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**Thursday, 27 September 2018**

*Parliament met at 2.00 p.m. in Parliament House, Kampala.*

PRAYERS

*(The Deputy Speaker, Mr Jacob Oulanyah, in the Chair.)*

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE DEPUTY SPEAKER:** Honourable members, I welcome you to this sitting. I received a letter from the minister in charge of finance in relation to the National Environment Bill, 2017. The chairperson of the committee is here. This Bill was brought to repeal the current law, which is in Cap. 153.

There are some timelines in relation to the issues of the Bujagali dam project and our partnership with the World Bank. It required that this law should be in place by 30th November. I do not know where this Bill is or who is still processing it? Is the Chairperson of the Committee on Natural Resources here? This Bill should come out and we should finish with it to pave way for other things to take place as they are required to.

I have also received another letter from the Ministry of Finance, Planning and Economic Development in relation to the Tax Procedures Code (Amendment) Bill, 2018 for consideration. We need to crosscheck whether the letter from the President has actually been read in Parliament. Was it read? Has it been referred to the committee? Has the motion for reconsideration been sent?

2.03

**MR HENRY MUSASIZI (NRM, Rubanda County East, Rubanda):** Thank you, Mr Speaker. The letter returning the Bill was read and referred to the committee but there was no motion. We asked them to send us the returned Bill, which we expect them to do.

**THE DEPUTY SPEAKER:** Okay, honourable members, we need to also finalise with this. Whoever is still holding assent copy of the Bill, which should have been brought with the letter from the President, should bring it so that we can finish with this thing. This should also apply to the biotechnology law, which was returned by the President that should have been completed long time ago. I do not know what it is still doing there; it is way beyond the time provided in the rules.

Honourable members, yesterday when I was adjourning, there was a matter that was on the Order Paper in relation to the loan for Nakapiripirit. There was supposed to be some adjustments on the figures so that it reflects the spirit of that loan and somehow it did not get on the Order Paper.

Therefore, I am amending the Order Paper to accommodate this particular motion for review of this particular matter that had been passed by Parliament so that we can adjust the figures and let the processes continue. The Order Paper is accordingly amended to accommodate this motion which by omission had not been reflected.

Thirdly, I have also been informed and I have received a copy of the Excise Duty (Amendment) Bill, 2018. It is ready for processing and I will alter the Order Paper to also accommodate it so that we can finish with it. Thank you very much.

2.06

**MR OJARA OKIN (Independent, Chua West County, Kitgum):** Thank you, Mr Speaker. Yesterday, there was a procedural issue raised but the minister to whom I was raising the matter of urgent importance was not in the House. With that regard, we cannot continue to wait for the minister.

Mr Speaker, what I am going to raise here affects students; both girls and boys of Senior One to Senior Three in my seed senior secondary school. This seed secondary school was started in 2010. Unfortunately, we have not had any support from the Government up to date. It was the initiative of the community that each parent raises Shs 40,000 towards sustaining the school and teachers.

However, two days ago, this school was closed, leaving about 48 students stranded; bearing in mind that we are in the middle of third term. These students do not have anywhere to go. The 16 teachers who were employed at that school do not have anywhere to go.

Mr Speaker, I would like to request that the Ministry of Education and Sports intervenes to save the fate of these 48 stranded students and also the teachers as soon as immediately. I beg to move. Thank you.

**THE DEPUTY SPEAKER:** Thank you. Honourable minister, this matter came up yesterday but we were waiting for the Minister OF Education and Sports to respond. Somehow, we never got his attention. It is an urgent matter; students have been displaced and they do not know what to do yet they have to sit for examinations in November and their school has been closed. What happens?

2.08

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Mr Speaker, I am requesting that the minister in charge of education –

**THE DEPUTY SPEAKER:** Sorry, the honourable minister in charge of education has just come.

**MR BAHATI:** Okay, I would like to request that the minister settles in a minute and then responds to this question.

**THE DEPUTY SPEAKER:** Honourable minister, when you were away, a matter came from the Member for Chua West County that a community school has been closed with students who are supposed to be sitting examinations this year. What will happen to these students?

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| 2.09**THE MINISTER OF STATE FOR EDUCATION AND SPORTS (HIGHER EDUCATION) (Mr John Chrysostom Muyingo):** Thank you very much, Mr Speaker**.** I would like to get in touch with the honourable member who has raised this matter so that I can capture all the details, follow up and ensure that the Ugandans who are in that school are assisted to continue with their education. **THE DEPUTY SPEAKER:** Thank you very much. That matter should not come back here. Go and sort it out and those students who are supposed to sit for their examinations should sit this year. Thank you. **MR JOHNSON MUYANJA:** Mr Speaker, I rise on a procedural matter. I was here in July at the beginning of this term. |   |

I informed the House that the only Seed school in my sub county of Koome has no teacher of English. The then Minister of Education and Sports promised that they would handle the matter immediately just like they have promised my colleague but up to today, nothing has been done.

I have another matter of urgent concern. Today during a workshop, the National Planning Authority said many students are dropping out of school and one of the reasons is high fees from Government-aided schools.

I presented the matter to the Minister of Education and Sports. I asked why most of the indigenous, well known, day Government aided schools have been turned into boarding schools and why they charge high fees.

The day students are charged exorbitantly even for a school uniform. It is as if they are buying suits from these big shopping malls. They demand for Shs between Shs 170,000 and Shs 180,000 for a shirt and a trouser and these costs have become a problem to many of our parents.

They promised to come out with a fees structure to help many who are now unable to sit their final exams because of high fees. Is this not the right time to get the answer from the concerned minister? I thank you.

**THE DEPUTY SPEAKER:** Honourable member, if you had looked at the Order Paper - and I was hoping that you had - item 4(4), *“Question raised by hon. Johnson Muyanja, MP Mukono County South…”,* I suppose that is you. , on the absence of teachers of English language in schools in Koome Island. It is on the Order Paper for today.

Would you like to deal with another aspect, honourable minister, or do we now proceed with our business of the day?

2.12

**THE MINISTER OF EDUCATION AND SPORTS (HIGHER EDUCATION) (Mr John Chrysostom Muyingo):** Thank you very much, Mr Speaker. About the teachers, they have already been recruited and posted to Koome Island in the first quarter of 2018.

About school fees, a committee was set up to study and advise our ministry. A report has come out. We are now considering that report and very soon, we shall be informing the public about it. I beg to submit, Mr Speaker.

**THE DEPUTY SPEAKER:** Thank you very much. Have they accepted the posting?

**MR MUYINGO:** Yes, I think so. *(Laughter)*

2.14

**MR GILBERT OLANYA (FDC, Kilak South County, Amuru):** Mr Speaker, I beg the Government side - honourable minister, you are the people who usually guide us and if we have any problems, it is you to respond.

On the issue of school fees, I remember that last year Parliament intensively discussed this matter of the head teachers levying very high school fees on parents and Parliament tasked the Ministry of Education and Sports to reign in on the schools so that they do not come up with any other figures.

What is going on right now is that parents are paying Shs 1 million and above for a boarding school. I do not know how they derive the figure of the school fees.

As we talk, many children have been sent back home to look for school fees. This is third term and parents with children of especially candidate classes are always calling members of Parliament to bail them out.

Mr Speaker, this is a very important matter. Let the minister take it very seriously and if not, then we are destroying the education system in this country. Thank you.

**MR MUYINGO:** Thank you very much, Mr Speaker. We have taken the issue of school fees very seriously as a ministry. That is why we set up a committee to carry out a study and advise us.

As I said, the ministry has received that report; we are now considering it and very soon, the public together with this House, will be informed.

We have also gone ahead to direct, through a circular to all schools, asking them not to deny candidate students the opportunity of sitting exams because of school fees. That is the first position.

The second position we have taken is that in case there is need to adjust the fees structure, it should happen only when the permanent secretary has studied the situation. To begin with, the school management committees and boards of governors have to have held meetings and forwarded their request to adjust the fees structure to the permanent secretary who studies the situation and either allows or advises otherwise *–(Interruption)*

**MR JOHNSON MUYANJA:** Mr Speaker, the issue that is on Table right now is very urgent. However, what the honourable minister is telling us is for the future.

Is the honourable minister in order not to come up with a clear order now that those students who are in Government-aided schools and have been chased away because of school fees go back to school and they close this last term of the academic year? That is what we are after. Is he in order?

**THE DEPUTY SPEAKER:** Honourable members, I was listening to the minister very carefully and he said they have written letters to advise the schools not to chase away students but I think to ask the minister to state school fees right now on the Floor of this House, would be asking a bit much.

All I am going to ask the minister now is, upon writing those circulars and upon the schools receiving them, have you ensured that no children have been chased? *(Applause)*

**MR MUYINGO:** Thank you, Mr Speaker for that wise ruling. Although we send out circulars to schools, copies are sent to all the stakeholders including all the local leadership and we also follow up. We also encourage the public to report to us and whenever cases have been reported, we have come in to help.

**THE DEPUTY SPEAKER:** Can you now, take advantage of the microphone to announce what the situation in the schools is?

**MR MUYINGO:** Thank you very much, Mr Speaker. Today, the senior four candidates who are sitting French have started their exams and I would like to use this opportunity to remind head teachers not to make the mistake of denying an opportunity to any of the registered candidates to sit their final exams just because they have not been able to pay school fees. *(Applause)*

**THE DEPUTY SPEAKER:** Thank you very much. Honourable members, in the public gallery this afternoon we have a delegation of legal practitioners from various legal associations. They are here to observe the proceedings of the House. Please join me in welcoming them. You are very welcome. *(Applause)*

MOTION FOR A RESOLUTION OF PARLIAMENT TO AUTHORISE GOVERNMENT TO BORROW UP TO $210 MILLION FROM THE ISLAMIC DEVELOPMENT BANK FOR FINANCING THE RWEKUNYE-APAC-LIRA-ACHOLIBUR ROAD PROJECT

**THE DEPUTY SPEAKER:** Is that the one? Honourable minister, I thought the one of Rwekunye-Apac-Lira-Acholibur was laid yesterday and I referred it to the Committee on National Economy. The one left is where you needed to make an amendment on what was passed. Honourable minister, please proceed. Are you withdrawing what you laid yesterday?

2.22

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Mr Speaker, yesterday we moved to lay the papers for borrowing but we have now crosschecked our facts and actually, the request we made was in the same category with the next request, where we said we had changes in the financing terms and therefore, we were seeking approval of the House only on those changes and not the entire loan. This is because for Rwekunye, we can now confirm that this House approved it and we got a resolution of Parliament.

**THE DEPUTY SPEAKER:** Are you still laying documents or are you proceeding with another motion?

**MR BAHATI:** Mr Speaker, I would now like to move a motion so that the House can approve the changes that happened in the financing. This House had already approved the loan but when we went back for one reason or the other, which I will state, the changes of financing were amended. They are not significant but this House needs to be aware and approve of them.

