



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

TUESDAY, 24TH JANUARY 1995

MOTION:-

Communication from the Chair	[Pg 2785]
Consideration of the Draft Constitution of the Republic of Uganda	[Pg 2786]

Price Shs. 1,100

Tuesday, 24th January 1995

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

P R A Y E R S

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

The Assembly was called to order

COMMUNICATION FROM THE CHAIR

THE CHAIRMAN: Hon. Delegates, I would like to start by making a brief and also some announcement. Firstly, I am sure the Hon. Delegates received last week, minutes of the Business Committee for the meeting held on the 10th of January; and these minutes were prepared and circulated. But because of indisposition last week, I was not in a position to bring them to your attention. I do not have to go through the entire set of minutes. I only like to draw your attention to two or so recommendations. One relates to our work plan; it will be noted from those minutes that the various committees submitted their proposed schedule of work and in most cases, it was agreed for instance in the case of Committee 1, that they will probably be finishing their work by the end of January, having re-allocated Chapter 19 and the Third Schedule to Select Committee 3 who have finalised and reported to this House their work. Committee 3 has been sitting and hopefully, they will be finishing before the end of the month. *(Interjection)*- Well, I am glad to be surprised on the Floor; I have not received a report, but if you have finished, that is commendable.

The Committee 2, having assessed the work before it, said that they could not see themselves being ready before the middle of next month, but we would like to hear from them, to know whether that still is the position.

Committee Number 4, and 2 intend to complete their task by the end of the month. Committee Number 5, also assessed its work to complete at the end of the month, and in case there are some delays not later than the first week of next month. Now, if we keep within those projections, we would be in a position to have our work progress well, because there will still be enough work for us to be able to do in the plenary; and I would like a situation where we should start full time plenary; so that the committees that

have not completed, work on Saturdays and Sundays; but that has yet to be reviewed in Business Committee.

To the Business Committee, the position is that, the Deputy Chairman will next Tuesday, at times to be indicated, be meeting the Chairmen of the various committees, to assess the work still in their hands or in the process of being finalised for reporting so that we can then make concrete decisions regarding our work-plan from there. I would like to suggest that, the review be carried out again by the Deputy Chairman in the middle of the month, so that we are continuously appraised with the progress of our work.

So, next Tuesday, there will be a review under the Chairmanship of my Deputy, and then thereafter in the middle of the month, unless sooner called for, we may also have seen a note to the effect that, tomorrow their will be plenary both in the morning and in the afternoon. Because we did not book the committee rooms or they were booked when we thought we may not need them. Tomorrow, it is going to be difficult for us to utilise those committee rooms, and in order not to disrupt the work of the Conference Centre, we have decided that we continue with plenary both in the morning at the usual time and in the afternoon. So, Members should remember this.

Another observation relates to question of quorum and attendance. This matter was of course commented upon even when we were just opening the present session. I said that the Business Committee will come up with some ideas, as you noted from the minutes, the committee has authorised me as Chairman, and actually encouraged me or urged me to do a number of things. First and foremost was to remind the Members of the need for us to start our work punctually, but also quite importantly, to remind and encourage Members to stay on till we close our business for the day. Because earlier departures lead to problems of quorum and therefore, a failure to make decisions as and when we should. And therefore, I would like to urge Members not only to be punctual in arrival so that we start on time, but also to stay on until the close of business. The Committee was very concerned about early departures, but they said that, should the Chairman, after assessing the situation deem it fit, he should introduce a second book to be signed at the close of business, by Members as a way of checking out like

they do in factories. This is a recommendation from the Business Committee, arising from a complete observation of the situation on the ground. And if you were an employer, I do not think you would do otherwise. But I hope we do not have to go into that, because I do not think it will be fair to the Chairman of the Federation of employers to have to sign out at the close of business.

