

Uganda

## Inspector General of Government Act Chapter 167

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# Uganda

## Inspector General of Government Act Chapter 167

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**An Act to provide for the establishment, functions and powers of the office of the Inspector General of Government and for matters connected therewith or incidental thereto.**

### Part I – Interpretation

#### 1. Interpretation

In this Act, unless the context otherwise requires—

- (a) "**appointments board**" means the appointments board established under [section 4](#);
- (b) "**deputy inspector general**" means the Deputy Inspector General of Government appointed under [section 3](#);
- (c) "**inspector general**" means the Inspector General of Government appointed under [section 3](#);
- (d) "**public office**" includes—
  - (i) a Government department, undertaking or service;
  - (ii) a company in which the Government has shares;
  - (iii) a public corporation;
  - (iv) the Cabinet;
  - (v) Parliament;
  - (vi) a court of law;
  - (vii) the Uganda Police Force;
  - (viii) the Uganda Prisons Service;
  - (ix) a school, college or other public institution of learning;
  - (x) the Uganda Peoples' Defence Forces;
  - (xi) a district administration;
  - (xii) a local council or a committee of the local council;
  - (xiii) an urban authority;
  - (xiv) a municipal council or a committee of the municipal council;
  - (xv) a trade union;
  - (xvi) a cooperative society;

- (xvii) a political party;
- (xviii) a council, board, society or committee established by law for the control and regulation of any profession;
- (xix) a commission, association or similar body whether corporate or not, established by law, for the purposes of administering public funds in any form, or for the purposes of promoting—
  - (A) public health;
  - (B) public undertakings or public utility;
  - (C) education;
  - (D) sports;
  - (E) culture;
  - (F) literature;
  - (G) science;
  - (H) art; and
- (xx) any other office that offers service to the public or that administers funds on behalf of the public or a part of the public;
- (e) "**public officer**" means a person serving a public office; and
- (f) "**secretary**" means the secretary in the office of the Inspector General of Government, appointed under [section 3](#).

## Part II – Establishment of the office and appointments

### 2. Establishment of the office

- (1) There is established the office of the Inspector General of Government, which shall be a public office.
- (2) Notwithstanding subsection (1), the office of the Inspector General of Government shall not be subject to the direction or control of any other authority, but shall be directly responsible to the President.

### 3. Appointments

- (1) The office of the Inspector General of Government shall consist of the following—
  - (a) the inspector general, to be appointed by the President;
  - (b) the deputy inspector general, to be appointed by the President;
  - (c) a secretary, to be appointed by the President, and who shall head the administrative structure of the office;
  - (d) counsel, to be appointed by the appointments board, and who shall be legal adviser to the office; and
  - (e) such other officers and supporting staff as the inspector general may, from time to time, deem necessary, to be appointed by the appointments board, for the implementation, execution and promotion of the objectives, functions and duties of the office.

- (2) A person shall not qualify for appointment as inspector general or deputy inspector general unless he or she has served in a field or discipline relevant to the work of the office of Inspector General of Government for not less than seven years.
- (3) Notwithstanding subsection (1), the inspector general may, in the performance of his or her duties under this Act, engage the services of or work in consultation with any other public office.

#### **4. Appointments board**

- (1) There is established an appointments board consisting of the following—
  - (a) the inspector general who shall be the chairperson of the board;
  - (b) the deputy inspector general;
  - (c) the secretary in the office of the inspector general who shall be the secretary to the board;
  - (d) the chairperson of the Public Service Commission or any other commissioner authorised by him or her for that purpose;
  - (e) the Permanent Secretary responsible for the public service and Cabinet affairs; and
  - (f) two other members to be appointed by the President.
- (2) The functions of the appointments board shall include—
  - (a) the establishment of posts within the office of the inspector general;
  - (b) the appointment of officers and staff of the office of the inspector general in accordance with [section 3](#);
  - (c) the making of regulations for the discipline of officers and staff of the office of the inspector general; and
  - (d) the performance of any other functions that the President may assign to the board.

#### **5. Officers to take oaths**

- (1) Every person appointed to an office under this Act shall, before entering upon the duties of his or her office, take the appropriate oath set out in Part A of the First Schedule to this Act.
- (2) A person appointed to an office set out in the first column of Part B of the First Schedule shall take the oath specified in the second column of that Part, which shall be administered by the authority specified in the third column of that Part.

#### **6. Salaries and allowances**

- (1) The salaries and allowances of the inspector general and the deputy inspector general shall be charged on and issued out of the Consolidated Fund.
- (2) The officers and staff of the office of the inspector general shall be paid such salaries and allowances as the inspector general, with the approval of Parliament, shall determine.