**THE DEPUTY SPEAKER:** What are you going to with rule 219 of the Rules of Procedure of Parliament?

**MR BAHATI:** Mr Speaker, I request that we handle another item on the Order Paper as we look at that rule so that we do not take a lot of time.

**THE DEPUTY SPEAKER:** Honourable members, those two matters which I had altered the Order Paper to accommodate are stood over. Let us proceed.

URGENT QUESTIONS UNDER RULE 46

QUESTION RAISED BY HON. ELIZABETH KARUNGI ON THE BROKEN BRIDGE IN NYAMIRAMA SUBCOUNTY IN KANUNGU DISTRICT

**THE DEPUTY SPEAKER:** Is the Minister of Works and Transport here? Next item.

QUESTION RAISED BY HON. PIUS WAKABI OVER THE FOUR MISSING PEOPLE AT MURCHISON FALLS NATIONAL PARK WHO WERE ALLEGEDLY KILLED BY GAME RANGERS

**THE DEPUTY SPEAKER:** Is the minister in charge of tourism here? Next item.

QUESTIONS FOR ORAL ANSWER UNDER RULE 42

QUESTION RAISED BY HON. OKIN P.P. OJARA ON THE GRABBING OF 692 ACRES OF LAND IN HIS CONSTITUENCY BY SOME UPDF PERSONNEL FOR WHICH HE SOUGHT AN EXPLANATION FROM GOVERNMENT

**THE DEPUTY SPEAKER:** The Minister of Defence and Veteran Affairs is not here. Next item.

QUESTION RAISED BY HON. BINTU JALIA LUKUMU ON THE NATIONAL ROLLOUT OF THE SOCIAL ASSISTANCE GRANT FOR EMPOWERMENT (SAGE)

2.26

**THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (YOUTH) (Ms Florence Nakiwala):** Mr Speaker, the ministry did not receive the communication as per our Rules of Procedure. Therefore, we request for the presentation to be done next week.

**THE DEPUTY SPEAKER:** Honourable minister, this notification was given to you in writing over three weeks ago. I think let the record capture the truth. You cannot say you had not been notified. *(Laughter)*

**MS NAKIWALA:** I thank you for your guidance, Mr Speaker. We request to make the presentation about the money for the elderly in Parliament in four working days’ time. Thank you.

**THE DEPUTY SPEAKER:** Okay, we defer this to next week.

QUESTION RAISED BY HON. ONYANGO GIDEON ON THE PROCEDURE FOR SIM CARD REGISTRATION

2.27

**THE MINSTER OF STATE FOR INFORMATION, COMMUNICATION TECHNOLOGY AND NATIONAL GUIDANCE (Ms Idah Nantaba):** Mr Speaker, I intend to respond to the issue that was raised by hon. Gideon Onyango, the MP for Samia Bugwe County North, during the Sixth Sitting of the First Meeting of the Third Session of the 10th Parliament on 12 July 2018 regarding the concerns that telecom companies require customers to produce certified copies of national identification (ID) cards from the National Identification and Registration Authority (NIRA) before SIM card registration is done.

Mr Speaker, before I respond, allow me remind the honourable members that the policy objective behind SIM card registration was and is still to improve the safety of our nation by ensuring that all users of mobile phones are known and can be traced using the national identification database.

As colleagues may recall, the obligation to register communication service subscribers is a legal requirement under section 9 of the Regulation of Interception of Communications Act, 2010. Under this law, every telecommunication service provider is required to ensure that all subscribers are duly registered before they are enrolled onto their communication networks.

According to section 66 of the Registration of Persons Act, 2015 and Regulation 28(1) of the Registration of Persons Regulations 2015, the national ID is the primary legally acceptable identification document for every Ugandan who wishes to register a SIM card in his or her name.

The mandate to issue IDs is by law vested in the National Identification Registration Authority which is under the docket of the Ministry of Internal Affairs.

Mr Speaker, following the surge in the number of crimes committed using mobile phones, including the rampant kidnaps and murders of several women such as Susan Magara and the women in Entebbe in March 2018, the ministry in charge of ICT, through the Uganda Communications Commission (UCC), directed all telecom operators to install biometric card readers such that all SIM card registration and SIM swaps are done only upon electronic verification of the biometric details of the SIM cards swaps are done only upon electronic verification of the biometric details of the SIM card applicants.

Mr Speaker, the procedure for SIM card registration and replacement is as follows:

1. All applicants for SIM card registration or SIM swaps or replacement must physically appear at the telecommunication operators registered premises and will submit the following:
2. A valid original national identity card for Ugandan nationals;
3. A valid original passport with a valid visa or residence permit for non-Ugandans; and
4. Valid original refugee card issued by the Office of the Prime Minister for refugees.
5. All documents presented must be in original form to enable the said document security features to be read by the biometric card readers used by all telecom operators at all their SIM card registration and swapping centres;
6. The electronic national identity card readers can only read the security features of the original national identity card and not the duplicate or photocopy of the same; and
7. The card readers are designed in such a way as to pick up all the security features embedded in the original national identification card.

The information captured using the biometric card reader is instantly verified with a national identification database, hosted by National Identification Registration Authority (NIRA) through the third party application interface that was set up by Uganda Communications Commission (UCC) and the telecoms. The procedure is meant to eliminate fraudulent SIM card registration.

Mr Speaker, the question now is: do telecom companies require SIM card applicants to produce certified copies of the national identity cards? With due respect to my colleague, hon. Gideon Onyango, it is not true that telecom companies are asking customers to obtain certified copies of national identity cards before they are allowed to register for SIM cards or have their lost SIM cards replaced.

Under the current procedure for SIM card registration, as highlighted above, there is no need for a person in possession of a national identity card to present a certified copy of the same before they are registered.

The application programme interface, which was set up by UCC in collaboration with NIRA and the telecom companies, instantly verifies all original national identity cards upon the card holder presenting the card and providing his or her finger prints on the biometric card reader. In this process, there is no requirement for a person to produce a certified copy of the national identity card.

Mr Speaker, perhaps my colleague’s concern relate to what happens to people who could have lost their national identity cards.

For cases of lost national identity cards, the procedure is that upon loss of a national identity card, the card holder should report to police, obtain a letter from the police confirming loss of the national identity card and thereafter, the card owner is required to report to NIRA for card replacement before the telecoms can allow them to register for SIM cards or have their SIM cards replaced.

Mr Speaker, the challenge we have so far observed in this process is the time within which the lost identity card can be replaced by NIRA. It is reported that replacing a national identity card takes approximately three months. This is certainly a long time, especially in situations where one needs to have an original national identity card to have their lost SIM cards replaced.

The technical teams in my ministry and NIRA are working on a practical solution through which lost national identity cards can be replaced in a timely manner to minimise the inconveniences our people are currently facing.

We therefore, guide that it is important that we all embrace these new measures that are being implemented by Government to improve our national security.

We should all encourage our country men and women to adhere to these measures for our own good. Where someone faces unique challenges in accessing these services, we should encourage such customers to approach the responsible Government agencies like NIRA, UCC and the telecoms for specific guidance on how to go about these procedures. I beg to submit, Mr Speaker.

**THE DEPUTY SPEAKER:** Is there a supplementary question from the Member who raised the issue?

2.35

**MR GILBERT OLANYA (FDC, Kilak South County, Amuru):** Thank you, Mr Speaker. The honourable member who raised the matter is not around but I communicated to him and he requested me to step in for him.

**THE DEPUTY SPEAKER:** You can proceed.

**MR OLANYA:** Thank you, Mr Speaker. Honourable minister, on many occasions, we have observed cases where some people ask their colleagues to register for them their SIM cards in the names of their colleagues.

Mr Speaker, in many cases when someone has committed a crime, you will find a different name registered against the SIM card yet the person actually registered his or her SIM card. Honourable minister, what plan do you have to eradicate such kinds of acts?

**MS NANTABA:** Mr Speaker, indeed that case has been reported. I remember a case that involved the death of Suzan Magara. Of the many people who were arrested, a few of them claimed that they were not even aware that their names had been registered under different SIM cards. In fact, it was surprising to them that their names appeared under one of the SIM cards that were responsible during the communication that was gagged by our communication system.

Mr Speaker, we are working on how we can sensitise the people on the circumstances that may befall them in case their SIM cards are used by criminals. After that sensitisation – because many people have been helping their relatives to register SIM cards unaware that they can be used for criminal purposes - we, therefore, want to sensitise them that it is not right.

We are also going to come up with penalties that will work as deterrent measures for those that will deliberately help others to register SIM cards. I beg to submit, Mr Speaker

QUESTION RAISED BY HON. MUYANJA JOHNSON SSENYONGA ON THE ABSENCE OF TEACHERS OF ENGLISH LANGUAGE IN SCHOOLS IN KOOME ISLANDS

**THE DEPUTY SPEAKER:** Honourable minister, your colleague had already given a preliminary response to that but you can proceed.

2.38

**THE MINISTER OF STATE FOR EDUCATION AND SPORTS (PRIMARY EDUCATION)** **(Mrs Rosemary Seninde):** Thank you very much, Mr Speaker. Hon. Johnson Muyanja Ssenyonga, Member of Parliament for Mukono County South, raised a question on the absence of English language teachers in schools in Koome islands.

Mr Speaker, at Koome Secondary School in Koome Island, the approved staff structure is 21 teachers. Currently, there are six teachers, which leaves a gap of 15 teachers. It is true the school has no teacher of English. However, the school has identified a teacher of English and submitted his file to the Education Service Commission to regularise his appointment.

This Financial Year 2018/2019, the secondary school sub-sector has received funding for the recruitment of 2,600 science and arts teachers out of which, 1,500 will be science teachers and 1,100 will be arts teachers with emphasis on English language and literature.

The Chief Administrative Officers and the District Education Officers have been tasked to work with the head teachers in their districts to be able to identify the schools with the most critical needs to be beneficiaries of the imminent recruitment.

Mr Speaker, I beg to inform.

**THE DEPUTY SPEAKER:** Is there a supplementary question? Are you satisfied? Okay, thank you.

QUESTION RAISED BY HON. PAULSON LUTTAMAGUZI ON THE EVICTION OF LOCAL COMMUNITIES FROM LAND IN NAKASEKE DISTRICT BY MAJ. MWESIGWA JOHN

**THE DEPUTY SPEAKER:** Is it the Minister of Lands or Local Government? Proceed, honourable minister.

2.40

**THE MINISTER OF STATE FOR LOCAL GOVERNMENT (Ms Jenipher Namuyangu):** Mr Speaker, I just received an SMS asking me to take charge. However, they were supposed to send me a response, which I have not received today. In the circumstances, I would like to beg you to allow us, as Ministry of Lands, Housing and Urban Development, to present next week.

