you that here we are, we have not just come to make a book but we have come to make a document which will make sense. And if we are going, to make a document which will make sense, it is not necessary for us to go into details which have already been implied in some sections. For example I would like to refer you to article 193 which is talking of the functions of the public service commission which says that one of them is to be responsible for appointments, promotions, and disciplining of person holding office in the public service of Uganda as provided in article 197 that is referring to the powers of the President. So, Madam Chairperson, you will see that here public service is encompassing quite a number of section, or professions. So if we take away the health service commission actually we shall be weakening the public service commission. Secondly, Madam Chairperson, I am opposing this amendment on the grounds that we should be careful to say - I mean not to say that when we create a commission like this, terms are going to improve. How are terms going to improve. This is something somebody has to address, and somebody cannot come up and convince us or me that many people run away during the bad days. I know those days are affected or sections of this country, the teachers, the medics then plus the other professions and we were running away because of insecurity. So we cannot

say that when we put there the health service commission. Therefore, their, terms are going to improve. I want to inform the Members because I am a public servant, I have been a public servant. Many public servants have not been receiving confirmation. They have not been having promotion not because of not having many commissions, it is because there has been a number of inefficiencies as a result of the operations of the government of the day. Now ever since the NRM came to power and proper administration has been instituted, you can see things have started going properly. In public service many people are being promoted, they are being confirmed. So Members I think let us not stretch these commissions too far otherwise people are going to misunderstand it. We come up with a document which will become a Bible instead of becoming constitution. So for that, I would like to oppose strongly the establishment of health service commission.

DR. KAKUNGULU SHANNON (Presidential Nominee): Thank you, Madam Chairperson. I support this amendment. Perhaps I could bring to the attention of this House the fact that this is one of the oldest profession only second to sex workers. So you can see the importance of this field I am going to talk about. Much as Hon. Nyeko swore to treat his patient, but we differ from him in that, we do not eat our patients, we save the lives of our patients. But the Dr. Nyeko's sometimes eat their patients. *(Laughter)* Madam Chairperson. *-(Interruption)-*

DR. KABERUKA WILLIAM (Ndorwa West County): Thank, you, Madam Chairperson. I just wanted some clarifications. The Hon. Speaker talked about the profession being the second oldest, so I imagine the first oldest-sexually commission, is he suggesting so? I want to be clarified.

DR. KAKUNGULU: Thank you, Madam Chairperson. Regarding Hon. Dr. Kaberuka's clarification, I am not the best qualified person to speak on behalf of the sex workers. I think if only that the two people representing workers were around, they probably could speak for those. I am speaking for the profession I think deserves a commission. There is someone else who could talk for those. Madam Chairperson, talk about the teachers- *(Interruption)-*

DR. MUSEKURA NDARUHUTSE.B (Bufumbira North): Point of information. Madam Chairperson, I would like to inform the Hon. speaker an the Floor that before veterinary patients are eaten,

they have to be healthy. So you have to make sure they are healthy first then you can go ahead and eat them. Thank you, Madam Chairperson.

DR. KAKUNGULU: Thank you for that very useful information. Madam Chairperson, I appreciate that kind of information. The mistakes of lawyers usually end up with a person being put inches above the ground. Whereas the mistakes of a Doctor end up with the person being put 6 feet underground. So since the law people have got their commission to take care of their needs, therefore, why not the people who are to save life not to have a commission to take care of their interests. Teachers have been given a commission, teachers were born with the assistance of either a Midwife, of a Doctor in attendance, they have been given a commission to take care of their interests, why not the interests of the people who delivered them. Madam Chairperson, there is nothing as frustrating as the present system of recruitment posting and transfer or retirement of health. I have been a victim of this, one time soon after my completion of the internship I applied to be posted to a certain area up-country. However, the public service commission refused and said, you have to go to this particular area it was also in a different part of the country which at that time was very disturbed. When I refused, they said, we shall make sure we even withhold your passport so that you do not run out of this country. I said I would resign other than going to that place, and it was after threatening that, they allowed to post me in the place I initially had applied for. Simply because probably they did not know the basic problems I had personally, by not going there. I feel, if we have a commission which is related to my field it would answer some of these problems much better. Much as it is a basic human right to every Ugandan to have access to basic health care which includes safe and clean water, immunisation, e.t.c. But without the constitutional protection to the providers of this service, I think we are doing ourselves injustice. Madam Chairperson, I beg to support this Motion Thank you.