Then it was suggested and agreed that, before introducing the second book, we would first start by withdrawing the first one, one and half hours after the start of business. So that if we are to start at 2.30, then by 4.00, we would withdraw the book. Or if we are starting at 8.30 a.m. plenary in the morning, then we would withdraw the book by the given time. Allowing for one hour and a half. Of course the consequences of that, are quite drastic, that attendance to administrative matters may not make available on some days certain Members who fail to be in time for the book, because arrangements are always made in accordance with that book. And then, if that does not yield the desired results, then the Chairman, would be forced to go into the drastic position of having to introduce a second book. But I am sure we do not have to go into all this, if Members arrive on time and stay on until we finish the business of the day.

I thought I should draw your attention to these two factors. One the work programme, and two, the measures which were decided upon, in terms of our desire to be here and finish work.

Finally, on that subject, it was decided that the Chairman would name Members who fail to oblige even after the second book has been introduced and naming of course, is a very undesirable position in terms of the political career of all of us here, who are here to serve our people. But others say, I hope we do not have to reach the stages stated. But for the time being we shall monitor the situation and see how we proceed. Otherwise, the two announcements have already been made, one concerning tomorrow, when we shall be in committee, and the other one the meeting on Tuesday by the Deputy Chairman of the Select Committees, to re-asses the progress so far made in our work. That is the communication I have from the Chair. Thank you, very much.

CONSIDERATION STAGE OF THE DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA

THE CHAIRMAN: Hon. Delegates, when we adjourned yesterday, we had just completed clauses 1 and 2 of article 242 - Command of Uganda Police Force. We are now on Clause 3. It says in the main draft that *"The Uganda Police Force shall be under the command of the Inspector General of Police."* And the Chairman of the Committee had made a report. Could the Chairman please repeat his report on that one, so that we proceed.

DR. KABERUKA WILLIAM (Ndwera County - West): Thank you, Mr. Chairman, my committee recommends that, clause 3 of article 242 be amended to read as follows; *"The Uganda Police Force shall be under the command of the Inspector General of Police and shall be assisted by the Deputy Inspector General in the performance of the functions."* I beg to move.

THE CHAIRMAN: I see no objection.

MR. KIRENGA (Mityana County - North): Thank you very much, Mr. Chairman. My quarrel with this amendment is with the construction of the sentence. We are saying the Uganda Police Force shall be under the command of the Inspector General of Police and shall be... who shall be? Is it the Uganda Police Force? I think what we should be made to say is that, *"The Uganda Police force shall be under the command of the Inspector General of police, who shall be..."* - so that it is the Inspector General who is assisted - not the Uganda Police Force.

THE CHAIRMAN: I think you are right. I do not think it requires a Motion. We just correct that. Put the word 'who' in place of 'and'. Let us go to the next one.

DR. KABERUKA: MR. Chairman, on Clause 4, my Committee deliberated on 4 and 5 and combined the two to read as follows: that *"in the performance of his functions under clause 3, the Inspector General of Police shall be subject to and act in accordance with laws of Uganda except that on matters of policy a President may give directions to the Inspector General."* I beg to move.

DR. KANYEIHAMBA: Thank you, Mr. Chairman. I want to raise a point of general policy. As far

as the performance of his functions are concerned, the present law, that is an Act passed by the NRC, provides that, the Inspector General of Police shall be subject and act in accordance with the constitution and laws of Uganda. Presumably, that is okay. And I would wish to say that, we should after 'the constitution' add 'and under this article'. However, when it comes to the expression, "except in matters of policy", that law is silent on this matter for a good reason. The Presidents and the government have the functions of formulating the policies of Uganda elsewhere. And therefore, when the Inspector General is performing his functions, it will be obvious and it is by necessary implication, that they are acting in accordance with those policies. So, it is not necessary to include that in this clause. So, Mr. Chairman, I was suggesting that in conformity with what we already have passed, which I think is preferable, we should simply say, that "in the performance of his functions under clause 3, the Inspector General of Police shall be subject and act in accordance with the constitution and the laws of Uganda." And end there and leave the exception. Mr. Chairman, I would propose.

DR. KABERUKA: Mr. Chairman, I happen to be having the original amendment and maybe let me read it to him. It is Clause 2 of article 6, and it reads: "In performance of his functions under sub clause 1, the Inspector General shall be subject to and act in accordance with the laws of Uganda except that on matter of policy, the Minister may give directions to the Inspector General and the Inspector General shall comply with those directions." So, maybe the departure here is that, we refer to the President. Because here, the original Clause says that, he should not be subject to any authority, and we thought that, the commander-in-chief or the Head of State may have to give directions in matters of policy.