**THE DEPUTY SPEAKER:** Is that how you take charge? *(Laughter)* Okay; it is deferred to next week.

QUESTION RAISED BY HON. PAUL MWIRU ON THE UNLAWFUL ARREST AND DETENTION OF SOME PEOPLE IN JINJA DISTRICT BEYOND THE MANDATORY 48 HOURS

**THE DEPUTY SPEAKER:** Is the Minister of Internal Affairs here? Today is Thursday and it is a day for Private Members’ time. Since we do not have this response, can we call another item from a Private Member before we come back to the formal business?

MOTION SEEKING LEAVE OF PARLIAMENT TO INTRODUCE A PRIVATE MEMBER’S BILL ENTITLED, “THE NATIONAL LEGAL AID BILL, 2018”

2.42

**MR LYANDRO KOMAKECH (DP, Gulu Municipality, Gulu):** Mr Speaker, I stand to present a motion seeking leave of Parliament to introduce a Private Member’s Bill entitled, “The National Legal Aid Bill, 2018.”

I move this motion under Articles 79 and 94 of the Constitution of the Republic of Uganda and Rules 120 and 121 of the Rules of Procedure of Parliament of Uganda.

“*WHEREAS Article 79 of the Constitution of the Republic of Uganda empowers Parliament to make laws on any matter for the peace, order, development and good governance of Uganda;*

*AND WHEREAS Parliament enacted its Rules of Procedure, pursuant to Article 94 (1) of the Constitution and clause 4 (b) of Article 94 and Rule 120, bestowing upon a Member the right to move a Private Member's Bill;*

*NOTING that the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979, the Convention on the Rights of Persons with Disabilities (CRPWD), the Convention on the Rights of the Child, the Lilongwe Declaration on Accessing Legal Aid in Criminal Justice Systems in Africa in 2004 and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems all enshrined and emphasised the key principles of equality before the law, access to justice and the provision of legal aid to those who need it to enable the effective assertion of their rights;*

*AWARE that it is the policy of the State, under Objective III (iv) of the National Objectives and Directive Principles of State Policy enshrined in the Constitution, to establish and nurture institutions and procedures for fair and peaceful resolution of conflicts and to promote a just and dynamic social order;*

*FURTHER AWARE that Article 2l guarantees equality and freedoms of all persons before the law and it includes even the most vulnerable groups in society under Article 28 (3) (e), which guarantees the rights of every individual charged with a capital offence to legal representation at the expense of the State and this right is inviolable under Article 44 (c);*

*FURTHER NOTING that Article 126 (2) calls upon the courts to administer justice to all, irrespective of their social or economic status;*

*RECOGNISING that legal aid is a safeguard for the protection of rights, driver for social justice and rule of law, a backbone for peace and development, as well as a foundation for the enjoyment of other rights, including the right to a fair trial, which guarantees fundamental fairness and public trust in the justice process;*

*CONCERNED that over 80 per cent of the people of Uganda, especially the women and youth, are prevented by economic obstacles from accessing justice and from pursuing or defending their land or property rights and other rights before any court or body determining civil, criminal, commercial, administrative and social or fiscal matters;*

*WHEREAS certain aspects of legal aid services are embedded in various legislations such as the Poor Persons Defence Act, Cap 20, the Advocates Act, Cap 267, as amended, the Advocates (Legal Aid to Indigent) Regulations, 2007 and the Advocates (Student Practice) Regulations 2004, they are scattered, largely ineffective and non-operational;*

*RECONISNG that although Uganda lacks a state-funded legal aid scheme, there have been legal aid delivery mechanisms and models through both State and non-state actors like the State brief scheme* - Mr Speaker, which I remember you diligently used to do *- the Legal Aid Clinic of the Law Development Centre, the Public Interest Law Clinic of Makerere University, the pilot legal aid programmes such as Justice Centres Uganda, Paralegal Advisory Services hosted by the Foundation for Human Rights Initiative, the Pro bono Service Scheme of Uganda Law Society and the non-state actors’ models such as the Legal Aid Service Providers Network (LASPNET); all are mainly urban-centred, donor funded and not sustainable;*

*CONVINCED that in order to safeguard the basic right of all citizens to receive equal treatment in the course of asserting their rights and resolving legal disputes, there is need to enact a comprehensive and consolidated legislation providing an accessible, affordable, sustainable, credible and accountable legal aid services to indigent persons in Uganda;*

*NOW, THEREFORE, be it resolved that:*

*This House grants me leave to introduce a Private Members' Bill, for on Act of Parliament entitled, “The National Legal Aid Bill, 2018”, a draft of which I have attached here, to do order the publication of the said Bill, in preparation for its First Reading.”*

Mr Speaker, I beg to move.

**THE DEPUTY SPEAKER:** Is the motion seconded? It is seconded by hon. Hellen Asamo, hon. Veronica Eragu, hon. Patrick Opolot, hon. Dorothy Nshaija, hon. Okello Oryem, hon. Anna Adeke and hon. Wilfred Niwagaba. Would you like to speak to your motion?

**MR KOMAKECH:** Mr Speaker, I move to speak to this motion by giving justification why this is very important for Uganda today -

**THE DEPUTY SPEAKER:** The motion is very elaborate so simply justify.

**MR KOMAKECH:** I will find a way to do an executive summary of my presentation. Of course, later on, I will be supported by none other than hon. Veronica Eragu to conclude my submission.

**THE DEPUTY SPEAKER:** That will be my responsibility, not yours. *(Laughter)*

**MR KOMAKECH:** Mr Speaker, I will begin by giving our journey to achieving our Vision 2040. Uganda committed itself to consolidate a secured and stable society operating on the principles of justice, equality and the rule of law. The proposed law seeks to foster good governance through democracy, equal representation, equity, tolerance, constructive dialogue and openness.

Furthermore, the rule of law and the supremacy of the Constitution will be upheld to ensure that all individuals are subjects and are treated equally according to the law.

In term of issues of land conflict, the proposed law will address the land rights especially for women in Uganda. Land is one of the most important assets held by poor households largely. However, the process of land acquisition today is predominantly conducted through inheritance. In a patriarchal setting, women are less likely to inherit land and other resources from their own families or husbands.

Land disputes are everyday occurrences in Uganda and in some instances, these disputes result in clans conflicting with vulnerable groups such as women, children and relatives. According to the 2013 National Governance Baseline Survey, at least 2.3 per cent of adults voted having had land disputes in the 12 months prior to the survey and this translates to 95,300 land cases annually.

The case backlog reduction committee report of 2017 indicates that land cases pending at all levels of court are ranked the second highest at 33 per cent. Land matters feature prominently among cases handled by legal aid service providers standing at 49 per cent according to the Legal Aid Service Providers Network Information Management System of 2018. The same study also shows that half of the land related conflicts involve family members; either the head of the household or the spouse’s family or other relatives.

Apart from family related conflicts, land appropriation by powerful and well-connected individuals has been associated with evictions. Forceful evictions have, in some instances, resulted into deaths among warring parties. This affects the overall land tenure security across the country and affects development as the threat of eviction impacts on realised investment on land.

Mr Speaker, besides, it exacerbates social exclusion given that some of the affected groups - widows and orphans - are the most vulnerable section of society.

Finally, a substantial proportion of the transfers of property do not have documentary evidence and this can result in different interpretation of wills.

The third point is on issues regarding vulnerable groups’ support to access to justice. The provision of legal aid is a key to access to justice. According to the World Bank, the availability of publically providing legal aid services especially in developing countries is associated with minimal occurrences of due process violation and the reduced duration of both pre-trial detention and case resolution. Legal aid is targeted at vulnerable groups such as women and children who generally face impediments in accessing legal services.

Evidence also shows that the legal aid services to such vulnerable groups reduces social exclusion and increases the likelihood of family maintenance and reduction in reoccurrences of domestic violence.

**THE DEPUTY SPEAKER:** Honourable member, you are proceeding as if you have already been granted leave. You are speaking to the Bill as if you have already been granted leave. What you should do is ask this House to give you permission to present what you are saying now. You have not yet been allowed to present what you are saying now. Therefore, can you tell us why we should give you leave? Are there gaps? The way you presented the motion was sufficient.

**MR KOMAKECH:** Mr Speaker, I had earlier raised the justification why I should be granted leave.

**THE DEPUTY SPEAKER:** Your justification is now to the Bill, not to the motion for leave. That is the speech you will give when you are now speaking on Second Reading of your Bill.

**MR KOMAKECH:** As far as I am concerned, I have fundamentally given reasons why I should be granted leave. Of course, there are other legal contexts I had wanted to refer to that also give more reasons why we should proceed. At present, in terms of the level of access to justice in this country from independence to date, the gap is too high. Justice is seemingly for the rich. The poor percentage of Ugandans who should be having equality before the law does not have this access.

We are saying that we have over 80 per cent of Ugandans who are there - the law says we are equal before the law but to what extent should we have substantive equality before the law? That will be in a way that if we bring this Bill to this House, a lot will be done for Ugandans. The poor, as we speak, always just rotate around court premises because they have no formal legal representation. With this law in place, we shall even be reducing the burden on members of Parliament who at all times are on standby to be handling, on behalf of their constituencies, some of these issues.

That is why I feel that it is very important to humbly request this House that I proceed with this serious work. Then, I will come back and submit, at length, what is important for this country.

**THE DEPUTY SPEAKER:** Thank you. I will allow the seconder of the motion to speak before I propose this motion for your debate.

2.56

**MS VERONICA BICHETERO (NRM, Woman Representative, Kaberamaido):** Thank you, Mr Speaker. I rise to second the motion for a resolution of Parliament to introduce a Private Member’s Bill entitled, “The National Legal Aid Bill, 2018”.

The reasons are many but I would like to justify that the legal aid definition is actually entrenched in the law itself. It is in our “The Advocates (Legal Aid to Indigent Persons) Regulations, 2007.”

I also would like to support it by justifying that legal aid is recognised in the international laws and policies. These are international laws that Uganda has signed to. Therefore, we cannot get away with it. They have all been adopted by our country. They are the Sustainable Development Goals (SDGs), the International Covenant on Civil and Political Rights, Article 40 of the Convention of the Rights of the Child, 1992.

We also have Articles 12 and 13 of the Convention on the Rights of Persons with Disabilities. We also have the African Charter on Human and Peoples’ Rights of 1986 and that is as far as the international laws are concerned.

Now, coming home to the national laws, our national legal framework supports legal aid. We have Article 21 of the Constitution of Uganda, 1995. We have the right to legal representation in Article 28. We have the right to a fair hearing in Articles 28 and 44.

According to Article 44, the right to a fair hearing is a non-derogable right. We also have the Poor Persons Defence Act, Cap. 20; the Advocates Act, Cap. 267 as amended, and this has already been mentioned; the Advocates (Legal Aid to Indigent Persons) Regulations, which I have mentioned; the Advocates (Student Practice) Regulations, 2004. We also have the Uganda Law Council, which is a body empowered to inspect, approve, regulate service providers of legal aid in Uganda under the Advocates Act, Cap. 267.