MR. KASANGAKI PANTALEO (Buruli County): Thank you, Madam Chairperson. I just wanted to give information regarding the traditional civil service for which we have already passed, the public service commission. The traditional civil service consists of doctors, agriculturalists, and so many engineers the total number by September last year they were just 23,894 according to the figures got from the ministry of public service commission.

Now Madam Chairperson, if we established another commission of Doctors which they claim they are over 15,000 that would mean-

MR. MALIRO GASTON (Mwenge County North): Point of information. Madam Chairperson, I would like to inform the speaker currently holding Floor that, the health service or health as a department does not comprise only doctors. Doctors are small, an insignificant portion of that service. And I would like to give you a few of those, we have doctors. I want you to listen to cadres who are involved. We have doctors, we have dentists, we have medical assistants, we have nurses, midwives, radiographers anaesthetic assistants, orthopaedic assistants, pharmacists, pharmaceutical assistants, health inspectors, health assistants, health educators, laboratory technicians and many others. Therefore, a total of those is above 15,000.

MR. KASANGAKI: Thank you, Madam Chairperson. The information which he has given me, I think is not relevant to what we are talking here. The traditional civil service which is about 23,000 excludes the group employees, excludes established officers, which means they are much more than 23,000. But if you take away the number of Doctors registered this public service commission will be reduced to nothing. Which means, we may end up by creating service commission for health civil service which is as small as anything *-(Interruption)*

COL. KAHINDA OTAFIIRE: Point of information. I would like to be informed by the Hon. speaker on the Floor whether his problem is too little work for the public service or inefficiency by the public service and the number, required for the public service in order to function properly.

MR. KASANGAKI: Madam Chairperson, I think we are here to make things which are workable and justifiable. We should not create commissions which are very small but including so many people to look after them, appointment of people, whereas *-(Interruption)-*

MR. CHEBET MAIKUT: Point of information. Madam, Chairperson, I would like to give information to the Hon. Member holding the Floor that while other problems can be contained, for example the question of teachers, if they went on strike certainly children can wait. If the agriculturalist stop growing the tomatoes, cassava a.b.c., people can

wait. If the Lawyers refuse to practice today, for sure we can wait for some bit of time. But a health worker or a Doctor cannot wait and therefore, life cannot wait. In other words, we cannot talk about- So life cannot wait if there are problems in this world. This is the information I would like to give the Hon. Member and because of that key importance- life, diseases cannot be decentralized. Neither can it wait because of that unique importance, the need for health service commission is paramount because even most of the economic indicators which we use in our development are delighted from health parameters. Thank you very much.

MR. KASANGAKI: Madam Chairperson, I have received that information. My view was that, we should create commissions which are effective. And one of the reasons which we put forward in passing the public service commission was that, it should be most effective, and efficient. And I believe the public service commission which we have created today, if it is well staffed, by people of high integrity and who are experienced in handling civil servants, I think they will be able to look after the doctors very well. I know it is a good discipline doctors have always held status positions in the society, and therefore, if we gave them their own health commission that probably brings up their status much higher. But - *(Interruption)*-

DR. MUGYENYI POSIANO (Isingiro North County): Point of clarification. Madam Chairperson, I am seeking clarification from Hon. Kasangaki. The qualifications we have put for members of public service, I imagine that Hon. Kasangaki has all the minimal qualifications. Now my clarification is, Hon. Kasangaki to clear my mind if you were a member of public service commission, and you were given specialists in the name of Otto, what terms would you provide for them? *(Laughter)*

MR. KASANGAKI: Madam Chairperson, we are not here to learn the terminology of medical language, but if I was in that capacity, I would definitely call one of the experts to explain that or Director of Medical Services. So. Madam Chairperson, for those reasons I oppose the creation of health service commission.