THE CHAIRMAN: Hon. Kanyeihamba, how does that defer with what is in the recommendation? And would you find it an interference with inspector General's work for instance, if the President directed that, "you should build police stations at every *gombolola*."

DR. KANYEIHAMBA: Yes, Mr. Chairman, I am very surprised on the reading of hon. Kaberuka. Because as far as I was concerned, that last bit should have been deleted or was recommended to be deleted from the Act. I am not reading from the latest Act of

the NRC. But, Mr. Chairman, here we are dealing with functions - that professional functions of the Inspector General, and Policies are dealt with elsewhere. And therefore, the suggestion is, that in the performance of his functions, which are his professional functions, he shall not be subject to anyone. The Inspector General shall act in accordance with the constitution and the laws of Uganda. Then matters of Policy are covered elsewhere, and the powers of the President should not be brought here to be confused with the functions of the Inspector General. I think Mr. Chairman, that would be clearer drafting and indeed clarification of the law. If we said clearly that, in the performance of the functions, the Inspector General is not subject to anyone, except to the constitution and the laws. And then leave the matters of Policy of government to be covered by other constitutional provisions as have already been done.

MAJ. TUMUKUNDE (Rubabo County): MR. Chairman, we notice 242(4), as it was brings out the effect of saying that, the Inspector General shall not be under any direction or control. That is the effect. Then 5 says "The president may in consultation with national security give the Inspector General directions in writing on matters of general policy." So, what we did, Mr. Chairman, was that, whereas it is possible to allow the Auditor General to operate without any control and any person's authority, we found it dangerous, Mr. Chairman, to leave the Inspector General of Police to operate without any direction or authority and it becomes a constitutional matter. This can be related to our argument Mr. Chairman, yesterday, on the army. So, we just decided to pick out the effect of 4, and the effect of 5, and made sure we left the Inspector General under some policy guidance from the president. Not even directions of operations and other important duties of the Inspector General; but just general guidance on policy. So, combining 4 and 5, we got the amendment which we have before us. And I think this House should be convinced that, as time goes on, the army will spend more time doing its normal duty and the Police may take over several operations in this country. If this happens, even in cases of insurgency, it may be required that, the President or the Head of the executive in the country may have a hand at least in giving general guidance on operational matters to the Inspector General, Mr. Chairman.

MRELYAU: Point of clarification. Thank you, Mr. Chairman. Can I get more clarification on the fact that, the Inspector General of Police was supposed to be most independent in carrying out the civil laws of this Country. Now, in case of the President trying to direct; supposing the President would order something which is not actually according to the law, to be done, by the Inspector General of Police; will it be in the good of this country because, I knew that the Police Inspector was having the guidelines as a trained police officer in whatever he does apart from the policy matter; what are these policies which are not known to the Police Officer, so that he is to be directed? I want to be clarified.

MR. BEN WACHA (Oyam County North): Thank you, Mr. Chairman. Maybe, I am going to put the same issue in a different format. As it has already been indicated, my reading of the original clause 4 is that, it provided for the general independence and utility of the Inspector General of Police. This to me is necessary to make it possible for the Inspector General of Police to perform his professional duties without undue political interference from the executive arm of government.

Clause 5 is necessary too, because it is always necessary that, government, the president or the minister concerned, should give basic policy guidelines in respect to security, guidelines in respect to provisions of preservation of law and order. etc. which are necessary for the Inspector General of police, to carry out with his police work. However, the two should not be mixed up. Because the two principles are fundamentally different. While (a) preserves the independence of the Inspector General of Police; (b) within certain limits provides for Government to give instructions, policy guidelines to the Inspector General of Police, and to me Sir, both of these should have been provided for by the Committee.

