
BILLS

SUPPLEMENT No. 10

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BILLS SUPPLEMENT

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Bill No. 21 *Uganda National Kiswahili Council Bill*

2023

**THE UGANDA NATIONAL KISWAHILI COUNCIL
BILL, 2023**

MEMORANDUM

OBJECT OF BILL

The object of the National Kiswahili Council Bill, 2023 is to provide for the establishment of the Uganda National Kiswahili Council, to provide for the functions of the Council, to provide the linkage between the Council and the local governments, to provide for the composition, tenure, meetings and committees of the Council, to provide for the Secretariat of the Council and the funds of the Council.

JUSTIFICATION FOR THE BILL

Under Article 6 (2) of the Constitution of the Republic of Uganda, Kiswahili is the second official language of Uganda to be used in such circumstances as Parliament may by law prescribe.

The Treaty for the Establishment of the East African Community, Article 119(d) provides that the Partner States shall promote close cooperation amongst themselves in culture and sports, with respect to the development and promotion of indigenous languages especially Kiswahili as a *lingua franca*. This would enable the use of a unifying language in the Community, which is beneficial especially for Uganda where the adoption of Kiswahili would empower Ugandans to interact with the other East Africans and to seek opportunities in the region where these opportunities are hindered by language. Kiswahili is the

second official language of the East African Community in addition to English. It is also widely used in the Partner States of the East African Community. In the Republic of Kenya and United Republic of Tanzania, Kiswahili is used in the work place and is a language of instruction. In the Republic of Rwanda and Republic of Burundi, Kiswahili is the second official language whereas in Democratic Republic of Congo, Kiswahili is one of the recognized National languages. At the international level Kiswahili has been recognized as one of the language of wider communication and is used on international radio and in music, theatre, television and film.

Uganda has a diversity of communities using different languages and lacks a shared culture and national value system. This has created divergence in perceptions, mind set and attitudes which affect the social transformation process of Uganda. Although the challenge of Kiswahili in Uganda is not new, it has taken on a greater urgency in the recent past, promoting the development and use of Kiswahili has become a priority in East Africa and the world. While Uganda as a Partner State of the East African Community, has committed itself to institutionalizing the language in official domains, implementation still remains work in progress. The strategies to promote the usage of Kiswahili in the Government White Paper on Education Policy of 1992 have not been operationalized as yet.

At the East African Community level, the Partner States concluded the Protocol on the Establishment of the East African Kiswahili Commission. The main object of the Commission based, in Zanzibar, is to promote the usage of Kiswahili within the East African Community. The Commission works through National Kiswahili Councils like the Uganda National Kiswahili Council to be established under the Bill.

The Bill therefore seeks to operationalize Article 6(2) of the Constitution of Uganda and the Protocol on the Establishment of the East African Kiswahili Commission. The Bill will establish the Uganda National Kiswahili Council as the Government agency that

will promote the usage of Kiswahili in Uganda. The Council will coordinate and promote the usage of Kiswahili in the administrative, judicial, legislative processes, as a medium of communication by Local Governments and the Public at all levels of society and as a medium of instruction in the Educational institutions in Uganda.

PROVISIONS OF THE BILL

Part I of the Bill defines the Uganda National Kiswahili Council.

Part II of the Bill seeks to establish the Uganda National Kiswahili Council, provides the functions of the Council, the composition and tenure of the members of the Council, the remuneration of members of the Council and seeks to provide for the meetings and committees of the Council.

Part III of the Bill seeks to establish the Secretariat of the Council to be headed by Executive Secretary and to provide for the other staff of the Council.

Part IV of the Bill seeks to provide for the funds of the Council, the accounts to be maintained by the Council and for the auditing of the accounts of the Council.

Part V of the Bill seeks to protect the members of the Council from civil action, provides for the reports to be made by the Council and provides for the making of Byelaws of the Council to regulate the affairs of the Staff of the Council.

AMONGI BETTY ONGOM (MP),
Minister of Gender, Labour and Social Development.