MR. AMBROSE ATWOKI: Madam Chairperson, it defeats my understanding really what we are up to. Are we here to create a constitutional body or is this commission going to be a statutory

body? Because I would have been happier if the health service commission could be created by an Act of Parliament. Because by entrenching it in the constitution, Madam Chairperson, it means that you will have to define the appointing authority, terms of office qualification. Madam Chairperson, in other words, I am trying to say that, I do not believe that the only solution to the health service department problem is to provide a health service commission. Madam Chairperson, people have been arguing that, why not provide for health service commission. Why is the teaching service commission there? Why is the audit service commission there? Madam Chairperson, it is important to note that you must identify the magnitude and the number of personnel involved in those respective commissions before you even grant it a constitutional entrenchment. Madam Chairperson, I do not believe that by legislating for the provisions of health service commission, we shall be able to solve the problems which the medical profession faces. And I do not think that by legislating the terms of service will be improved. Article 196 provides that: *'Subject to the provision of this constitution and any other Act of Parliament, President may, after consultation with the respective service commission, that is the public service commission, and a teaching service commission, or committee or board establish offices in public service of government of Uganda.'* I believe that this provision caters for the health personnel as well. It is important to note that under this provision the health service commission or any other body concerned with the problems of the health personnel can be provided. I am not against the problems - the solutions of the problems of the medical personnel, but what I am saying is that, we do not have to put it or give it a constitutional provision. This one can be handled using an Act of Parliament or subsidiary legislation. Thank you, Madam Chairperson.

MR. BAGEYA GEORGE (Kigulu North County): Thank you, Madam Chairperson, Madam Chairperson, I need to be clearly clarified on a few points here. Because I am looking at a commission. Since coming into CA, the reasons which have been given by movers really find a lot of sympathy. But what I understand the public service commission has not been serving effectively. My fears are the people who are manning the public service commission are Ugandans, and I assume the people who going to man the health service commission will be Ugandans. Why don't we try to strengthen the public service commission, and de-

cide to pick up further commissions. Are we getting into commission syndrome? I need to be clearly informed on this because the people who have been failing the doctors and what have you, who are in the management are real Ugandans, I suppose. And those who are going to get into this new commission if it goes through, health service commission will be Ugandans. What will happen if they do not perform?

MR. ELYAU MIKE (Kalaki County): Point of information. Madam Chairperson, I want to inform my brother holding the Floor that since Uganda became Independent it declared war against disease. But has disease been won. It is not won because there has been very little care put to medical service that is why we are sympathizing with this information. So that the doctors are given privileges to perform better and also other people who are working in the medical are cared for. For example, Madam, if you go to Soroti, a big district which normally had 13 doctors has 1 doctor and who is even lame, and you can see there is nobody serious. This is a very serious matter. So we want a medical health unit to cater for people everywhere in Uganda. Even Madam Chairperson, in future we shall need a doctor for every 200 Ugandans even now we do have doctors. So we are saying this is an area where we shall be cared for—our lives will be cared for. I thank you.

MR. BIDANDI SSALI: Further information. Madam Chairperson, my information is related to another one I gave yesterday that Hon. Members are debating this issue as if the medical service is going to continue to be as it has been. That is centrally run. I would like to inform Members that we have before decided on decentralization of services and hospitals is one such service. Therefore, let us discuss this particular issue knowing that the services as far as the hospitals are concerned are going to be decentralized to the to the district. Second information, when we are talking of the public service commission which we have already finished with, we are really talking of a commission that is going to deal with public officers that have remained as skeleton-

PROF. SSENTEZA KAJUBI (Kyadondo North County): Point of order. Madam Chairperson, is the Hon. Member on the Floor in order to assume that decentralisation is the policy which is going to be adopted and therefore, to use that information to -
(Laughter)-

THE DEPUTY CHAIRPERSON: Hon. Ssentenza Kajubi, according to what is going on I assume that

there is a pilot project on decentralization and some districts have already implemented it. I need to be informed, so I thought he is giving based on what is already being piloted.

MR. BIDANDI SSALI: Well, thank you, Madam Chairperson. All that I was saying Madam Chairperson, is that the same picture I want to give to the public service commission we have just been talking about, the officers that are going to be handled by the public service commission are the skeleton officers in the various ministries plus services that are going to be handled by centre. The bulk of the public service is outside the armpit of the public service commission. Now thirdly, when we are talking of this particular commission if one really wants it, all what I think it means is that we are telling the districts to set up district medical commissions just like they are district service commissions and what about the expenses? Who is going to handle all these expenses since we are decentralising the responsibility to the districts? Aren't we overloading the districts with unnecessary expenses and commissions. So, Madam Chairperson, my information was just to make Members appreciate what we have decided on in another area and also not debate this as if this particular service is still a unified service, and will continue to be a unified service. Thank you.
(Applause)

THE DEPUTY CHAIRMAN: Hon. delegates, it seems we are going to have an endless dialogue. From what I hear from Hon. Bidandi Ssali, it seems there is a problem with this chapter and that one of local government. We are discussing one without knowledge of the other but that is a by the way. So what I want is at least to think we have really discussed there is nothing new, it is yes or yes or no. So I wish we make a decision on this one. We have a Motion before us that there shall be a health service commission for Uganda. I now put the question.