THE CHAIRMAN: Okay, we have had a difference of opinion on the recommendation. Firstly, there is a position of Chairman of the Legal and Drafting Committee, who is also our adviser on law, Hon. Kanyeihamba, that we leave the recommendation as it is; less the portion mentioning policy. Then a question by hon. Elyau re-phrased in a form of a comment by hon. Ben Wacha saying: the two should have been left as they appear in the draft constitution. Hon. Tumukunde in support of the Motion says it should be as recommended. So, now you have heard

the various views. I do not think that any other contributions can add better arguments on those that have already been advanced. But what we want is to narrow down the two lines. So that we either take the Kanyeihamba proposition as against the recommendation or taking the Ben Wacha proposition as against the recommendation. Any person who can clarify for us on this one is hon. Kanyeihamba. What do you think would be the position? Do you still want to be on one of the sides, hon. Kanyeihamba?

DR. KANYEIHAMBA: Thank you, Mr. Chairman. My proposition does not differ in anyway from that of hon. Ben Wacha. I am anxious that in detailing the manner in which the Inspector General shall perform his duties, then his professional independence should be all embracing and contained in one clause, that is clause 4. My original argument was that, with regard to policy that is covered elsewhere, but for purposes of clarification, if we leave the matter in 5 as it is, then that would be in conformity with what I am proposing. So, there is no conflict between the amplification made by hon. Ben Wacha and my proposition which is that, in his functional role, the clause dealing with that, should be separate from policy matters. I thank you Sir.

MR. KWERONDA RUHEMBA: Thank you very much, Mr. Chairman. When you look at the original clause 5, in article 242, it was confining police to maintenance of security, public safety and public order. But the recommendation made by the committee 3 opens it a little bit wider and does not restrict policy. So, I was seeking clarification as to whether this anomaly was looked at and it was agreed that, policy should be opened up as opposed to the confinements in the original draft. That is the clarification I was seeking, Mr. Chairman.

AN HON DELEGATE: Point of clarification. Mr. Chairman, I would like to be clarified by the Chairman of the Committee, as to why they left out, the requirements for consultation with the National Security Council. Because article 242 (5) says that, *"The President may after consultation with the National Security Council, give to the Inspector General of Police directions in writing on matters of General Policy in regard to maintenance of Security and Public Safety..."* But in the amendment that the committee seeks to introduce, they have not provided for that check. I see it as checks and balance; so that the president does not use the Police in pursuit of his own ambitions or use it a coercive

force or something like that. I thought it was checks and balance here that he had to act that way and direct on matters of policy. But after consulting, with the National Security Council, so that the Police is not hijacked to benefit certain individuals or used by certain - may be a president to abuse the due process of the law. I do not know why the committee did not consider that in article 242(5), and they brought an amendment which did not provide for any checks at all and left it very wide for the president to give directives to the Inspector General of Police. Thank you, Mr. Chairman.

THE CHAIRMAN: Okay hon. Kaberuka, any position to clarify or any other Member of your Committee.

DR. KABERUKA: Mr. Chairman, when we were trying to streamline these two, we thought that, the formulation which the NRC provided was a better formulation and we borrowed that. Because when we looked at the two: 4 and 5 and with what was provided in the act, we thought that one in the act was a better formulation than this one.

THE CHAIRMAN: Okay, what we have is that, the Chairman and his committee are insisting that, their recommendation which more-or-less copies what appears in the Parliamentary formulation, should stay, but there is also an objection from hon. Ben Wacha and Prof. Kanyeihamba. What is before the Floor has been a form of discussion; we do not have a formal Motion seeking to amend and in absence of that, we take that, these were general comments, and we either approve what is recommended and go on - Yes, hon. Kanyeihamba.

DR. KANYEIHAMBA: Mr. Chairman, I wish to formerly move that, Clause 4 as recommended by Select Committee, be amended as follows: that, *In the performance of his functions under clause 3, the Inspector General of Police shall be subject to and act in accordance with the constitution and the laws of Uganda.* And then, I propose that we retain clause 5 of the original draft.