Why are we concerned about this? Why are we requesting for this law? Mr Speaker, the law is scattered all over. What we are asking for is that the practice and activities being carried out by the Non-Governmental Organisations (NGOs), civil society and other institutions be consolidated under one national law. We have the state brief scheme, for example, which is under Article 28 of the Constitution. There is the legal aid clinic of the Law Development Centre, which is just a drop in the ocean. We also have the justice centres of Uganda, which are trying their best. We have paralegal advisory services and pro bono services of the Uganda Law Society. Finally, we have the Legal Aid Service Providers Network (LASPNET), which is a group of about 50 civil society actors. FIDA Uganda, human rights activists and others all included in this network.

These are scattered efforts and when you hear us speak with emphasis, it is because this is important. We need to put these pieces of laws and actors in one house so that they can be administered under a national scheme. Therefore, Mr Speaker, it is important to take cognisance of the fact that while the legal framework for the provision of legal aid is in place, the law is scattered as I have mentioned. We would therefore like to have these laws consolidated.

I, therefore, submit that leave be granted for a motion for a resolution of Parliament to introduce this private Member’s Bill called the “National Legal Aid Bill, 2018”

**THE DEPUTY SPEAKER:** Thank you very much, honourable Member for Kaberamaido, for your speech in secondment of this motion. Honourable members, the question I propose for your debate is that this House grants hon. Lyandro Komakech, Member of Parliament for Gulu Municipality, leave to introduce a private Member’s Bill entitled “National Legal Aid Bill,2018”. That is the motion for your debate and the debate starts now.

Honourable members, we do not want to start debating the principles of the Bill. We want to interrogate the question as to whether what he is proposing is sustainable by Constitution and law - whether it is not prohibited, financial implications, creating a one-party state, or retrospective legislation, which are prohibited by the Constitution. Those are the areas we need to investigate and see if we can grant this Member that leave.

Before we start, honourable members, in the public gallery this morning we have pupils and teachers of Mt St Johns College Kagoma, represented by hon. Moses Walyomu and hon. Loy Katali. They are here to observe the proceedings. Please, join me in welcoming them. *(Applause)* Thank you.

3.05

**MR MOHAMMED NSEREKO (Independent, Kampala Central Division, Kampala):** Thank you, Mr Speaker. I would like to rise in support of the motion to grant leave to hon. Komakech to present a Bill that shall entitle people to seek legal aid in order to see to it that they have justice.

Article 28 of the Constitution enjoins us to grant people a fair hearing in all trials. With the prevalent poverty, people can hardly seek counsel from all ends without support of legal aid.

When we empower them as Parliament through legislation, it shall enable the poor, the rich and those that are moderate to bridge the gap between access to justice and denial of justice. The Bill shall have no financial implication, for Government has no cost to draw from the taxpayer in order to support the National Legal Aid Bill.

I, therefore, state clearly and try to plead to all Members of this House and persuade you to grant hon. Komakech leave to present this Bill. Thank you very much.

**THE DEPUTY SPEAKER:** Thank you.

3.06

**MR DENIS OBUA (NRM, Ajuri County, Alebtong):** Mr Speaker, I rise to submit in support of the fact that Members be persuaded to grant leave to the mover and seconder of this very important Bill. I say this because in 1992, the Uganda Law Society established a legal aid project and that project helped especially the group we are talking about.

Secondly, Mr Speaker, I am also alive to the fact that as we speak, we have already developed, through the Justice, Law and Order Sector, a national legal aid policy. What now remains is a legal framework to operationalise it. We must salute hon. Komakech for exercising his constitutional right ahead of the line ministry to seek for permission to present a private Member’s Bill to operationalise the policy.

For these two reasons, I submit and persuade other Members of Parliament to grant leave to our very own Member, hon. Komakech, supported by hon. Bichetero, so that the National Legal Aid Bill, 2018, is formally tabled and we enact it into law. Thank you.

3.08

**MR WILFRED NIWAGABA (Independent, Ndorwa County East, Kabale):** Thank you very much, Mr Speaker. I rise to support the motion.

I am aware of the provisions of Article 93 of the Constitution. However, this particular Bill will not in any way offend those provisions. The state itself has been engaged in provision of legal aid but restricted to the criminal justice system, particularly in cases where the penalty is either a death sentence or life imprisonment. The resources the state has been injecting in that aspect can be maintained at that level.

Secondly, Mr Speaker, the question of access to justice is fundamental to the social, political and economic development of this country. It is paramount especially in respect of our people in rural areas who cannot afford the services of advocates, women and children who are in conflict with the law and many others.

Recently, there has been an emergence of various legal aid services providers who have no regulatory framework. It is important that these legal aid service organisations that are non-state actors be regulated in such a way that the services they render are controlled by the state.

It is for those reasons that I support the movers of the motion and invite Members to support this motion and grant leave to the movers to bring a private Member’s Bill. I so pray.

3.10

**MS HELLEN ASAMO (NRM, Persons with Disabilities, Eastern):** Thank you, Mr Speaker. I stand to support the motion seeking leave to grant a private Member permission to draft a private Member’s Bill entitled “National Legal Aid Bill.”

There have been efforts made to support vulnerable people and I represent people who are vulnerable - the disabled people, including the blind. I am also the chairperson of the Committee on Equal Opportunities where you encounter issues of people who never get justice and need support of Government to ensure that justice is served. This legal framework is timely and will help our people.

We know that sometimes Uganda legal aid services go maybe to the Constitution Square for only a week and go away without reaching the whole country. This Bill will go a long way to support our people who are vulnerable - the children, women, orphans - to get justice. Uganda is also signatory to many of these laws. We have the Sustainable Development Goal No.16, which is about access to justice.

Let us all support the honourable Member for Gulu Municipality and the honourable Member for Kaberamaido County so that they can bring the Bill. Thank you.

3.12

**MR ALEX NDEEZI (NRM, Persons with Disabilities, Central):** Mr Speaker, I congratulate the honourable Member for moving this very important motion and I also declare that I will support the Bill.

We should not forget that this is a private Member’s Bill and we should also not forget that we have had good and sometimes bad experiences in relation to private Members’ Bills. I would like to remind the august House that the law requires that a Member moving a private Member’s Bill is acquired reasonable assistance by the office of the Attorney-General, and I am so happy that he has just come. I request you, Mr Speaker, to ask the Attorney-General to put it on record that he will be prepared to give our colleague the reasonable assistance required.

Secondly, the law requires that the Minister of Finance provides a certificate of financial implication. I beg to ask the Minister of Finance to inform this august House and put it on record that he is going to provide the certificate of financial implications. Thank you so much.

3.14

**MR BARNABAS TINKASIIMIRE (NRM, Buyaga West County, Kibaale):** Thank you very much, Mr Speaker. Honourable members, I beg to support the motion seeking leave of the House to present this private Member’s Bill on the principle that all Ugandans are entitled to a fair hearing and as the chairperson of the forum on Sustainable Development Goals (SDGs). Sustainable Development Goal No.16 requires that all people should not be left behind on matters of accessing justice. If brought to the House and enacted into law, this Bill will go a long way to solve that problem.

At one time I went to court to stand surety. When I reached there, this person was not represented by an advocate but the other party was represented. The state made their case and they were trying to resist the granting of bail. I thought to myself, if this person was represented by an advocate, would the state be making these arguments? I had to stand as surety and reminded the magistrate that the man was not represented in the matter by an advocate. I reminded him about the constitutional requirement for their office to administer justice without undue technicalities.

The argument they were looking at was that I had not carried a Local Council I (LCI) chairman’s letter to be identified in court. I pulled out my identity card but they rejected it. However, the law requires that for a national figure like me, I can take judicial notice- These are matters which I think an advocate would have raised. As much as we succeeded in securing his bail that day, it was some kind of protracted fight to get him bail. I am so sure that there are many people outside there who are denied substantive justice and a fair hearing, which is a non-derogable right according to the Constitution of the Republic of Uganda, Article 44, because they are not represented.

This Bill seeks to make sure that venues will be put in place where at least a person can be sure that they will get somebody to represent them if they choose to. Offices will be identified and people will walk in and pick an advocate. Thank you very much, Mr Speaker.

3.18

**MS ROBINA RWAKOOJO (NRM, Gomba West County, Gomba):** Thank you, Mr Speaker, for the opportunity. I would like to rise and support the introduction of the private Member’s Bill because legal aid is something that is very important for our indigent people.

In 1990, FIDA Uganda opened one of the first ever legal aid clinics in this country. The service that has been offered by this clinic has been immense and has helped women and children of Uganda. I know that many times the ordinary being is intimidated to go to a lawyer’s office to seek for legal help. They feel intimidated in terms of accessing the office itself and also in terms of the money that they will pay. It is believed that legal services are expensive - they are indeed - but interfacing with a lawyer is difficult for some of them.

There are many legal aid clinics that came up thereafter; Uganda Law Society being one of the most immediate and others that have come up now. There is need to coordinate those services so that we have an organised legal aid scheme in the country. For those reasons alone, I do support the motion that the private Member’s Bill comes up. Thank you.

**THE DEPUTY SPEAKER:** Honourable members, I need to hear from the learned Attorney-General.

3.20

**THE ATTORNEY-GENERAL (Mr William Byaruhanga):** Thank you, Mr Speaker. The provision of legal aid is the desire of everyone, both the Government and the Opposition - at least it ought to be.

My office has informed me that we are actually working on it. Hon. Obua reminded the House that together with the Justice, Law and Order Sector (JLOS), we are working on the policy. You cannot just bring a law; ordinarily, it should be underpinned by a policy. The policy is more or less ready.

I heard a Member say that there are no financial implications. Of course, there are financial implications and big ones. This is because national legal aid as a general scheme is not necessarily free legal aid but it is legal aid that has been financed by the Government. Therefore, there are financial implications. Happily, the Minister of Finance, Planning and Economic Development is here.

I do not specifically want to oppose your presentation except to say that it is a good idea that you come to our Chambers. We can request the House for a specific time period, because we are quite serious on that, and we can harmonise. You may have some good ideas – *(Interruption)*

**MR ANYWARACH:** Mr Speaker, the legal aid policy has been advocated for over the last 10 years. The Uganda Law Society last met on this as a non-state actor and as we speak, a copy of that policy is already in Cabinet.

Is it, therefore, in order for the Attorney-General to drag us back and say that the person seeking leave, hon. Lyandro Komakech, should first go to his Chambers and they agree on when to introduce this particular law that will actualise a policy, which is already lying with the Cabinet? Is he in order to backtrack on this particular issue of importance that meets the need for justice for the poor of the poorest? Thank you.

