

THE INSTITUTION OF TRADITIONAL OR CULTURAL LEADERS
BILL, 2010
BILL NO. 24 of 2010

BEFORE

THE SESSIONAL COMMITTEE ON LEGAL AND
PARLIAMENTARY AFFAIRS
AND
THE SESSIONAL COMMITTEE ON GENDER, LABOUR AND
SOCIAL DEVELOPMENT

PROPOSED AMENDMENTS BY THE HON. MINISTER OF
GENDER, LABOUR AND SOCIAL DEVELOPMENT

*(Under Rule 113(3) of the Rules of Procedure of the Parliament of
Uganda)*

1. Long Title

Delete the phrase *“to provide for the recognition of traditional and cultural leaders by the Government”* appearing in line 5.

Justification: Consequential amendment arising out of the deletion of clause 5.

2. Clause 3, page 5

(a) Delete subclause (3) and substitute it with the following-

“(3). A traditional or cultural leader may be instituted in the following ways-

(a) in accordance with the culture, customs and traditions of the people to whom it applies, subject to verification of the process of institution by the Minister; and

(b) in accordance with the wishes and aspirations of the people to whom it applies, through a resolution of not less than two thirds of all members of the district local government councils and sub-county local government councils respectively in the area.”

Justification: To require the Minister to verify the procedure of installation of a traditional or cultural leader.

(b) **Insert** subclause (4) after subclause (3)(b)-

“(4) Where there is a controversy, the Minister shall verify compliance regarding the selection, through a resolution of not less than two thirds of all members of district local government councils and the sub-county local government councils respectively in the area or by court.”

Justification: To enable the Minister to verify compliance in selection.

3. Clause 4, page 6

(a) **Delete** subclause (3) and **substitute** it with the following-

“(3) A person shall not be compelled to pay allegiance or contribute to the cost of maintaining a traditional leader or cultural leader.”

Justification: To comply with the Constitutional provision, Article 246 (3) (d).

(b) **Delete** subclause (4).

Justification: To remove the offence relating to compelling a person to pay allegiance to a traditional or cultural leader.

4. Clause 5, page 6

Delete clause 5 and **substitute** it with the following-

“5. Publication of declaration of traditional or cultural leader

Where a traditional or cultural leader has been declared to exist in any area of Uganda in accordance with the culture, customs and traditions or wishes and aspirations of the people, the Minister shall cause the declaration to be published in the Gazette.”

Justification: To require Government to publish in the Gazette, the declaration of a traditional or cultural leader.

5. Clause 7, page 7

Delete clause 7 and **substitute** it with the following-

“7. Publication of abdication or cessation of traditional or cultural leader

Where a traditional or cultural leader-

- (a) abdicates the institution of traditional or cultural leader; or
 - (b) lawfully ceases to be a traditional or cultural leader,
- the Minister shall cause the abdication or cessation to be published in the Gazette.”

Justification: To require the Government to publish in the Gazette the abdication of a traditional or cultural leader or one who lawfully ceases to be a traditional or cultural leader.

6. Clause 8 page 7.

Delete clause 8.

Justification: People who pay allegiance to traditional or cultural leaders are not confined to a particular community or area of Uganda.

7. Clause 9, page 7

Delete clause 9.

Justification: Article 178 (*relating to regional governments*) and paragraph 8 of the Fifth Schedule to the Constitution already provide for a traditional or cultural leader to be the titular head of a regional government.

8. Clause 10, page 8

- (a) In subclause (1), **delete** the word “*recognised*” appearing in line 1 of sub clause (1).

Justification: Consequential amendment arising out of the deletion of clause 5.

- (b) **Delete** subclauses (2) and (3) and **substitute** them with the following-

“(2) A traditional leader or cultural leader shall enjoy such privileges and benefits as may be conferred by the Government and local

government or as that leader may be entitled to under culture, custom and tradition.”

Justification: To require Government and Local government to provide privileges and benefits to the tradition or cultural leader.

(c) **delete** sub clause (7).

Justification: The bill does not provide the duties and responsibilities of the traditional or cultural leaders.

9. Clause 13, page 9

(a) **Substitute** for subclause (3) (b) the following-

“(b) **allows** a member of a political party or organisation to articulate views, aspirations and interests of that political party or political organisation;”

Justification: To better express what constitutes joining or participating in partisan politics under paragraph (b).

(b) In sub clauses (3) (c) and (d), **insert** the word “*knowingly*” at the beginning of both paragraphs.

Justification: To provide for situations where a traditional or cultural leader attends a debate or gathering where, unknown to him or her, views, aspirations and interests of a political party or organisation will be articulated.

(c) **Delete** sub clause (4) and **substitute** it with the following-

“(4) A person who knowingly involves a traditional or cultural leader in partisan politics commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding twelve months or both.”

Justification: Consequential amendment arising out of the deletion of clause and to provide a penal provision for politicians who knowingly involve additional or cultural leaders in partisan politics.