THE CHAIRMAN: Does that take care of hon. Ben Wacha? Yes, because I can see disagreement. Then what we shall do is this. I think to stop the argument let us first of all decide whether the recommendation is accepted or not. Because if you carry the recommendation, then that is the end of the matter. If the recommendation is not carried, then we

go back to the text as it is in the Draft Constitution. And then you can polish it up as we decide whether they should stand part of the constitution in that form. Is that accepted procedure? So, we have recommendation from the committee to say that, 4 and 5 should be re-cast in the manner appearing in the report of the committee, *In performance of his functions under clause 3, The Inspector General of Police shall be subject to, and act in accordance with the laws of Uganda except that on matter of policy, the president may give directions to the Inspector General.* If that is carried, then there is no need to go beyond. If it is not carried, then we can go on and polish, what is left. So, I would like now to put the question.

(Question put and agreed to)

THE CHAIRMAN: Now, Clause 4 has been combined with 5. Now, Clause 6.

DR. KABERUKA: Thank you, Mr. Chairman, we recommend that, Clause 6 be amended to read as follows: *'The Inspector General of Police or Deputy Inspector General may be removed from office by the President by approval of Parliament.'* I beg to move.

DR. KANYEIHAMBA: Mr. Chairman, I wish to oppose this proposal, Mr. Chairman. Whereas I accept that, the appointment of the Inspector General of Police with his Deputy - I have not looked at the appointment; could be or should be with approval of parliament, I think removal from office should be by the president without the necessity of approval from Parliament. I think we are confusing a number of issues. Mr. Chairman, Parliament is there to legislate and supervise the work of government, it is not there to act as the executive itself. And therefore, the assessment of whether the Inspector General of Police or his deputy are performing well, or whether they ought to have their services terminated or not should be in the preservation of the President's jurisdiction, and bringing to parliament to approve such removal would create chaos, would create uncertainty in the force and certainly would mix up the powers of the executive and those of parliament. So, Mr. Chairman, I beg to move that, this clause - the last five words, that is 'with the approval of Parliament' be deleted. I beg to move, Mr. Chairman.

MR. MALINGA: Yes, Mr. Chairman, I entirely agree with Prof. Kanyeihamba. That the removal should not be subject to the approval of Parliament. For the simple reason that, if somebody is going to be removed from office, except in very exceptional cases, the question should not be debated while a person remains in the office. Because in the period while the Parliament is debating, whether or not to remove him, he could if given the opportunity do untold damage to this country. So, the question if the decision has been taken to remove him from office, we should try as much as possible to keep all our confidence in him, until he is removed. But if a decision has been taken, it should be expeditiously implemented, other than to give him an opportunity that, he is about to be removed. I think we have all known the speculation - I think things which have happened, whenever there is a speculation that there is about to be a Cabinet Reshuffle, we should avoid that. I support Prof. Kanyeihamba's position.

THE CHAIRMAN: Now, it would appear that, the general view is that, the words 'with approval of parliament' would be struck off. What do you say, Chairman of the Committee?

DR KABERUKA: Mr. Chairman, I think the reasons are good enough to persuade me to agree. And I agree that, the removal should not be subject to the President. Thank you.

THE CHAIRMAN: Now, we do not have to vote on that, it is by acclamation. Agreed. Now, is seven not already covered?

DR KABERUKA: Mr. Chairman, 7 was covered under 3. It was covered in the earlier clauses.

THE CHAIRMAN: Okay, so now, we have finished with 242, and I want to put a question on 242 as amended.

MR RUZINDANA: Thank you, Mr. Chairman. Mr. Chairman, in view of 6 which we have just corrected, I would like to seek clarification whether, actually even the appointment of the Inspector General of police and his deputy parliament really needs to give approval. This is a profession, they have other organs within the Police, do we really need to subject to the appointment of the Inspector General of police to parliament?

THE CHAIRMAN: Well, you see, hon. Ruzindana, that is an after thought. We have already gone through all that, and the general view was that, at least the president's hand should not be tied with regard to removal. But with regard to appointment, I think there was a general understanding and it was passed. So, we do not want to go backwards. Let me put the question - but you can come back during re-consideration of course. Let me put the question on 242 as amended.

(Question put and agreed to)

DR KABERUKA: Thank you, Mr. Chairman, article 243, we looked at article 243 *(Interruption)*-

THE CHAIRMAN: But I think you are handling all of them together in your report, so why do you not do that?