### **Part III — Functions and powers**

#### **7. Duties and functions of the inspector general**

- (1) The inspector general is charged with the duty of protecting and promoting the protection of human rights and the rule of law in Uganda, and eliminating and fostering the elimination of

corruption and abuse of public offices; and without prejudice to the generality of the foregoing, he or she shall perform the following functions—

- (a) to inquire into allegations of a violation of human rights committed against any person in Uganda by a person in a public office and, in particular—
    - (i) the arbitrary deprivation of human life;
    - (ii) the arbitrary arrest and consequent detention without trial;
    - (iii) the denial of a fair and public trial before an impartial and independent court of law;
    - (iv) the subjection of any person to torture, inhuman and degrading treatment; and
    - (v) the unlawful acquisition, possession, damage or destruction of private property;
  - (b) to inquire into the methods by which law enforcing agents and the State security agencies execute their functions, and the extent to which the practices and procedures employed in the execution of those functions uphold, encourage or interfere with the rule of law in Uganda;
  - (c) to take necessary measures for the detection and prevention of corruption in public offices and, in particular—
    - (i) to examine the practices and procedures of those offices in order to facilitate the discovery of corrupt practices and to secure the revision of methods of work or procedure which, in the opinion of the inspector general, may be conducive to corrupt practices;
    - (ii) to advise those offices on ways and means of preventing corrupt practices and on methods of work or procedure conducive to the effective performance of their duties and which, in the opinion of the inspector general, would reduce the incidences of corruption;
    - (iii) to disseminate information on the evil and dangerous effects of corruption on society;
    - (iv) to enlist and foster public support against corrupt practices; and
    - (v) to receive and investigate complaints of alleged or suspected corrupt practices and injustices and make recommendations for appropriate action on the complaints;
  - (d) to investigate the conduct of any public officer which may be connected with or conducive to—
    - (i) the abuse of his or her office or authority;
    - (ii) the neglect of his or her official duties;
    - (iii) economic malpractices by the officer; and
  - (e) to perform any other functions that the President may prescribe.
- (2) In the performance of his or her functions under this Act, the inspector general may, in addition to receiving complaints from the public, initiate investigations.
  - (3) The inspector general may, in the performance of his or her duties under this section, investigate the actions of any person that may have been done while that person was serving in a public office, notwithstanding that at the time of the investigation that person may have ceased serving in that office.

## 8. General powers of the inspector general

For the purposes of performing his or her functions under this Act, the inspector general shall have the following powers—

- (a) to authorise in writing, any officer under his or her charge to conduct an inquiry or investigation into an allegation of violation of human rights, breach of the rule of law, corruption, abuse of office occasioning injustice, and neglect of duty, and any other aspect that the inspector general is empowered to investigate;
- (b) to require a public officer or any other person to answer questions concerning his or her duties or those of another person, and to order the production for inspection of any standing orders, directives or office instructions relating to the duties of each public officer or person;
- (c) to require any person in charge of a public office to produce or furnish, within a specified time, any document or certified true copy of the document which is in his or her possession or under his or her charge; and
- (d) to do any other thing necessary for the performance of the functions of the inspector general under this Act.

## 9. Powers of access and search

- (1) In addition to the powers specified in [section 8](#), the inspector general, the deputy inspector general or any other officer authorised by the inspector general for that purpose shall in the performance of their duties and functions under this Act—
  - (a) have access to all books, returns, reports and other documents relating to the work in any public office;
  - (b) at any time have access to and be able to search the premises of any public office, or of any vessel, aircraft or other vehicle, if there is reason to suspect that property corruptly or otherwise unlawfully acquired has been placed, deposited or concealed in the premises, vessel, aircraft or vehicle.
- (2) An officer conducting a search under subsection (1) shall only do so on the express instruction of the inspector general or the deputy inspector general who shall issue a search warrant to this effect, in the form specified in the Second Schedule to this Act.
- (3) For the purposes of exercising his or her powers of access and search under subsection (1), the inspector general or other officer authorised for that purpose may use such reasonable force as may be necessary in the circumstances and may be accompanied or assisted by such other law enforcement officers as he or she deems necessary to assist him or her to enter into or upon the premises, vessel, aircraft or vehicle, as the case may be.
- (4) Notwithstanding subsections (1), (2) and (3), where the President certifies that the entry upon or inspection of any premises, vessel, aircraft or vehicle—
  - (a) might prejudice the security, defence or international relations of Uganda or the investigation or detection of offences; or
  - (b) might involve the disclosure of the deliberations of the Cabinet or a committee of the Cabinet relating to matters of a secret or confidential nature and would be injurious to the public interest,

the inspector general shall not exercise his or her powers of access and search with respect to the premises, vessel, aircraft or vehicle.