THE UGANDA NATIONAL KISWAHILI COUNCIL BILL, 2023

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SCHEDULE—Meetings of the Council

A Bill for an Act

ENTITLED

THE UGANDA NATIONAL KISWAHILI COUNCIL ACT, 2023

An Act to provide for the establishment of the Uganda National Kiswahili Council; to provide for the functions of the Council; to provide the linkage between the Council and the local governments; to provide for the composition, tenure, meetings and committees of the Council; to provide for the Secretariat of the Council and the funds of the Council and for related matters.

BE IT ENACTED by Parliament as follows—

Part I—Preliminary

1. Commencement

This Act shall come into force on a date appointed by the Minister by statutory instrument.

2. Interpretation

(1) In this Act –

“Council” means the Uganda National Kiswahili Council;

“Minister” means the Minister responsible for Kiswahili.

PART II—THE UGANDA NATIONAL KISWAHILI COUNCIL

3. Establishment of the Uganda National Kiswahili Council

(1) There is established a council to be known as the Uganda National Kiswahili Council.

(2) The Uganda National Kiswahili Council shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Council may in connection with its functions under this Act, purchase, hold, manage and dispose of any property, whether movable or immovable and may enter into any contract and any other transaction as may be expedient and may do such other thing that may be lawful done by a body corporate.

4. Functions of the Council

(1) The functions of the Council are—

- (a) to develop and promote Kiswahili as the second official language of Uganda;
- (b) to promote the usage of Kiswahili in the administrative, judicial and legislative processes and as a medium of communication and instruction in the educational institutions in Uganda;
- (c) to promote the usage of Kiswahili a medium of communication by the local governments and the public, at all levels of society;
- (d) to support and facilitate the institutions that undertake Kiswahili related research and training, by establishing networks and partnerships;
- (e) to coordinate the stakeholders of the usage of Kiswahili in Uganda;

- (f) to commission research and cause the development and publication of journalistic, periodical, educational, creative and scholarly Kiswahili materials;
- (g) to monitor Government's promotion and usage of Kiswahili; and
- (h) to establish and maintain linkages with institutions in Uganda and in the East African Community, concerned with the development and promotion of Kiswahili.

5. Linkage of Council with local governments

A district council shall with the guidance of the Council, promote and advocate for the usage of Kiswahili as a medium of communication in the administrative processes of all the local governments in the district and submit reports to the Council on the status of the usage of Kiswahili in the respective district.

6. Composition of the Council

The Council shall be composed of the following members to be appointed by the Minister—

- (a) a representative of the Kiswahili associations;
- (b) representative of the Kiswahili research institutions;
- (c) representative of the Kiswahili departments of universities, public and private;
- (d) representative of the Kiswahili media operators;
- (e) representative of the Kiswahili writers' associations;
- (f) a representative of the Ministry responsible for East African Community matters;
- (g) a representative of the Ministry responsible for Kiswahili;
- (h) a representative of the Ministry responsible for education; and
- (i) a representative of the Uganda Peoples Defense Forces.

7. Tenure of office of members of Council

(1) A member of the Council shall hold office for a period of five years and is eligible for re-appointment for one further term.

(2) A member of the Council may be removed by the Minister for proven inability to perform the functions of his or her office by reason of infirmity of mind or body or for any other sufficient cause.

(3) A person shall not be removed from office under subsection (2) for infirmity of mind or body, unless the Council in consultation with the Medical Board certifies that the person is unable to perform the functions of his or her office.

8. Chairperson of Council

(1) The Council shall be headed by a Chairperson who shall be deputised by a Vice-Chairperson and the Chairperson and the Vice Chairperson of the Council shall be elected by the members of the Council from amongst themselves, taking into consideration gender balance.

(2) The Chairperson shall hold office for five years and is eligible for reappointment for one more term only.

(3) The Chairperson—

(a) may resign his or her office as Chairperson by notice, in writing addressed to the Minister; and

(b) may be removed by the Minister from office as Chairperson if requested to do so by a resolution of the Council supported by not less than two thirds of the members of the Council.

9. Remuneration of members of the Council

A member of the Council, and any person co-opted to any meeting of the Council, may be paid such remuneration or allowances and at such

rate as the Minister may determine after consultation with the Minister responsible for finance and the Minister responsible for public service.