DR KABERUKA: We looked at article 243 which seeks to establish the Police Council, 244- functions of the police Council, 245- police Service Board and 246,- Functions of Police service Board. Recalling the reasons which he gave for the Army Service Board, we thought that, these articles could be better catered for under the Act which establishes the Police Force, and which parliament can change as situations change: the compositions, functions, and therefore, we thought that, instead of having subject to these, triggers off constitutional amendment, we thought that, we should leave them to the Act where they can be changed as situations change, and thought to entrench instead to empower Parliament in a new clause which says that "Parliament shall make laws, (a) providing for the organisation and administration of the Uganda Police Force and regulating generally, the Uganda Police Force". I beg to move.

THE CHAIRMAN: Okay, the recommendation is before you. I put the question.

(Question put and agreed to)

THE CHAIRMAN: That knocks out 243 as it was. 244, 245, 246 and that brings us to the end of Police. Now, the next is Uganda Prisons.

DR KABERUKA: Thank you, Mr. Chairman. We deliberated on Clause 247 which establishes the Uganda Prisons Service, and after a lengthy discussion, we decided to recommend that, article 247 be retained as it appears in the Draft Constitution. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to)

DR KABERUKA: Thank you, Mr. Chairman. The article 248 Clause 1, we are recommending that, be reformulated to read as follows; that *"There shall be a commissioner of Prisons and a Deputy Commissioner of prisons, appointed by the president with approval of Parliament"*. Again here, Mr. Chairman, the original refers to the national Council of State and my committee and the general enthusiasm was to entrench it with the parliament. We also went into the spirit of having Parliament approval. I beg to move.

THE CHAIRMAN: Yes, but you have two legs to that one. Okay, the first one is the question of appointment with approval of Parliament. I think we shall put the question on that recommendation.

(Question put and agreed to)

DR KABERUKA: Mr. Chairman, we are recommending that, Clause 2 reads that *"The Commissioner and Deputy Commissioner of Prisons, may be removed by the President"*. Here I am making the correction in that I think there is no need of us referring to the approval of Parliament. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to)

DR KABERUKA: Mr. Chairman, again here, in article 249, which seeks to establish the Prison Services; 250 Prisons Service Board, and 251, the functions of the Service Board; we also combined those, bearing in mind the points I have already given for Police Force, so we combined all those into one clause which we think should read as follows.

"That parliament shall make laws providing for the organisation and administration of Uganda prison services and regulating generally the Uganda prison Service." I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to)

THE CHAIRMAN: That takes care of 249, 250, 251 and therefore, by accepting that recommendation, we come to the end of the provisions relating to

the prisons. Now, hon. Kaberuka, I think it is 250. Can we get the numbering correct? When you combine 243, you got 243 - is it not? And that ended the Police. And what was to be 248 should be new 245.

DR KABERUKA: Then, 249 becomes 246.

THE CHAIRMAN: So, what we are going to is, new article 247.

DR KABERUKA: Yes.

THE CHAIRMAN: Okay, but otherwise, we are dealing with 252.

DR KABERUKA: Mr. Chairman, after a lengthy deliberation, we are recommending that, article 252, remains as it appears in the Draft Constitution. I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to)

THE CHAIRMAN: 247.

DR KABERUKA: Mr. Chairman, in 253, we are recommending that, we re-phrase it and get rid of the specific mention of Membership, because these can change nomenclature and the new officers who may be relevant to this body. So, we are saying that, the new formulation should read as follows: *"There shall be a National security Council which shall consist of the President as the Chairman and such other Members as parliament may determine."* I beg to move.

THE CHAIRMAN: I now put the question.

(Question put and agreed to)

THE CHAIRMAN: 253 stands part of the constitution to be re-numbered 248.

DR KABERUKA: MR. Chairman, on article 254, we are recommending that it should be amended to read as follows: *"The function of National Security Council shall be (a) to inform and advise the President on matters relating to national Security and (b) any other functions as may be determined by parliament"* I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to)

THE CHAIRMAN: 254 as re-cast stands part of the constitution. Now, it will be 249.