**THE DEPUTY SPEAKER:** Honourable members, we pass laws to facilitate things in this country. The provision of the Constitution is clear. He is raising a point of order on whether the Attorney-General should say what he is said. I think he has every right to say what he says. I like it that he did not say he was going oppose the request *per se,* although he also hints that there are financial implications.

Like I said in the beginning, there are limitations as to how a private Member can proceed with these matters. If, for example, you touch on Article 44 and you are proposing a Bill in that line, it will not be permissible. If you touch on Article 75 - you want to create a one-party state - the Constitution will not allow you to do that. If you want to bring legislation that has retrospective effect, neutralising judgement of courts, the Constitution will not allow you that. Therefore, this House will not even allow you because the law does not permit that. If you are introducing a proposal that has a direct charge on the Consolidated Fund, then you call into action the provisions of Article 93 of the Constitution.

These are real things. The question is: how do we move forward with the proposal that has been made instead of trying to stop it? He raises an important point that there is bound to be financial implication if we are going to finance a legal aid scheme in the country. The question is: does that call into action the provisions of Article 93? The answer is, yes. Now, how do we move from here?

Hon. Komakech has made the point, the policy is in place but the Attorney-General is sitting on it and is not bringing it to the House. It is only today that he is telling us of the existence of a policy he has been sitting on for years. Is it possible for him to come and make a commitment here then we see how to harmonise and proceed with this matter?

**MR BYARUHANGA:** Thank you, Mr Speaker –*(Mr Tinkasiimire rose\_)*

**THE DEPUTY SPEAKER:** This is part of the procedure. I want to listen to him. I am still going to rule on this matter, so let him finish.

**MR BYARUHANGA:** Thank you, Mr Speaker. As I was saying, I requested that the Member comes to our Chambers at the Ministry of Justice and Constitutional Affairs and we harmonise this. I was not saying that I was opposing the Bill.

As for the question of how long it has taken, I am now saying it is going to be done. I am impressed that the Member knows what is happening in the Cabinet because I often sit there and he is saying that the Bill is there. That means if it has not been presented, I am saying that we can harmonise, present it and then come here after including whatever the honourable member has to add.

Finally, I was alluding to the fact that I am quite happy for us to give it a timeframe, so that I leave no grey areas. Mr Speaker, please give us 30 days within which I can harmonise with him and we bring it back, all subject to your guidance. Thank you.

**MR TINKASIIMIRE:** Mr Speaker, the learned Attorney-General is submitting that he would like to move harmoniously with the mover of the motion by first presenting the policy. I find that he is taking us back.

First of all, they are already doing legal aid in the criminal justice system, especially where somebody is charged with a felony that carries the death sentence or life in prison. I do not know under which policy they are doing it. It is also provided for in the Constitution of the Republic of Uganda. Therefore, holding a Member of Parliament who has spent nights and days reading, doing research and also moving the House to give him leave, so that we wait for the Attorney-General, who has very many other issues, I would think -

**THE DEPUTY SPEAKER:** You rose on a point of procedure.

**MR TINKASIIMIRE:** Given the fact that they are already doing this in the criminal justice system under the circumstances of a felony and it is provided for in the Constitution, and that the honourable member has invested a lot of time and is moving that we give him permission, is it procedurally right for us to hold him because the learned Attorney-General is not ready? Is it right for us to proceed in this way?

**THE DEPUTY SPEAKER:** Honourable members, I asked some guiding questions at the beginning. I said what we are assessing now is what is important. Hon. Lyandro Komakech, how do you propose to finance the legal aid scheme proposed by this law? How do you propose to finance this?

**MR KOMAKECH:** Mr Speaker, we already have a rolling model that is in place.

**THE DEPUTY SPEAKER:** How do you propose to finance it in the Bill?

**MR KOMAKECH:** Through the budget, Mr Speaker. If I am to give a bit of background –

**THE DEPUTY SPEAKER:** Through the budget?

**MR KOMAKECH:** Yes.

**THE DEPUTY SPEAKER:** Okay. If it is through the budget, then you call into action Article 93 of the Constitution. If you are using the budget to finance it, it brings into play Article 93 of the Constitution. Therefore, the question that we should ask is: Can Parliament proceed to grant you leave to proceed with a motion that has this effect? Would it not be in vain? That is the question we are proposing. Would you go with what they propose and then see how to bring this matter here? You have already achieved by bringing this.

**MR KOMAKECH:** Mr Speaker, I respect the Attorney-General. My request for leave was to facilitate us to go into the domain of this discussion with the minister as I shall have been given some weight by Parliament to engage the ministry. I have 10 years’ experience in socio-legal research in this country and I would be re-boosting the ministry by working together with them, by catalysing their energy to ensure that we come back to this House as fast as possible.

Mine is not to say that I oppose what he said. However, I would like he and I to have what we call the lowest common multiple as referred to in mathematics, that is, a common denominator, so that we simplify some of these issues. I would therefore request that Parliament grants me leave and then we work together. Possibly, I anticipate that the ministry will now come as the front to proceed with this thing.

**THE DEPUTY SPEAKER:** Honourable members, we do not need to spend time on this. The question is: Can you grant a Member of Parliament leave to present what is prohibited by the Constitution? Can you do that? The answer is no. Therefore, let us go with what has been proposed by the Attorney-General.

From now on, we recline and give the Attorney-General a timeline within which to bring this Bill that he says he already has, that will now become a proposal for the Government. Okay? Learned Attorney-General, when are you bringing this Bill so that we can do the consultations?

**MR BYARUHANGA:** Thank you, Mr Speaker. I would also like to correct the Member; the current legal aid scheme does not apply to felonies. If you know the category of criminal matters, felony is way below the category of murder. It is only provided for in murder and the reason is because murder is the highest crime that you can find a person guilty of, and the law is that for a person whose life you are going to terminate, give them the best effort possible under the country’s Constitution. Therefore, it is only murder for which there is a legal aid scheme.

The national legal aid scheme that he is talking about encompasses everything else, I suppose, just like the example you gave when you were trying to stand surety for somebody who wanted bail. That one must entail financial implications. As I was saying earlier before I was interrupted, when you talk about national legal aid, it is not necessarily free. It means that some lawyers will be got and Government will be paying them but at a reasonable rate.

Mr Speaker, I was just correcting the facts. However, I was saying that if you gave us one month – I think it is a good idea to be reasonable, especially after somebody said that it has taken 10 years - I will harmonise with the Speaker and I undertake that we will bring it before this House. I thank you.

**THE DEPUTY SPEAKER:** Honourable members, one month is okay because even if you grant hon. Lyandro Komakech leave to present, he will not present tomorrow. He will still need to go and prepare the Bill, gazette it and then come back. It could also take about the same period of time.

Therefore, honourable members, we will pause this motion here because it is not sustainable in view of Article 93 of the Constitution. The Member proposes to finance his proposal by a budget and that means a financial implication. However, it has ignited the process of making this Bill come before this House and that is the important thing. Let us give the Attorney-General one month within which to come back to this House for the first reading of this particular Bill. Thank you.

BILLS

SECOND READING

THE EXCISE DUTY (AMENDMENT) (NO.2) BILL, 2018

3.38

**THE MINISTER OF FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Mr Speaker –

**THE DEPUTY SPEAKER:** Honourable minister, let me recognise these children who may be going any time soon. In the public gallery this afternoon, we have pupils and teachers from Oyam Junior Day and Boarding School represented by hon. Charles Okello, hon. Engola Macodwogo and hon. Santa Alum Ogwang. They have come to observe the proceedings. Please join me in welcoming them. Children from Oyam, you are very welcome. *(Applause)* Thank you. Honourable minister, you can proceed.

**MR BAHATI:** Mr Speaker, I beg to move that the Bill entitled, “The Excise Duty (Amendment) (No.2) Bill, 2018” be read for the second time.

**THE DEPUTY SPEAKER**: Is the motion seconded?

*(Motion seconded.)*

**THE DEPUTY SPEAKER:** It is seconded by the Members for Kanungu, Kyegegwa, Koboko, Nakaseke and Bujenje. Would you like to speak to your motion?

**MR BAHATI:** Mr Speaker, the Excise Duty (Amendment) Act, 2018, which became effective on 1 July 2018, had introduced, among others, a one per cent tax on the value of mobile money transactions on receiving payments and withdrawals. During the months of July and August, we reviewed the tax and came back to this House to reduce it from one per cent to 0.5 per cent but this time, not on receiving payments and withdrawals but only on withdrawals. Therefore, the Bill seeks to amend the existing one per cent to 0.5 per cent but only on withdrawals.

Colleagues, as you know, our tax effort stands at only 14.2 per cent of Gross Domestic Product (GDP) yet our expenditure on development priorities, which we passed in this House - I must say that this House has already appropriated resources arising out of the 0.5 per cent tax. These development priorities now stand at 22 per cent of our GDP. As a result, we are forced to borrow domestically and externally and sometimes incur high interest costs. Increased borrowing means an increased debt burden. Therefore, we need to increase our tax revenue mobilisation to promote self-reliance in financing our programmes and at a least cost of borrowing. The main objective of this 0.5 per cent is therefore to raise Shs 115 billion to finance the expenditure priorities that this Parliament appropriated.

I would also like to inform colleagues that the total value of mobile money transactions in financial year 2016/2017 was estimated at Shs 63 trillion, according to the central bank of Uganda. In addition, the number of transactions in financial year 2016/2017 was estimated at Shs 1.2 billion. If we discounted the value of the mobile money transactions by 65 per cent to take account of possible repeat transactions, errors and omissions, and compliance, the taxable value would be at Shs 22 trillion.

We also would like to inform Members that our GDP, as we speak, is close to Shs 101 trillion. Out of that, the value of mobile money transactions stands at Shs 53 trillion but the tax on mobile money and the telecom companies amounts to Shs 57 billion. Therefore, out of the value of mobile money transactions, which accounts for 63 per cent of our GDP, we only receive Shs 57 billion.

Mr Speaker, when the one per cent levy was introduced, the public came out and Members of Parliament made comments. Because this Government is a listening Government, we listened to the people of Uganda and we reduced the tax from one per cent to 0.5 per cent but only on withdrawals.

Mr Speaker, when the one per cent tax was introduced, there was a technical hiccup, which imposed a tax on deposits. That has already been rectified and people have been refunded *- (Interjections)-* If they were not, they are in the process of being refunded.

Mr Speaker, one of the justifications that we have is to capture the majority of the unbanked Ugandans who are largely in the informal sector and using the mobile money platform to conduct their businesses and financial transactions. This will help Government to expand its tax base. We have a number of informal businesses or transactions that use mobile money but are not within our tax base. This tax measure will help to capture those transactions.