10. Meetings of the Council

The Schedule to this Act shall have effect with regard to meetings of the Council.

11. Committees of the Council

(1) The Council may establish such committees as it may deem necessary for the efficient performance of its functions under this Act.

(2) The Council may prescribe the procedure for meetings of its committees.

(3) The Council may delegate any of its function of the committees as it may consider fit and subject conditions as it may determine.

PART III—THE SECRETARIAT

12. Secretariat and Executive Secretary

(1) The Council shall have a Secretariat headed by an Executive Secretary who shall be appointed by the Council.

(2) Subject to the provisions of this Act, the Executive Secretary shall hold office on a full-time basis for five years and is eligible for reappointment for one more term, on such terms and conditions as shall be specified in the instrument of his or her appointment,

(3) The Executive Secretary may resign office in writing addressed to the Council, no less than three month before he or she intends to resign office.

(4) The Council may after giving him or her three month's notice in writing, remove the Executive Secretary from office for misbehaviour or inability to perform the functions of his or her office.

(5) Notwithstanding subsection (4), the Executive Secretary shall not be removed from office under this section for inability to perform the functions of his or her office by reason of infirmity of body or mind unless the Council, in consultation with the Medical Board, certifies that he or she is unable to perform the functions of his or her office.

13. Functions of the Executive Secretary

(1) The Executive Secretary shall be the Chief Executive and Accounting Officer of the Council.

(2) Subject to the general control of the Council, the Executive Secretary shall—

- (a) be the secretary at any meeting of the Council and shall keep a record of the minutes of the meetings; and
- (b) perform such other functions as may be assigned to him or her by the Council

(3) In the absence of the Executive Secretary, the Council may designate the next senior qualified officer of the Secretariat to act as Executive Secretary and in the event of continued absence without justifiable cause, the position shall be filled within six months from the date the Executive Secretary was last in office.

14. Other staff of the Council

(1) The Council shall have such other officers and employees in the Secretariat as the Council may with the approval of the Minister, determine.

(2) The Council shall pay the Executive Secretary and other staff such remuneration and allowances as it deems reasonable and shall grant pension or retirement benefits or gratuity to them at such rates as the Council shall determine after consultation with the Minister responsible for Finance and the Minister responsible for Public Service.

(3) The terms and conditions of service of the Executive Secretary, officers and employees of the Council shall be determined by the Council and approved by the Minister in consultation with the Minister responsible for Public Service.

15. Experts and consultants

(1) The Council may, acting on the advice of the Executive Secretary, engage the services of experts and consultants when necessary.

(2) The experts and consultants engaged under this section may be paid fees and allowances and granted such facilities as may be determined by the Council.

PART IV—FINANCIAL PROVISIONS

16. Funds of the Council

(1) The funds of the Council shall consist of—

- (a) money appropriated by Parliament; and
- (b) grants, gifts and donations that may be received by the Council from any source within or outside Uganda, approved by the Minister in consultation with the Minister responsible for finance.

(2) All income and moneys of the Council shall be deposited to the credit of the Council in a bank approved by the Accountant General and shall not be withdrawn except with the approval of, and in the manner determined by the Council.

17. Estimates of income and expenditure

(1) The Council shall within three months before the end of each financial year, cause to be prepared and submitted, to the Minister for submission to the Minister responsible for finance for approval, estimates of the income and expenditure of the Council for the preceding financial year.

(2) No expenditure shall be made out of the funds of the Council unless the expenditure is approved by the Council.

18. Financial year of the Council

The financial year of the Council shall be period of twelve months beginning on the 1st day of July in each year and ending on the 30th June of the following year.

19. Accounts

(1) The Council shall keep proper books of accounts of all its income and expenditure and proper records in relation to them.

(2) Subject to any directions that may be given by the Minister responsible for finance, the Council shall cause to be prepared a report on the performance of the Council during the financial year comprising—

- (a) a balance sheet, a statement of income and expenditure and a statement of surplus and deficit; and
- (b) any other information in respect of the financial affairs of the Council as the Minister responsible for finance, may require.

20. Audit

(1) The accounts of the Council shall, in respect of each financial year, be audited by the Auditor General or by an auditor appointed by the Auditor General.