## 10. Special powers of inspection

- (1) The inspector general may, by order under his or her hand, authorise an officer under his or her charge to investigate any bank account, share account, purchase account, expense account or any other account, or any safe or deposit box in a bank.
- (2) An order made under subsection (1) shall be sufficient authority for the disclosure or production by any person of information, accounts, documents or articles as may be required by the officer so authorised.
- (3) Any person who wilfully and unlawfully refuses to comply with the order of the inspector general issued under this section commits an offence and is liable on conviction to a term of imprisonment not exceeding three years or to a fine not exceeding seven thousand shillings or to both such fine and imprisonment.

## Part IV – Procedure for investigations

### 11. Rules of procedure

The inspector general may, by statutory instrument under his or her hand, prescribe rules of procedure generally for the conduct of investigations and for any matter that is necessary for the efficient performance of the functions under this Act.

### 12. Jurisdiction of the inspector general

- (1) The inspector general shall have jurisdiction to investigate and inquire into—
  - (a) any of the acts mentioned in [section 7\(1\)](#), committed by a public officer in exercise of his or her official duties; and
  - (b) any other matter that may, from time to time, be specified or directed by the President, for investigation.
- (2) Notwithstanding subsection (1), the inspector general shall not have power to question or review any of the following matters—
  - (a) the decision of any court of law or of any judicial officer in the exercise of his or her judicial functions;
  - (b) the decision of any tribunal established by law in the exercise of its functions;
  - (c) any matter which is sub judice;
  - (d) any matter relating to the exercise of the prerogative of mercy; or
  - (e) any matter the review or investigation of which has been certified by the President as likely to—
    - (i) be prejudicial to the security, defence or international relations of Uganda or to the investigation or detection of offences; or
    - (ii) involve the disclosure of proceedings and deliberations of the Cabinet or a committee of the Cabinet, relating to matters of a secret or confidential nature and would be injurious to the public interest.
- (3) Where the inspector general is satisfied that—
  - (a) the complainant has at any material time had the right or opportunity of obtaining relief or redress by means of—
    - (i) an application or representation to any executive authority;

- (ii) an application, appeal, reference or review to or before a tribunal established by law; or
  - (iii) proceedings in a court of law;
- (b) the complaint is trivial, frivolous, vexatious or not made in good faith; or
- (c) the investigation would be unnecessary, improper or futile,
- he or she may decline to conduct an investigation and accordingly inform the complainant in writing, but he or she shall not be bound to give any reasons for declining to conduct an investigation.

### **13. Conduct of investigations**

- (1) The procedure for conducting an investigation shall be such as the inspector general considers appropriate in the circumstances of each case; and without prejudice to the generality of the foregoing, the inspector general may obtain information from such persons and in such manner, and make such inquiries, as he or she deems necessary.
- (2) All proceedings, investigations and inquiries by the inspector general shall be conducted in strict confidence, and an official of the office of the inspector general shall not communicate or divulge any information which has come to his or her knowledge in the course of his or her duties to any person, otherwise than in the performance of his or her duties under this Act.
- (3) A person who contravenes subsection (2) commits an offence and is liable on conviction to a term of imprisonment not exceeding eighteen months or to a fine not exceeding three thousand shillings.

### **14. Proceedings not to be questioned**

No proceedings, investigations or inquiries by the office of the inspector general shall be held null and void by reason only of an informality or irregularity in the procedure, and except on the ground of lack of jurisdiction, no such proceedings, investigations or inquiries shall be liable to be challenged, reviewed, quashed or called in question in any court of law.

### **15. Immunity of officers**

- (1) No proceedings, whether civil or criminal, shall lie against the inspector general, the deputy inspector general, an officer or any other person employed to execute the orders or warrants of the inspector general, for anything done in good faith and in the course of the performance of his or her duties under this Act.
- (2) Subject to this Act, no officer or person serving in the office of the inspector general shall be compelled to give evidence before any court or tribunal in respect of anything coming to his or her knowledge by virtue of his or her service.

### **16. Privilege of information**

Subject to any other law which enjoins the disclosure of classified information, anything said, information supplied, document, paper or thing produced in the course of an inquiry under this Act shall be privileged in the same manner as if the inquiry were a proceeding in a court of law, and a report of the inspector general shall be privileged in the same manner as if it were a record and judgment of a proceeding in court.