Above all, Mr Speaker, it is a constitutional duty that all citizens must make a small contribution towards the development of their country. Therefore, it should be understood that this tax is not a punishment but an opportunity for every citizen within this bracket of transactions to make that small contribution to enable Government extend to them the electricity that they need, build tele-centres and roads, and finance all expenditures, including our own expenditure here. With that, Mr Speaker, I beg to move and seek the support of every Member towards this important tax measure. Thank you.

**MR OKUPA:** Mr Speaker, I rise on a procedural matter. Last time when we passed this law, hon. Bahati presented a rate of one per cent. However, after we had passed it, the senior minister, who is again not here today, went to the press to deny this rate and accuse Parliament. Mr Speaker, some Members even went ahead to castigate you because you were in the Chair then.

All this happened yet the minister was represented here. Today, he is not here again. What guarantee do we have that tomorrow, hon. Kasaija, the Minister of Finance, Planning and Economic Development, will not turn around again and accuse Members of Parliament and say that is not what we agreed upon, given the fact that he is not here today? Therefore, is it procedurally right for us to go on without the presence of hon. Kasaija, who we have known, not once, twice but thrice, for turning around, accusing Parliament and abusing it at that? Is it procedurally right for us to continue without his presence here, Mr Speaker?

**THE DEPUTY SPEAKER:** Honourable members, where I come from, an apology is supposed to neutralise whatever wrong happened, but it does not mean you should forget it. An apology makes you at peace with the mistakes that have been made because the person owns up and says, “Please forgive me, I made a mistake” but it does not mean that you should forget it.

The information I have is that the senior Minister of Finance, Planning and Economic Development is not well physically. Let me leave it at that. Therefore, to ask him to show up here, we might need another week or two before he comes.

However, honourable members, the senior minister was here and he apologised to the House. I remember I was the one presiding when he made the apology to the House and we accepted it. Therefore, let us operate on the basis of that. I am sure that if the honourable minister who rendered that apology here remembers what happened, he would not do anything else because he knows exactly what happened. I do not think he wants to face the same music twice.

Therefore, honourable members, I propose the question for your debate. The motion that I propose for your debate is that the Bill entitled, “The Excise Duty (Amendment) (No.2) Bill, 2018” be read the second time. That is the motion before you. As usual, to kick-off our debate we refer to our committees who have interrogated this matter to advise and guide us on how we debate this matter.

3.50

**THE CHAIRPERSON, COMMITTEE ON FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (Mr Henry Musasizi):** Thank you, Mr Speaker. The Committee on Finance, Planning and Economic Development considered the Excise Duty (Amendment) (No.2) Bill, 2018 and would like to make the following observations.

Observations

1. Public debt to the Gross Domestic Product (GDP) is on the rise and now close to 40 per cent in nominal terms for financial year 20l7/2018. In addition, Government paid Shs 2.586 billion in interest payments in the financial year 20l7/2018. These developments are a result of 1ow revenue collections (about 14.1 per cent of GDP) against expenditure pressures of about 22 per cent of GDP, leading to a fisca1 deficit of about 5.6 per cent. In order to manage this increasing debt burden pressures, it is paramount to increase our revenue mobilisation efforts through widening the tax base.

2. The current budget of Shs 32.7 trillion that was approved by Parliament in May 2018 was premised on national priorities and financing framework, which includes tax measures. This, therefore, implies that any negative effect on the tax revenue will jeopardise the implementation of the budget. It is important to note that Government cannot borrow anymore from the domestic market beyond the Shs 1.936 billion.

3. The Excise Duty (Amendment) Act, 2018 imposed a one per cent levy on receiving, withdrawing and payments of mobile money transactions. The effect of this tax was:

1. A decline in total turnover in mobile money transactions by 3O per cent, which directly affects the withholding tax collection;
2. Mobile money agents dropped by 40 per cent. This has rendered a majority of the people employed in the sector jobless;
3. Loss of public trust in the mobile money system;
4. Principally, since bank transactions are not taxed, it makes it discriminatory, among others.

Additionally, implementation of the one per cent tax on mobile money transactions was met with some challenges, which include misinterpretation of the excise duty law, which resulted in the taxation of deposits, which was not the intention of the law. Government worked with Uganda Revenue Authority to inform the public and telecom companies not to collect the tax on deposits and use of mobile money for payment of taxes.

4. The transaction fees charged by telecom companies are shared with Government, agents, and part of it is retained by the telecom companies to meet operational cost and profit margins. Ten per cent of the transaction fees is paid to Government as tax, 50 per cent is paid to commissions agents, and 40 per cent retained by the telecom operators respectively.

5. The proposed 0.5 per cent tax will be charged on withdraw of cash transactions only through mobile money. Its main objective is to generate revenue to finance the budget. The projection from this measure is estimated to be Shs 115 billion.

6. Despite Uganda having a free market economy where prices of goods and services are determined by the forces of demand and supply, the committee noted that transaction fees on the mobile money platform were high compared to other service providers in similar business. This is partly due to lack of consumer protection laws that have left citizens exposed to multinationals. Telecom companies, for example, charge Shs 19,800 to withdraw Shs 1 million. The imposition of a 0.5 per cent tax on Shs 1 million will amount to Shs 5,000 compared to the Shs 19,800 charged as fees by telecom companies.

7. There is no comprehensive legal framework regulating mobile money payments in Uganda. The sector or industry regulation is based on the guidelines issued by Bank of Uganda in 2013. These do not address issues like next of kin on dormant accounts, accrued daily interest payments, among others. The Government should enact a law to regulate mobile money payments.

Mr Speaker, the committee would like to recommend that –

1. A law to regulate mobile money payments be put in place;

2. Consumer protection laws be enacted to protect citizens from high costs charged by multinationals;

3. Uganda Communications Commission should analyse the components and formula used to determine the transaction charges with the aim of reducing them;

4. The Excise Duty (Amendment) (No.2) Bill, 2018 be passed into law.

Mr Speaker, I am made to understand that some of our colleagues in the committee came up with a minority report. Therefore, I would like to beg your indulgence that we allow one of them to present the minority report on their behalf.

In conclusion, I would like to lay on the Table the original copy of the committee report duly signed by more than the required Members, together with the minutes and all the documents that were submitted to the committee during the consultation process. Thank you very much, Mr Speaker. I beg to move.

**THE DEPUTY SPEAKER:** Let the records capture the report and minutes of the meeting of the committee. Honourable member, who is presenting the minority report? Please, present the minority report. Can we receive the minority report?

**MR TINKASIIMIRE:** Mr Speaker, I have tried to access the report, which hon. Henry Musasizi was reading and the one he is referring to as the minority report. Both of them are not uploaded *– (Interjections)-* They are telling me that I have not paid Over-The-Top Tax (OTT). *(Laughter)* Maybe I wait and debate whether this OTT should stay or –

4.00

**MR PAULSON LUTTAMAGUZI (DP, Nakaseke County South, Nakaseke):** Mr Speaker, the Committee on Finance, Planning and Economic Development presents a minority report on the Excise Duty (Amendment) (No.2) Bill, 2018.

Parliament in May 2018 passed the Excise Duty (Amendment) Bill, 2018 that was assented to by the President on 2l June 2018, which introduced excise duty of one per cent on the value of mobile money transactions of receiving, payments and withdraws.

This tax, however, met serious criticisms –

**THE DEPUTY SPEAKER:** Honourable member, that is the same thing that was read by the committee chair. Why don’t you go to the area of dissent?

**MR LUTTAMAGUZI:** Let me go to our areas of dissent. Mr Speaker, I know time is not on our side.

Areas of Dissent: Levying of excise duty of 0.5 per cent on the value of mobile money transactions on withdrawal of cash.

Dissenting Observations

The committee interfaced with various stakeholders from the Ministry of Finance, Planning and Economic Development, the banking sector, telecommunication operators, civil society organisations and a member of the law fraternity, the Private Sector Foundation, mobile money dealers and the Member of Parliament from Busiki County Constituency, hon. Paul Akamba. Their submissions are summarised as below:

Bank of Uganda (BoU)

In their submission, they highlighted that the tax is neither neutral nor equitable between businesses engaged in similar forms of activities. The same tax does not apply to withdrawals from banks and microfinance institutions or SACCOs. Equity is an important consideration within a tax framework. Equity suggests that taxpayers in similar circumstances bear a similar tax burden**.**

They further observed that the value of mobile money transactions declined by Shs 672 billion in the first two weeks of July 20l8 compared to the first two weeks of June 2018. This was, in part, following the announcement of the Excise Duty (Amendment) Act, 20l8 introducing a tax of one per cent of the value of transaction that would apply on mobile money transactions.

Based on these considerations, even though the proposed Bill reduces the tax to 0.5 per cent and limits it to withdrawals, it is still not neutral, fair, equitable and has additional dangers of retarding growth of financial inclusion.

Ministry of Finance, Planning and Economic Development

The Minister of Finance, Planning and Economic Development suggested that while the value of transactions on the mobile money platform has significantly increased over years from Shs 18.6 trillion in 2013 to Shs 63 trillion in 2017, the revenue generated from imposing tax on transactional fees has been minimal. The revenues from the tax on transactional fees charged by telecom companies has risen from Shs 37.7 billion in financial year 2015/2016 to a paltry figure of Shs 57.2 billion in the financial year 2017/2018. As a portion of GDP, the velocity of mobile money transactions now stands at 63 per cent of GDP.

They further argue that the tax does not apply on alternative payment platforms such as Easy Money, PayWay and Agency Banking, which poses a challenge of equity. This may lead to people opting for such services instead of mobile money, which may negatively impact on the growth of the mobile money platform and eventually the tax yield from this measure.

Telecommunication Operators

They said that the proposed 0.5 per cent tax on mobile money services is discriminative, considering that the same tax has not been imposed on financial services and other payment channels, which serve the same purpose as the mobile money service, or any other service that allows flow of money from one person/business to another, including business to person or person to business. They submitted that the tax should be dropped because of the negative effects it has had on the sector.

Kampala Mobile Money Dealers Association

They proposed that the tax be dropped since it has negative effects on small and medium enterprises, which are the key users of mobile money. Mr Speaker, I am summarising because of time.

Initiative for Social and Economic Rights (ISER)

They argued that mobile money services have enabled easy payment for goods and services with convenience, with a number of utility companies, insurance companies, schools and health centres receiving payments through mobile money. They also proposed that the tax be dropped.

Tax Justice Alliance Uganda

They submitted that the proposed tax will cause multiple taxation. This is in addition to an increase from l0 per cent to 15 per cent excise duty tax on charges imposed for use of mobile money services and a new 10 per cent excise duty on commission for mobile money and airtime agents.

They further proposed that the customer pay another 0.5 per cent tax on every withdraw transaction that he or she makes. It is important to note that the income from which transactional charges are imposed (which charges are being taxed at 15 per cent per charge) is the same income that the proposed 0.5 per cent tax is intended to tax. This is double taxation that is now discouraging people from using the service since the tax was imposed on withdrawals. They proposed that it be dropped.

