



# A GUIDE TO PEACEFUL CO-EXISTENCE ON PRIVATE MAILO LAND

Published by

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# **A GUIDE TO PEACEFUL CO-EXISTENCE ON PRIVATE MAILO LAND**

**28th February, 2018**

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***Disclaimer:***

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Sarah Kulata Basangwa - Legal Expert and Team Leader  
Peter Mukidi Walubiri - Legal Expert  
Dr. Anwar Sadat Nakibinge - Visual Artist

# FOREWORD

Mailo tenure is the most legislated form of tenure in Uganda, having its origins in the 1900 Buganda Agreement. Reforms over the years have seen the evolution of this tenure that is essentially freehold in nature, albeit with its local characteristics arising out of an unresolved tenant question. This status quo was reinstated in the 1995 Constitution, the 1998 Land Act and its subsequent amendments.

Whereas it was expected that reforms introduced by the Constitution and Land Act would suffice in stabilizing Mailo tenure, this has not happened in practice. This is not solely because the reforms introduced do not meet the needs of the landlords and tenants, but also because the interpretations and applicability of such provisions have not been provided to the various users and consumers of land administration services to enable the securing of the rights of both tenants and landlords.

This creates the need to develop a comprehensive guide on Mailo tenure rights to inform local leaders, local communities and land practitioners about land rights, responsibilities, restrictions, procedures for land registration, land administrative structures (roles and responsibilities), women land rights, the project and the land inventorisation process.

Only 16% of registered land is documented in the names of women either individually or jointly. Many women have been denied rights to land and to help protect women's rights to land, gender issues have been integrated in this handbook. Mailo tenure forms the largest proportion of registered land. This is the reason why this handbook focuses on mainstreaming gender into all sections. This will ease integrating it into the day to day work of land administrators at local level as well as awareness among the communities of women's rights to land tenure rights formalization process.

Mailo Tenure has been marred by disputes rendering the land redundant and hampering land markets as conflicts have persisted over long periods of time. The most common land disputes filed in the courts are relating to tenant /landlord relations, trespass on

“Kibanja” by a fellow “Kibanja” owner/mailo land owner, trespass on mailo land with title by persons claiming to have bought “bibanja” or untitled land, compensatory disputes involving the forfeiture of lawful or bonafide occupancy interests or forfeiture of interests less than those, boundary disputes between titled land owners, re-entry issues, trespass on leasehold interests, deprivation of customary interests in land especially in cases where the land is being taken by the town councils, cancellation of title, illegal evictions and destruction of houses and personal property.

The Land Act brings into play many complicated and new terminologies which are not always clear even to the legal mind. Different interpretations are therefore given to these various concepts in the Act. The more obvious is the definition of “bonafide occupant”. This, although defined in the Land Act leaves its interpretation to rely purely on evidence, the proof of which may be difficult. This has caused many landlords to lose access to their land even when they shouldn’t have. On the other hand, it has led to many evictions contrary to the law because the landlords view the law as being against them instead of for them. This has perpetuated land wrangles and even led to loss of lives.

The Private Mailo Tenure Handbook provides hands on tools for all stakeholders engaging in tenure security on Private Mailo enabling them to amicably resolve the Mailo tenure impasse through improved documentation of land rights on Mailo tenure and resolving emerging conflicts. The Private Mailo Handbook contains the practical steps that land administrators need to undertake and the instructions on how particular functions should be delivered, the roles of the tenants and landlords in these processes, their rights and obligations.

The Private Mailo Handbook comes in handy in a country where the State has limited means to provide the technical staff with instruments to guide their functions, and to provide continuous training to staff to enable them cope with the ever evolving and changing landscape of land rights administration in Uganda. Besides, the land law is fragmented across 16 laws, with regulations to accompany them. Furthermore, there are reforms that have been issued through legal notices and in gazettes that may not be known to many of the practitioners.

This Private Mailo Handbook aims to consolidate all the information in one manual, making it easy for reference, but also in a language easily understood by the land administrators at a lower level, the communities who need the information and the rights seeking public.

The Handbook is designed in a manner beneficial to an array of stakeholders in particular, the landlords, the tenants, the local councils officials, the local land administrators, the sub county chiefs and land officers working in Mailo areas.

**This handbook has four key themes or sections:**

- (i) Evolution of mailo tenure in Uganda,
- (ii) rights and duties recognition of land lords and tenants,
- (iii) mailo tenure land rights administration which include formalization and certification procedures and
- (iv) land dispute resolution and conflict management, considering both administrative and juridical disputes.