(Question put and agree to).

THE DEPUTY CHAIRMAN: We now go to sub-Clause No.2 of article 195.

COL. KAHINDA OTAFIIRE: Madam Chairperson, Clause (2). The health service commission shall consist of a chairperson, deputy chairperson and not less than other six other members appointed by the President with the approval of Parliament.

MR. BATEGANYA DICK (Bukooli Central County): Thank you very much, Madam Chairperson. I would like to suggest that we - the words being proposed by the mover to the following that: "The compositions functions and operations of that commission will be prescribed by Parliament," so that we really reduce the length of this constitution that we are writing. That is my proposal, Madam Chairperson.

COL. KAHINDA OTAFIRE: That is alright, I accept.

MR. BATEGANYA: I would like to propose that: "The composition, the functions and operations of the health service commission shall be prescribed by Parliament."

MR. MEDI KAGGWA: Much as I appreciate the reasoning of Hon. Bateganya, maybe it would be better if he proposed that the terms applying to the other commissions we have already passed would apply. That would be a meet away rather than throwing it completely out of the constitution. Thank you, Madam Chairperson.

MR. BATEGANYA: Thank you, Madam Chairperson. I would like to use Hon. Kaggwa's counsel to propose the following that the health service commission - I mean: "The functions, operations and duties of the health service commission will be as per the commissions already approved in this constitution."

THE DEPUTY CHAIRMAN: Okay, and that will take care of what? That means once we have that one everything falls by way side.

MR. KABUGO MÉSUSERA (Nakaseke County): Thank you, Madam Chairperson. I wish to be clarified. Members of the public service commission are full time members, is it to say that even Members of this health service commission are going to serve full time. I seek clarification from the mover.

MR. OBIGA KANIA (Terego County): Mine Madam Chairperson, is a proposal. We now have three commissions which we have created, and we cannot down grade one commission to the other. Since constitutional bodies are of relevant importance, they should all be given the same importance.

I am proposing that since we have already passed some provisions on the public service and education service, the members and the judiciary and so forth. I am proposing that we refer this matter to the technical committee who can come up with one provision relating to the qualifications and appointments of the chairmen and members of those committees nominations and the rest. This is my proposal it will save us the problem of having to write voluminous document. Thank you very much.

MR. SABIITI JACK: Madam Chairperson, this same commission had been proposed under Committee I report, with just a few amendments. I think this committee report could go to the legal and drafting committee then they come up with the write-up.

PROF. KABWEGYERE: Thank you Madam Chairpersons I think in that re-organisation and thinking, Clause (3) also should be looked into because this all question of being involved in the health service needs to be clarified. Mothers are involved in the health service, do they qualify, are we talking of people who are qualified formally in the health service like medicine and so on.

MR. KABAYO JOHN (Kassanda South County): Thank you, Madam Chairperson. My concern is the effect of what we have done passing so many commissions and then having the public service commission. I wonder what it will do. I also do not know the effect of decentralisation on all this. I am wondering whether we may in fact have to revisit all this in the light of what we passed. Because if you look at the public service commission we set it up before we passed the teaching service commission and the health service commission now. So what will the public commission do, and if the decentralisation programme is passed as we hope it will, what will it all mean? Madam Chairperson: I think we may have to revisit the design structures of these commissions in the light of so many commissions existing and without establishing the relationship between each other. Thank you.

THE DEPUTY CHAIRMAN: We had a proposal by Hon. Bidandi Ssali and before we voted I echoed that we may need - we may agree in principle. But as somebody was - floated an idea that all these can go and then you find a way of synchronising them in light of the local government provisions after we have discussed it. I would not see any problem with

that one. Which means even all these other commissions and whatever have you will be systematized.

MR. BATEGANYA: Madam Chairperson, I am having a problem when I look around I see a lot of empty chairs. I do not know whether we have the competence and capacity to continue debating and passing articles to this constitution I would like to draw your attention to the fact that we have no quorum. Thank you.