Civil Society Budget Advocacy Group

They also noted that reducing the tax rate on transaction value to 0.5 per cent only serves to reduce the impact on profits and transaction volumes by 50 per cent to about 37.3 per cent. Thirty-five per cent of the interviewed proprietors had laid off some workers, 33 per cent reported to have closed business due to failure to meet some overhead costs like rent and facilitation of the people they employ in mobile money kiosks, while 11 per cent had resorted to other businesses like PayWay and Easy Load only. This indicates that the tax on mobile transactional value is regressive.

MTN Dealers' Forum limited

MTN dealers' Forum submitted that from 1 July 2018, at least 100,000 customers served daily have reduced by 40 per cent to date and continue to go down by the day. There are no customers anymore transacting over Shs 1 million. Urban to rural cash transfers have dropped by 40 per cent, affecting customer's cash-outs negatively. They proposed that the tax should be dropped.

Hon. Paul Akamba, MP Busiki County

Hon. Akamba Paul submitted that there is no legal framework to regulate mobile money business in Uganda. The Bank of Uganda Act did not provide the regulator with general authority to regulate the payment sector. Uganda did not and still does not, have a payment law that can be used by the Central Bank to issue licences to electronic money users. At the same time, only banks and institutions regulated by Financial Institutions Act, 2004 are permitted to provide retail services. He also proposed that the tax should be dropped.

Mr Speaker, we also met the Uganda Bankers Association. They submitted that they hold the opinion that the specific taxes on mobile money transactions, as had originally been proposed, work against the objective of financial inclusion and would reverse the gains that had so far been realised on this front. They also proposed that the tax should be dropped.

Private Sector Foundation

The Private Sector Foundation submitted that all direct taxes scare away users from mobile money. There is already a reduction by 60 per cent experienced and this has directly affected all businesses which use mobile money as a mode of payment. They also proposed that the tax should be dropped.

Muwema and Company Advocates

They said that without a proper cross-licensing regulatory framework of mobile money services, the telecoms and other mobile money service providers are, strictly speaking, caught by an illegality of conducting banking business, contrary to the Financial Instituting Acts, 2004. They also proposed that the tax should be dropped.

Members’ Observations

Mr Speaker, Members observed that taxation should produce the right amount of tax at the right time while avoiding both double taxation and unintentional non-taxation. The potential for evasion and avoidance should be minimised to the extent that imposing this tax to mobile money withdraws may be the most preferred option to adopt at the moment. It could create various forms of avoidance and evasion. The Members also proposed that it should be dropped.

Mr Speaker, I call upon hon. Isiagi Opolot for the recommendation.

4.13

**MR PATRICK OPOLOT (NRM, Kachumbala County, Bukedea):** Thank you, Mr Speaker. I start by thanking the minister for bringing this amendment, which I think is a chance for us to really handle the issue and drop everything. *(Applause)* You see,the first one could have been testing the depth of the river with one foot. The mistake we must not make is to try to check the depth of the river with both feet.

Mr Speaker, on this tax, we benchmarked beyond our borders. We benchmarked with Mauritius, Zimbabwe, Kenya, Tanzania and Pakistan. The finding is that it is only Uganda and the poorly managed Zimbabwe who have imposed this tax. *(Laughter)* Zimbabwe imposed a transaction tax of $0.05 per transaction.

The amendment the minister is proposing – from one per cent to 0.5 per cent – is not a quantum problem. The problem is the principle of the tax and it is a logical one, as you have heard. Mobile money operation is a revolution. It is a growth factor. It is a revolution we should not miss. In addition, it is a product, which is still in its infancy.

When a product, which is going to bring a lot of benefits, is still at the infancy stage, it would be totally wrong for us to inject shocks to this product. Logically, for the side of the Government, the manifesto of the Government talks about employment and poverty reduction and this is a vehicle, which is going to support us on that. *(Applause)* When we talk about equal opportunities, banks are not reaching the rural areas but mobile money goes deep up to the rural areas. As such, we do not have to play about with mobile money. *(Applause)*

When the minister talks about being kind by reducing from one to 0.5 per cent, let us look at the principle of elasticity. If you have a product, what is the degree of responsiveness if there is any increase or reduction in price? What is the degree of responsiveness of the consumer to taxation? Morally, this tax is terrible. It even flushes on your face and is a big shock.

Mr Speaker, legally, we are supposed to legislate correctly. Excise duty is a tax to the supplier of service or goods but you are not again going to put excise duty on a consumer. Legally, this tax does not fall within the excise duty Act. If you check the Excise Duty (Amendment) Act, 2018 that was passed by Parliament, it does not fall there. You cannot tax the consumer. What is happening is that we are avoiding to tax the right person. The telecommunication companies are charging a lot of money. When we are talking of financing the budget, that is the money we should go for. *(Applause)* We do not need to go for double taxation. We just need to bring an amendment to increase the percentage *–(Interruption)*

**MR MOSES KAHIMA:** Mr Speaker, this Member was invited to present the recommendations and he is here debating. Is he in order to debate, yet, he was invited here to give recommendations?

**THE DEPUTY SPEAKER:** Honourable members, I do not know whether you have the same copy of the report that I have. Hon. Opolot Isiagi is a signatory to the minority report and that is exactly what he is doing. *(Applause)*

**MR PATRICK OPOLOT:** I thank you, Mr Speaker, for that wise ruling. It is not good. Even when you check, our main report clearly indicates that the operations have fallen by 30 per cent and the jobs have fallen by 40 per cent. How can we afford to lose all those jobs? You see, it is like driving a manual car; you engage the right gear at the right time. If you are going to climb a hill, you engage gear two. However, you may decide to use gear five and come at a speed to climb the hill but the engine of the car will be damaged.

Kenya has gone ahead to give affirmative action for the poor, whereby mobile money to the poor – these ladies who sell *Sukuma wiki* are not charged by the telecom companies. They gave them a threshold - that below a certain amount, it should not be charged. In Pakistan, the *Easypaisa* of the mobile money operator allows sending money to the rural poor women without charge.

Mr Speaker, we need to save our people. We are representatives of the people and so, we cannot legislate and pass it like what the Rt Hon. Speaker said: “Are you going to vote ‘yes’ for what is wrong?” *(Laughter)* We cannot continue after understanding that what you have done is wrong.

Mr Speaker, I would like to apologise to the public – Our prayer is that -

**THE DEPUTY SPEAKER:** Honourable member, when did I say that?

**MR PATRICK OPOLOT:** Mr Speaker, I heard it a few minutes ago after the Attorney-General explained the circumstances. *(Laughter)*

Mr Speaker, our prayer therefore, is that the House amends the Excise Duty (Amendment) Bill No.2, 2018 by totally scrapping and deleting it. Otherwise, even if you said “zero percent”, it is equally wrong because zero is bad enough. It must be totally deleted and scrapped from the Act. I beg to move. *(Applause)*

4.23

**MR MUWANGA KIVUMBI (DP, Butambala County, Butambala):** Mr Speaker, having heard the minority report and seeing the mood in the House - which is seemingly very popular – I, therefore, move a motion that the minority report be adopted and the question be put for us to adopt the minority report. I beg to move.

**THE DEPUTY SPEAKER:** The motion is seconded. Honourable members, the motion that has been proposed is that the question be put. The question I am being requested to put is on the motion for second reading of the Bill. However, I must first move that the question be put.

I put the question that the question be put.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Honourable members, I now come to the motion that I have been called upon to put the question to. However, before I do so, let me guide as follows:

1. If we adopt the motion for second reading of the Bill, it would mean that we shall go to the committee stage to deal with the amendments.
2. If we reject the motion for second reading, that means that we have rejected the Bill and the law remains as it was passed.

Honourable members, please listen. Two proposals have been made: The Bill is proposing 0.5 per cent but the minority report is proposing something else. However, we have already passed one per cent, which is the current operating law. This Bill seeks to amend that one percent to either change or remove it. So, if we vote “yes” for second reading of this motion, it means that we shall go to committee stage to deal with the amendments. If we vote “no”, that means we are upholding the one per cent, in the previous Bill.

I now put the question to the motion that the Excise Duty (Amendment) Bill No.2, 2018 be read the second time.

*(Question put and agreed to.)*

BILLS

COMMITTEE STAGE

THE EXCISE DUTY (AMENDMENT) BILL NO.2, 2018

Clause 1

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question that clause 1 stand part of the Bill.

*(Question put and agreed to.)*

*Clause 1, agreed to.*

Clause 2

**MR NIWAGABA:** Mr Chairperson, we are dealing with a very sensitive law -

**THE DEPUTY CHAIRPERSON:** Honourable members, we are coming to the actual amendment of clause 2. We have only dealt with commencement.

**MR NIWAGABA:** Mr Chairperson, the procedural matter I wanted to raise relates to the way we are going to vote on clause 2. This is a very sensitive law. Actually, the mood of the people we serve has been captured by the minority report. Therefore, the procedural matter I would like to raise is that we should not adopt the voice voting method but vote by show of hands on clause 2. I so move. *(Applause)*

**THE DEPUTY CHAIRPERSON:** Honourable members, there is no reason for anybody to be excited. I do not see where the excitement is coming from. *(Laughter)* We will adopt voting by show of hands. *(Applause)*

Can we proceed with this matter, please? Can I put the question to clause 2?

**MR SSEMUJJU:** Thank you, Mr Chairman. The proposal contained in the minority report is a proposal to delete the provision that introduced this tax. If we vote on clause 2 to say, for example, “We reject the proposal by Government of 0.5 per cent”, it actually means that we are reinstating one per cent so we want to maintain the status quo. Therefore, Mr Chairman, before we go to clause 2, we have an amendment to make, and hon. Niwagaba is going to propose it, if you can allow us.

**MR NIWAGABA:** Mr Chairman, we propose that clause 2 of the Bill be amended with the following wording: “The Excise Duty Act, 2014, in this Act referred to as a principal Act, is amended in Schedule 2, Part 1, by substituting for paragraph (f) of item 13 the following: ‘Mobile money transaction of withdrawal of cash of 0.5 per cent of the value of the transaction is hereby amended by deleting the entire provision in the Act, as passed in 2018.’” *(Applause)*

**THE DEPUTY CHAIRPERSON:** Honourable members, in order for you to appreciate the amendment being proposed, it could have been drafted better. If you want to delete paragraph (f), you would have just dealt with the first part without going to the one in the box.

In this case, it would have been something like this: “The Excise Duty Act, 2014, in this Act, referred to as the principal Act, is amended in Schedule 2, Part 1…” and instead of saying “by substituting”, you say, “by deleting paragraph (f) of item 13”. Is that what you are trying to say because to go to the box, it complicates the drafting?