## Part V – Investigations

### 17. Provisions relating to complaints

- (1) A complaint or allegation under this Act may be made by an individual or by any body of persons whether corporate or not, and shall be strictly confidential and addressed directly to the inspector general.
- (2) Notwithstanding the provisions of any written law, where a prisoner, or an employee in a public office, makes an allegation or complaint to the inspector general under this Act, the allegation or complaint shall not be made through, or subject to the scrutiny of, the prison officials or the immediate supervisor or employer, as the case may be.
- (3) A complaint or allegation made under this Act shall be—
  - (a) made by the complainant or his or her legal representative;
  - (b) in writing and addressed to the inspector general, except where the complainant cannot write, in which case the inspector general shall translate the oral complaint into a written one; and
  - (c) signed or thumbprinted by the complainant.
- (4) No complaint or allegation shall be received by the inspector general unless it is made within two years from the date on which the facts giving rise to the complaint or allegation arose; except that in exceptional circumstances and in his or her absolute discretion, the inspector general may receive a complaint or allegation lodged after the specified period.
- (5) Subsections (3) and (4) shall not apply to a complaint or allegation relating to a criminal offence.

### 18. Right to be heard

No person shall as of right be entitled to be heard before the inspector general; but where the inspector general proposes to conduct an investigation pursuant to a complaint or allegation under this Act, he or she shall give the head of the public office concerned and any other person who is the subject of the complaint or allegation an opportunity to reply to the complaint or allegation made against him or her, and no matter that is adverse to any person or public office shall be included in a report of the inspector general unless that person or head of that office has been given a prior hearing.

### 19. Procuring information and attendance of witnesses

- (1) Subject to this Act, the inspector general may summon any person who in his or her opinion is able to give information relating to any matter relevant to the inquiry being conducted by him or her to appear before him or her and to furnish such information and produce any documents, papers or things that may be in the possession or under the control of that person and may, by order under his or her hand, summon that person to attend before the inspector general at a specified time and place and to be examined on oath which shall be in Form 2 of the Second Schedule.
- (2) The summons issued under subsection (1) shall be in Form 3 of the Second Schedule to this Act.
- (3) Where a person is to be examined on oath under this section, any officer duly authorised by the inspector general or the deputy inspector general for that purpose may administer that oath.
- (4) A summons issued under this section shall be served on the person to whom it is directed, by an officer from the inspector general's office or by a police officer, in the manner prescribed for the service of a witness summons in civil proceedings before a court of law.

## 20. Failure of witness to attend

- (1) Where a person on whom a summons under [section 19](#) has been duly served does not attend at the specified time and place, and the inspector general is satisfied that—
  - (a) the summons was properly and duly served; and
  - (b) the person to whom the summons was directed, wilfully and without lawful justification avoided service, the inspector general may issue a warrant of arrest in Form 4 of the Second Schedule to this Act, to be executed by a police officer, to apprehend that person and bring him or her before the inspector general at a specified time and place.
- (2) A person apprehended under subsection (1) shall within twenty-four hours of his or her arrest, or as soon thereafter as is practicable, be brought before the inspector general.

## 21. Witness allowances

The inspector general may pay to any person summoned before him or her under this Act such allowances or sums in respect of expenses properly incurred by that person as the inspector general may deem appropriate.

## 22. Offences by witness and penalties

A person who—

- (a) wilfully and without lawful justification or excuse disobeys an order of the inspector general for his or her attendance or for the production of a document, paper or thing;
- (b) without lawful justification or excuse refuses to be examined before or to answer questions relating to an inquiry put to him or her by the inspector general;
- (c) knowingly presents to the inspector general a false or fabricated document or makes a false statement with intent to deceive or mislead the investigating officers;
- (d) publishes any false or scandalous libel on the office of the inspector general;
- (e) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the inspector general; or
- (f) without lawful justification or excuse, wilfully obstructs or hinders a person acting in the exercise of the powers conferred by this Act,

commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding seven thousand shillings.

## Part VI — Reports

### 23. Inspector general to make periodic reports

- (1) The inspector general shall—
  - (a) from time to time, submit to the President a full report on the proceedings of every inquiry together with his or her conclusions and recommendations; and
  - (b) submit to Parliament a summary of that report, twice every year, within three months after the 30th day of June and 31st day of December, respectively.
- (2) In addition to any other matter required to be contained in a report made to the President on an inquiry, the report shall contain a statement of any action taken by a person whose conduct

has been under inquiry or by the public office or authority employing that person to correct or ameliorate any conduct, procedure, act or omission that is adversely commented upon in the report.