THE DEPUTY CHAIRMAN: Okay, I agree that definitely we are fewer but the idea under debate is just a matter of procedure rather than content. We are not discussing the content but we are saying, that, perhaps this deeper we go as somebody suggested, we go to the legal and drafting and see how we can systematize the - do you think really that one needs a decision of everybody. I think really we can agree on that one. It seems it is a procedural matter rather than content.

MR. OGWEL LOOTE (Moroto Municipality): Now as we have all discussed and agreed how we will now formulate the material which will be acceptable for the three commissions and that we have already passed. I wanted to make this clarification to the Members present because there seem to be - there is a fear of decentralisation. I would like to inform Hon. Members that with education service commission it is already decentralised and also the public service is already decentralised that is why there are district service committee even in the urban we have the urban committee which is already decentralised. So if it, necessitates and also I think - but if it necessitates now health service committee can also be decentralised. So there should be no fear because we want this commission to be - to serve the people at the grassroots. That is what we are looking at, taking the services to the people. Thank you, Madam Chairperson. So there should be no fear of this decentralisation.

THE DEPUTY CHAIRMAN: I think we have already agreed. We are not allowing debate because somebody has alerted us. But we are saying, the level we have reached at definitely we can agree. That we may discuss the content, the principle is passed. So we take it back to the legal and drafting to come out a systematic formulation to embrace all those aspects, we have passed. Unfortunately - So when we come back we will discuss the last provision in this chapter which is labelled 200 but it will -

something because we have sorted in other provisions.

MR. BIDANDI SSALI: Madam Chairperson, my problem was arising, hoping that you were going to abide by the point of procedure. I was just going to comment with all due respect to the chair that one of the causes of this no quorum is the fact that, we start long after 3.00, sometimes 3.30. And this is because by then it is assumed that there is no quorum. Now many Members do turn up here a few minutes to 3.00 they find the chair there is empty, so they keep on hanging around in the lobby. Now you people come and check whether the people are already in quorum. The people who are supposed to bring quorum come and check whether the chair is already occupied. So I was just making a very innocent comment, Madam Chairperson, to the chair that let there be a specific time, let it be a quarter to three say, or three (3.00) when the Chairperson you or him is in the chair regardless of whether there is quorum or not. Any person who opens that door and finds the chair is there, definitely will be here much earlier before 3.00 O'clock. Otherwise we are cheating by us coming in at 3.15, 3.20, and by 5.00 already we are carrying our bags. Only those who come in fact at about a quarter to 3.00 are still around. Most of those who come later are the ones who go later. So, it is just an innocent comment.

THE DEPUTY CHAIRMAN: Okay, I understand, but I want to respond you are putting cat before the horse. You are marginalising the chair. If you are going in an exam, does the invigilator comes first before you start? Or if you are going to teach, does the teacher enter the classroom and then the students come? What I am saying - (*Interjection*) - wait, you seem to have a technical problem. One, time, as for one, you come at 8.30 - 2.30 there is nobody, they ask you to give 15 minutes. If there is nobody you adjourn and it nearly happened three times and you waste the whole day! By 2.30 we are in office monitoring, we tell the clerk to ring the bells and there is nobody. We are very punctual, we can agree that from now on, 2.00 O'clock and we shall be here and if there is no quorum, 15 minutes, we adjourn and we close the day. I think that would be more dangerous. What we have to do is to discipline ourselves but you expecting the Chair to come here, sit, wait for 30 minutes until the Delegates come in, it is unfair. The Chair is a Chair.

MR. BIDANDI SSALI: (*Interjection*) Madam Chair...

THE DEPUTY CHAIRMAN: Yes, you should be seated before the Chairman comes in, that is what it should be. Loitering around, you do not come to loiter in the corridors, you come to debate. You come in at 8.30, at 2.00 O'clock and see whether the Chairman or his Deputy would not be in their seats here.

MR. BIDANDISSALI: I am not blaming, Madam.

THE DEPUTY CHAIRMAN: I am not blaming you, Hon. Bidandi Ssali but that is a fact. Delegates, we have a tendency of saying - you know you come to debate, you come to work but then you stay in the corridors, what is the purpose? I agree with you and that is why I am responding like that.