That is the amendment that has been proposed. Can I put the question to this amendment? The question I am going to put is that the Excise Duty Act, 2014, in this Act referred to as the principal Act, is amended in Schedule 2, Part 1, by deleting paragraph (f) of item 13. That is the proposal. I will put the question to that amendment. Will those in favour put up their hands? Excuse me, please wait. Who is counting?

**MS AMONGI:** Thank you.

**THE DEPUTY CHAIRPERSON:** Honourable members, there is no need to create excitement. The honourable Jacob Oulanyah is in charge. *(Applause)* There is no point for any Member to get excited about this thing.

**MS AMONGI:** Thank you, Mr Chairman. When a matter was before the Supreme Court in Mbale, those who took the matter to court raised an issue of quorum in the House. Therefore, not to be caught, the Members have articulated that the matter is very important. Since it is very important, I would like to request that the matter of quorum is moved outside this House and we ascertain the quorum of the House as we go to vote. *(Applause)*

**THE DEPUTY CHAIRPERSON:** Clerk, please ascertain quorum.

Honourable members, we are going to vote; you cannot go out. Please, just resume your seats and wait. Honourable members, this is the number that has been ascertained: the quorum of this Parliament is 154 Members and the Members who are present in the Chamber right now are 97.

Honourable members, Order! The rule requires that at the time voting is called and the numbers are not sufficient, I suspend the House for 15 minutes and then come back so that we can take a decision. Let me remind you that whether you defer this vote by a year or two years, the results are likely to be the same.

So, I would request that to uphold the dignity of this House, I suspend this House for 15 minutes so that we constitute quorum and take this decision. Whether we take it today or next week, the results are going to be the same.

Clerk, can you send me back so that I can suspend the House?

MOTION FOR THE HOUSE TO RESUME

4.44

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Mr Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

**THE DEPUTY CHAIRPERSON**: Honourable members, the motion is for resumption of the House to enable the Committee of the whole House report. I put the question to that motion.

*(Question put and agreed to.)*

*(The House resumed, the Deputy Speaker presiding.)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

4.45

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Mr Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, “The Excise Duty (Amendment) Bill No.2, 2018” and passed Clause 1.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE HOUSE

4.45

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati)**: Mr Speaker, I beg to move that the report from the Committee of the whole House be adopted.

**THE DEPUTY SPEAKER:** Honourable members, the motion is for adoption of the report from the Committee of the whole House. I put the question to that motion.

*(Question put and agreed to.)*

*Report adopted.*

**THE DEPUTY SPEAKER:** Honourable members, the challenge we have is that the House is not properly constituted to take a decision. The rules require me to suspend the House for 15 minutes. House suspended for 15 minutes. We will resume here to take the appropriate decision on this motion.

*(The House was suspended at 4.46 p.m.)*

*(On resumption at 5.01 the Deputy Speaker presiding\_)*

**THE DEPUTY SPEAKER:** Honourable members and those of you who are in the lobbies please let us come and we proceed with Business. While we wait for the members to come, we can handle another item; where is the honourable minister responding to the item on the eviction of local communities from Nakaseke District.

**MR SSEMUJJU:** Mr Speaker, we take Parliament Business very seriously we sought to be elected to come here to transact Business on behalf of the public.

What message shall we be sending to the public if a minister who five minutes ago stood up here to fail Parliament to transact Business is given the same platform to talk to Parliament?

I have seen colleagues here my friend the commissioner, hon. Ogwang mobilising MPs to get out of Parliament. We must not be physically present in this Parliament but be in a shape to transact Business. What has just happened here cannot leave me the way I came to transact Business.

Mr Speaker, you came in when we were about four waiting and then you see ministers and commissioners mobilising themselves to get out*-(Interjections)-* yes I have evidence.

This Parliament has cameras even the things you may not have seen-if you want you will go and see them and I cannot pretend like you. I am personally not in shape to continue pretending to be listening.

The procedural issue is that if the purpose of Government was to fail the Business of Parliament today and by our rules the Speaker must prioritise Government Business; why do we waste our time pretending to transact Business when those who are running the state do not want us to continue *-(Interjections)-* I saw you mobilising people to get out I do not know why you are here.

**MS ANITE:** Do not intimidate me; thank you, Mr Speaker. I am doing this with a lot of pain because hon. Semmujju Nganda is a friend but I have to speak the truth.

Is he in order to allege that it was the plan of Government to fail Parliament Business today when in actual sense the mover and the minister who presented this motion are here in the House? Even the ministers who were here when this motion was debated are still in the House.

Further to that is hon. Ssemujju Nganda in order to allege- because I know that he who alleges must prove. Is he in order to allege that hon. Peter Ogwang the commissioner and myself*-(Interjections)-* if I were demobilising why would I be here?

**THE DEPUTY SPEAKER:** Honourable members, I suspended the House for 15 minutes and I know exactly the members who were in the House when I suspended. The Member in question was in the House and now is not around, where is he?

I had requested that we deal with other private Members issues which were pending because I was giving time for members to come back. We have matters that had been raised by private members like the issue of the eviction in Nakaseke and others that we have responses to them that do not require a vote and quorum.

If at the end of the responses we still see that the House is empty, I will give my guidance on how to proceed - she is the minister who is holding the responsibility you cannot assign another person.

**MR NSEREKO:** Thank you very much, Mr Speaker. You suspended this House for 15 minutes and I am aware that we had to come back here and carryon the voting because this is a matter of national importance.

All the members of Parliament that have been here that formed quorum must adhere to your command; hon. Ssemujju is not rumour mongering; it is true and can be corroborated.

Trying to deny this House quorum to perform its duty is looking down upon your orders as the Rt Hon. Speaker in the Chair and also looking down at this House, the taxpayers and the people of Uganda. In any case, it should not come from, anyone from the front bench. Honourable members, the best way to offset all political contests should be through a vote. You should not fear to come for a vote.

Therefore, when we were here there were some members in the lobby. Mr Speaker, I would like to report to you that members were being told to leave by certain members. I would like to appeal to those members that we are not here for a shame and blame game. Let us look deep down into our hearts as we are waiting for them. Those that can appeal to their conscience must return immediately and adhere to your command so that we transact business that is long awaited for by the entire nation.

The procedural matter I would like to seek from you, Mr Speaker, is to give us a few more minutes to – Yes, you can suspend this House for another 10 minutes and we come back. If your orders shall not be adhered to we shall carry on with the same business because people will feel that it does not matter; we will come back and transact other business and we will not look to what is priority. Mr Speaker, hold your ground on this so that we move on with the Bill as you had ordered.

We can wait and the honourable minister is not in a rush, she can also wait to present her report on the matter of eviction. Thank you.

**THE DEPUTY SPEAKER:** Honourable members, I have guided on this matter. I do not like repeating myself. I had requested that there was a question on the eviction of local communities from the land in Nakaseke District by Maj. Mwesigwa John.

Honourable member for Nakaseke, is this matter still something you want to deal with or not?

5.13

**MR SEMAKULA LUTTAMAGUZI (DP, Nakaseke South County, Nakaseke):** We are waiting for the minority report.

**THE DEPUTY SPEAKER:** I have asked a specific question. Do you want to get an answer to the issue of eviction in Nakaseke or not?

**MR LUTTAMAGUZI:** Yes, but not today. *(Laughter)*

**THE DEPUTY SPEAKER:** The answer is ready. This is how we are going to proceed with this. The answer is ready and if you are not interested in it –

**MR LUTTAMAGUZI:** Mr Speaker, it is disheartening. I know the people of Nakaseke are facing land evictions but it is disheartening to see a minister whose integrity is under question answering such kind of questions. Thank you.

**THE DEPUTY SPEAKER:** This is the Minister of Land, Housing and Urban Development. If you are not prepared to receive the answer for this question, then I will take it out of the Order Paper. It will no longer be pending.

**MR LUTTAMAGUZI:** Mr Speaker, the same minister before us is under investigation by the Land Commission of Inquiry. How can she answer the same question, which she is also facing? She is part of the problem. I wonder how she can be in position to answer the question. Thank you.

**THE DEPUTY SPEAKER:** Honourable member, she is the minister and the person to whom this question was addressed.

Madam Clerk, please strike this particular item from the Order Paper. It will not come on Business to follow; it will not happen.

**MS NAJJUMA:** Thank you, Mr Speaker. I know well that I have submitted this issue several times. It was also raised by hon. Luttamaguzi. I am looking at this other burning issue – I am a Member of Parliament from Nakaseke District, hon. Nganda – Mr Speaker, I request the Minister of Lands, Housing and Urban Development to submit her statement.

I am looking at this other burning issue. Col. Mwesigwa John is evicting people from 10 square miles of land and what we know is that this is a forest reserve. We are wondering how he got a land title under a forest reserve. On my side, it is a burning issue that should be handled. Thank you.

**THE DEPUTY SPEAKER:** Honourable member, this matter is no longer on the Order Paper; I have struck it off but you have the opportunity to raise it again next week so that it is answered as a fresh question coming from you. As far as I am concerned, it is no longer on the Business of the House.

QUESTION FOR ORAL ANSWERS UNDER RULE 42

QUESTION RAISED BY HON. MWIRU PAUL ON UNLAWFUL ARREST AND DETENTION OF SOME PEOPLE IN JINJA DISTRICT BEYOND THE MANDATORY 48 HOURS

5.16

**MR PAUL MWIRU (FDC, Jinja Municipality East, Jinja):** Mr Speaker, in the interest of dealing with the subject matter, I also withdraw that question. Thank you.

**THE DEPUTY SPEAKER:** Thank you.

**MR NIWAGABA:** Thank you, Mr Speaker. I rise on a point of procedure but also raising a point of the privileges of this House.

The House was suspended for 15 minutes to consider a specific law at the time members were voting. The information that has come from some of the members is that there are those members of this House who have now decided deliberately to keep themselves away.

For that matter, I wanted to raise a point of procedure mixed with privilege that the House moves again to committee stage, we carry out a roll call and tally. Members who had initially timed in as being here would be subsequently known because the records would be clear to have deliberately avoided the House to fail it. I beg to move. *(Applause)*

 **THE DEPUTY SPEAKER:** Honourable members, this is the dilemma that I have. I have seen before members walking out of this House in protest and when you do so, it is an exercise of right. I do not know whether it would be in order for us to call them for punishment if they walked out in protest.

I have seen members who have sat in this House and when the vote was called, they never voted yet they were in. The issue of vote is a conscience matter and you cannot compel somebody to vote one way or the other for as long as we are still playing within the rules.

However, the issue that we need to deal with is that of respecting the dignity of this House. We have proceeded with matters here where we have consensus and many issues were not raised and we were able to proceed. Therefore, to proceed this way knowing some of the challenges that we face is to bring difficulties in the way we run Business in this House.

There being no further Business to handle at this time, House is adjourned to Tuesday, 2 October 2018 at 2 o’clock.

*(The House rose at 5.19 p.m. and adjourned until Tuesday, 2 October 2018 at 2.00 p.m.)*