DR KABERUKA: Mr. Chairman, article 255 which requires security organs to observe human rights, was deliberated on, and we thought that, the way it appears is good enough and we are recommending that, it should stand as it appears in the Draft Constitution.

THE CHAIRMAN: the recommendation is that, article 255, new article 250 be retained as it appears and do stand part of the Draft Constitution. I put the question.

(Question put and agreed to)

DR KABERUKA: Thank you, Mr. Chairman. The one article on Police Force and on Prisons, has taken care of article 256; in effect the formulation article 256 were the ones which we put on the encompassing articles which we have already passed. So, we are recommending it for deletion.

THE CHAIRMAN: So, the recommendation is that, 256, be deleted, having been taken care of elsewhere. I put the question.

(Question put and agreed to)

THE CHAIRMAN: 256 deleted.

DR KABERUKA: Thank you, Mr. Chairman, we are introducing a new article, at the end which seeks to empower parliament to regulate possessions of fire-arms, ammunition and we were suggesting that, the new article should read "*Parliament shall make laws to regulate the possession and use of fire-arms and ammunition.*" I beg to move.

THE CHAIRMAN: I put the question.

(Question put and agreed to)

THE CHAIRMAN: That becomes a new article 251 - *(Applause)*. And I thank the Members of Committee 3, for the very good job done, and I understand they have already completed their other assignment on the other Chapter which was given to

them. I would like to pay tribute to Members of the House for having been so expeditious in handling these matters today and yesterday and other days of course. And in this spirit we should complete even before the agreed time. Now, that brings us to the end of the report that has been available to us, from Committee 3. And this afternoon, I received a report from the Chairman of Committee 4 on Chapter 2 - the republic. Now, in view of these developments which are pleasantly surprising, I would like us to proceed as follows; that the Secretariat endeavours to circulate the report from this afternoon so that Members read it tomorrow morning, instead of having the plenary in the morning, we have it in the afternoon to give the Chairman of Committee 4 the chance to report. Agreed. And then we proceed from there. And maybe not interrupt Her Excellency the Vice President who is arriving. *(Applause)*.

MR MALINGA: Yes Mr. Chairman, I just wanted to request my Chairman of Committee 4, that it might be a good idea if committee 4 met tomorrow morning.

THE CHAIRMAN: The Committee could meet in the plenary chamber, if they have anything to do with their report. I think that is not a bad idea. It is up to the Chairman. But it is a request. We are not going to have a plenary session in the morning, so the chamber will be available and members of the Committee could meet here, and for us, we will meet tomorrow in the afternoon, and receive the report of the Chairman on Chapter 2.

MR PINTO: Mr. Chairman, I advise that the chamber will be available tomorrow for Committee 4, but Committee 5 is scheduled to meet tomorrow morning and they will use these premises.

THE CHAIRMAN: No, we had made no arrangements for Committee tomorrow - we had arranged a full day plenary. Because the Committee rooms were being used. But now that, we have cancelled plenary in favour of the distribution and the reading of the report. Committee 4 if the Chairman so wishes, can meet here.

DR. KANYEIIAMBA: Thank you, Mr. Chairman. I wanted to take this advantage, Mr. Chairman, to say that, the Legal and Drafting Committee is meeting tomorrow in the Members lobby at 10.00 a.m. to synchronize amendments on Chapter 10, that is the judiciary. So, I was inviting those who have

amendments and members of the Legal and Drafting Committee to attend, Mr. Chairman.

THE CHAIRMAN: The Chairman of Committee 4, do you intend to call your committee?

MR KATENTA APUULI: Thank you, Mr. Chairman, I would like to appeal to my committee that on the advice of the Chair and the concurrence of the plenary, we shall meet here tomorrow at 9.00 O'clock, and I would like to appeal to you to kindly keep time. Mr. Chairman, to answer your question yes - I intend to call this meeting tomorrow, and I appreciate it if they could be here on time, Sir.

THE CHAIRMAN: So, with that, I would like to pleasantly adjourn until tomorrow in the afternoon at 2.30 p.m. Thank you.

(The Assembly rose at 5.30 p.m., and adjourned until Wednesday 25th, 1995 at 2.30 p.m.)