MR. KATENTA APUULI (Conservative Party): Thank you, Madam Chairperson. I think the time has come for us to begin to implement some of the decisions we have taken here. The Business Committee recommended that disciplinary action be taken against Members who do not come or who depart early. The time has come for those measures to be taken. The time has come for roll calls to be made. I think the country cannot afford for Members who get 100 dollars per day for sitting and other allowances to put in two hours of work, not even the very highly paid technician get paid that amount of money per hour. I think, Hon. Chairperson, that time has come and those measures better be taken in the interest of the people of Uganda and I thank you.

MR. BABU EDWARD (Kampala Central Division): Madam, thank you very much. First and foremost, Madam, with a lot of respect for the Chair. I would like first and foremost to say that Hon. Bidandi Ssali was, in fact, trying to ask Hon. Members to respect the Chair. And I would like to say that nobody here and I do not think anybody this afternoon has tried to disrespect the Chair. We have a lot of respect for your Chair but I think what Hon. Bidandi Ssali was trying to say is that time has come where Hon. Members must be put under slight pressure to make sure that they come here on time to attend the job they are supposed to be doing and his proposal was very clear. I would like, therefore, madam, and taking Hon. Katenta Apuuli's proposal which I think was on the other extreme to sort of come up with a method. And the method which was being proposed by Hon. Bidandi Ssali was very fair that in some other forum which is as good as this one, is what they normally do. The Chairman comes

at the exact time of the start of the debate and if there is no quorum he gives them 15 minutes and after that 15 minutes if there is nobody he adjourns to make the public of Uganda know that the C.A. Members are not attending on time. If you do adjourn these meetings once or twice and it goes in the newspapers, the C.A. Members themselves will feel ashamed and they will be here on time. The idea is, Madam, that you are the authority here and if you can be here at the exact time the other Members should be. And, therefore, if we do this a couple of times, three times or four times that they adjourn the Assembly and the people of this country gets to know that people are not attending in time you are going to find this house full every 2.30, every time you have the meeting. I would like to propose, Madam, with a lot of respect and I am sure most Members who are here will agree that as from tomorrow and this should be a warning that at 2.30 - (*Interruption*) - Sorry, Friday - tomorrow is an auspicious occasion, I would like to apologise - or Monday - (*interruption*).

THE DEPUTY CHAIRMAN: Friday. Okay, let us not waste time, Friday, if you had not come at 2.00, I will be here. At 2.30 I will be here.

MR. BABU: Yes, Madam. What I would like to propose, Madam, is this that on that day you come here on the exact time and if there is nobody here you give them 15 minutes and if they are not here in 15 minutes you adjourn and let all Uganda know that people are not coming on time. Thank you very much.

MR. BYARUGABA ALEX (Isingiro South): Thank you very much, Madam Chairperson. I appreciate all the efforts the Chair is trying to put in an attempt to make sure that we finish this Constitution. As we promised the Ugandan population which is by the way eagerly waiting, you can even look up the kids have come, they are also, seeing what we are doing. Madam, I would like us to realise that some of us like we are here now for instance should not be taken for a ride and be dumped in a basket of people to be blamed. Because Hon. Babu's proposal would mean that even you who came early would be blamed in the constituency down there. So what can we do about that? I am now asking and seeking the indulgence of the newspaper men that we put down outside there a book, we put down our names, these names are published that apart from the following Delegates the rest have decided to neglect C.A. work and, Madam Chairperson, there is something that

most Delegates fear may be talking about. Some of the excuses given are that administrative arrangements at times take long before they are arranged. Could you please also look into that? It is also necessary because many people fear talking about it and it is something necessary anyway but those of us who come early and even leave at the very time when we are supposed to end should not be dumped in one basket like those who have businesses in town. Like those who live around here in the comfort of their homes, we are ever here in time, we are the last people to leave, we should not be dumped in one basket and I am begging the newspaper men also to take my request very seriously. Thank you very much.

THE DEPUTY CHAIRMAN: What you are talking about is well taken. We have a Business committee. Now, we shall call the Business Committee next week, we make a final decision we bring the views here. I think that is the best way to do it because business matters are not finished here. Hon. Kaberuka, call your Business Committee and we clear this problem. I think we should do it neatly, I do not believe in calling to the newsmen who are not when the Business Committee has not gone - has not really agreed that we should implement what was proposed. That was a proposal now we have to agree whether the Business Committee will have to agree whether we implement it or not. So we stand adjourned until Friday at 2.30 p.m.

(The Assembly rose and adjourned until Thursday, the 9th of March 1995 at 2.30 p.m)