(2) The Council shall ensure that within four months after the expiry of each financial year, the balance sheet and the statements described in section 19 (2) are submitted to the Auditor-General for auditing.

(3) The Auditor-General or an auditor appointed by the Auditor General shall have access to all books of accounts, vouchers

and other financial records of the Council and shall be entitled to have any information and explanation required by him or her in relation to those documents as he or she may deem fit.

(4) The Auditor-General shall, within two months after receipt of the statement of accounts under subsection (2), audit the accounts and deliver to the Council a copy of the audited accounts together with his or her report on them, stating any matter which in his or her opinion should be brought to the attention of the Minister.

(5) The Auditor-General shall also deliver to the Minister a copy of the audited accounts together with his or her report on them.

PART V—MISCELLANEOUS

21. Protection of members of the Council from civil action

A member of the Council or an employee of the Council, acting on its behalf, shall not be personally liable for any act done by him or her in good faith for the purpose of carrying into effect the provisions of this Act

22. Reports of the Council

(1) The Council shall, within three months after the end of each financial year, submit to the Minister a report on the activities of the Council in respect of that financial year and the report shall include its achievements during that financial year and its future plans.

(2) The Council shall submit the report to Parliament for discussion.

23. Byelaws of the Council

The Council may, with the approval of the Minister, the Minister responsible for finance and the Minister responsible for public service, make byelaws for—

- (a) the appointment, remuneration, discipline and dismissal of the employees of the Council;
- (b) the payment of pensions, gratuities and other similar payments to the staff of the Council, on retirement or termination of service.

24. Regulations

The Minister may, after consultation with the Council, by statutory instrument, make regulations for the better carrying into effect the provisions of this Act.

25. Amendment of Schedule

The Minister may on the recommendation, of the Council, by statutory instrument, amend the Schedule to this Act.

SCHEDULE

MEETINGS OF THE COUNCIL.

Section 10

1. Meetings of the Council

(1) The Chairperson shall convene every meeting of the Council.

(2) The Council shall meet for the transaction of its business at times and places that may be decided upon by the Council but shall meet at least once every three months.

(3) The Chairperson or, in the absence of the Chairperson, the Vice-Chairperson and in the absence of both a member elected by the Council to act as Chairperson may, at any time, call a special meeting of the Council or call a special meeting upon a written request by majority of the members of the Council.

(4) The Chairperson shall preside at all meetings of the Council and in his or her absence the Vice Chairperson shall preside and in the absence of both, the members present may elect a member from among themselves to preside at that meeting.

(5) The Council may co-opt any person who is not a member to attend any of its meetings as an advisor or consultant and that person may speak at the meeting on any matter in relation to which his or her advice is sought but shall not have the right to vote on any matter coming for decision before the meeting.

2. Quorum

The quorum at a meeting of the Council shall be five members.

3. Decisions of the Council

Questions proposed at meetings of the Council shall be by consensus and where consensus is not possible by a simple majority and in the event of an equality of votes, the person presiding shall have a casting vote in addition to his or her deliberative vote.

4. Disclosure

(1) A member of the Council who has pecuniary interest in a matter being considered by the Council shall, as soon as possible after, relevant facts have come to his or her knowledge, disclose the nature of his or her interest to the Council.

(2) A disclosure of interest under subparagraph (1) shall be recorded in the minutes of the meeting of the Council and the member making the disclosure shall not, unless the Council otherwise determines in respect of that matter—

- (a) be present during any deliberation on the matter by the Council;
- (b) take part in the voting on the decision by the Council on the matter.

(3) For the purpose of the making of a decision by the Council under subparagraph (1), the member who has made the disclosure shall not—

- (a) be present during the deliberations of the Council for the making of the decision;
- (b) influence any other member or take part in the making of the decision by the Council.

5. Minutes of proceedings

The Council shall cause the minutes of the proceedings of each meeting to be recorded and kept and the minutes of each meeting shall be approved by the Council at the next meeting and shall be signed by the Chairperson of the meeting.

6. Council to regulate proceedings

Subject to the provisions of this Schedule, the Council may regulate its own proceedings.