- (3) The report submitted to the President under this section shall be strictly confidential, and any summary report submitted to Parliament shall not disclose the identity or contain any statement which may point to the identity of any person into whose conduct an investigation has been or is about to be made, unless Parliament by resolution requires the inspector general to provide more details or information in respect of the report.

#### 24. Action on report

On receipt of a report the President may take or cause to be taken against the public officer in respect of whom the report is made such action as may be taken under or in accordance with the provisions of any written law.

### Part VII – Regulations

#### 25. Regulations

The inspector general may, by statutory instrument, make regulations in respect of any of the things required to be done by him or her under this Act, and generally for better carrying out his or her duties and functions under this Act.

### First Schedule (Section 5)

#### Oaths

##### Part A. Oath of the Inspector General of Government

I, \_\_\_\_\_, having been appointed Inspector General of Government/Deputy Inspector General of Government, do swear that I will at all times well and truly serve the Republic of Uganda in that office, that I will support and uphold the Constitution as by law established, that I will, without fear or favour, affection or ill will, discharge the functions of the office of Inspector General of Government/Deputy Inspector General of Government and that I will not directly or indirectly reveal to any unauthorised person any matters as shall come to my knowledge in the discharge of my duties, and committed to my secrecy. So help me God.

Official Oath.

I, \_\_\_\_\_, having been appointed to exercise the functions of secretary/counsel/officer/member of staff in the office of the Inspector General of Government, swear that I will at all times well and truly serve the Republic of Uganda, that I will support and uphold the Constitution as by law established and that I will not directly or indirectly reveal to any unauthorised person any matter, document, communication or information whatsoever as shall come to my knowledge in the discharge of my duties and committed to my secrecy. So help me God.

##### Part B

Person to take oath	Nature of oath	Authority to administer oath
Inspector General of Government Deputy Inspector General of Government	Oath of Inspector General of Government	The President

Person to take oath	Nature of oath	Authority to administer oath
Secretary	Official oath	The President
Counsel Officers Other staff	Official oath	The inspector general, deputy inspector general or any other person authorised in that behalf by the Inspector General of Government

## Second Schedule (Sections 9, 19, 20)

### Forms

#### Form 1. Warrant of Entry and Search

*The Republic of Uganda*

*The Inspector General of Government Act*

Inquiry No. \_\_\_\_\_, 20 \_\_\_\_.

To \_\_\_\_\_ (*Officer designated by the inspector general*)

Whereas a complaint has been lodged with the Inspector General of Government:

And whereas the inspector general has decided to conduct an investigation into the alleged complaint:

Now, therefore, you are authorised and ordered to enter the premises of

\_\_\_\_\_,

(*name of person*)

at \_\_\_\_\_,

(*description of premises*)

in the day time, and there diligently carry out an inspection and collect any oral and documentary evidence concerning the inquiry from the premises and bring it before the Inspector General of Government to be used for the purpose of the investigation.

Issued at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

Inspector General of Government

#### Form 2 - Witness Oath

I, \_\_\_\_\_, swear by Almighty God that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

**Form 3 - Witness Summons (Section 19(2))**

*The Republic of Uganda*

*The Inspector General of Government Act*

Inquiry No. \_\_\_\_\_, 20 \_\_\_\_.

To \_\_\_\_\_ (full name)

of

\_\_\_\_\_

(full address)

You are ordered to attend before the Inspector General of Government at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_ hours, and so from day to day until your attendance is dispensed with, to give evidence in the inquiry:

And also to bring with you and to produce at that time and place the following documents:

\_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

Inspector General of Government

**Form 4 - Warrant of Arrest (Section 20(1))**

*The Republic of Uganda*

*The Inspector General of Government Act*

Inquiry No. \_\_\_\_\_, 20 \_\_\_\_.

To \_\_\_\_\_

\_\_\_\_\_

(Police officer and other authorised officers)

Whereas \_\_\_\_\_

of \_\_\_\_\_

(full name)

\_\_\_\_\_

(full address) was ordered to appear before the Inspector General of Government at

\_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and subsequent days to testify about what he/she knew and/or to produce specified documents in relation to the above stated inquiry and has

not appeared according to the summons issued in that regard and has not excused his/her failure to

\_\_\_\_\_

Now, therefore, you are ordered to apprehend, bring and have him/her before the inspector general at \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

Issued at \_\_\_\_\_ this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Inspector General of Government