The development of this handbook has been made possible by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH in partnership with LANDnet with financial assistance from the European Union and the German Federal Ministry for Economic Cooperation and Development (BMZ).



# PREFACE

The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH in collaboration with the Ministry of Lands, Housing and Urban Development (MLHUD) is implementing the “Improvement of Land Governance in Uganda (ILGU) to increase productivity of small-scale farmers on private Mailo-land project. The project is jointly funded by the European Union and the German Government and is part of the project “Responsible Land Policy in Uganda” (RELAPU), which is part of the Special Initiative “One World, No Hunger” of the German Federal Ministry for Economic Cooperation and Development (BMZ). The overall objective of the project is to: “Contribute to improved food security, improved livelihoods and poverty alleviation for small-scale farmers and other users of natural resources, in particular for women and marginalized groups in Central Uganda.”

## **The focus of the ILGU project is on three action areas:**

- i. Improve the institutional framework and procedures to secure tenure rights in Central Uganda;
- ii. Increase the engagement of the civil society in the formalization and implementation of a responsible land policy 3) Raise Awareness of private agriculture investors and financial institutions about responsible land policy along internationally agreed guidelines and the national land policy (NLP).

As a pilot, the GIZ ILGU project plans to conduct a systematic inventory of the tenants in selected sub-counties in Mubende and Mityana districts. The inventory process is purposed to provide information on the tenancy land size and the boundary delimitation. This process will be done systematically in two phases i.e. the first phase is before the field survey by the neighbours, then as a community exercise while the mediation of emerging boundary conflicts is handled on the spot.

The systematic approach, including a certain number of additional information captured, is labelled an “inventory”. It is a community-based process because;

- i. all affected and interested land users participate in it,

- ii. the process is accompanied by the ALC,
- iii. disputes are solved on the spot by mediation or left behind clearly defined, and
- iv. finally the result – the Inventory data - is displayed to the local public for one month and objections can be presented.

The collected data will be fed into a database that will allow later on the preparation of the options arrived at after negotiations and mediations supported and witnessed officially by the Area Land Committee (ALC).

Responsible landlords welcome the inventory, because it gives them a clear picture about the situation on the ground and concerned tenants welcome the intervention as it provides them with the inventory as a pre-condition to negotiate the tenancy land rights securitization; the inventory itself will increase tenure security as it is recognized by the local authorities and all parties concerned (owner, neighbors);

The NLP presents options for the landlords and tenants that can be reached only after negotiations and these include:- buy-out, land sharing and lease arrangements and acquisition of Certificates of Occupancy. Brief descriptions of these are below.

1. Buy-out of the Mailo right over the tenanted portion requires a prior determination of the acreage, location and value of land on the tenanted portion. The entire parcel over which the registered mailo right exists need not be bought-out or extinguished since often times the secondary/tenancy rights may not cover the entire mailo parcel. Similarly, if the tenancy rights were to be registered as an encumbrance on the mailo right, it should be limited to the boundaries of the tenancy parcel. This should allow for unconstrained transactions (sale, mortgage, lease, gift, etc.) on the untenanted portion.
2. In land sharing, tenants can agree to let go a percentage of their acreage in lieu of registerable Mailo interest. Land sharing could only be fairly implemented through a fact-based negotiation. The facts (acreage, location, developments) can only be determined through data capture that does not involve prohibitive costs to the parties involved.
3. The Mailo owner can agree on giving exclusion possession to a tenant over the

portion covered by the tenant for an agreed amount of money for an agreed period of time. This lease agreement would then be registered and a leasehold title issued to the tenant. Proportionate lease premiums and market rate ground rent also require a determination of the tenancy attributes (acreage, location).

4. The landlord and tenant can agree on the tenant acquiring a certificate of occupancy. This requires recognition of the tenant, and prior of the size of the tenanted portion. The tenant then applies for a certificate of occupancy through the landlord and the “Kibanja” is marked by the Area Land Committee. Upon approval by a District Land Board, the certificate of occupancy is issued by the Recorder.

All these procedures require knowledge of the Mailo plot and block numbers and knowledge of the registered owner. This necessitates the records of the tenancy parcel to confirm with certainty on which Mailo parcel(s) the tenancy is situated and consent of the landlord. Only in cases of absentee landlords and absence of administrators of deceased landlords’ estates would this be constrained.

We believe that this approach can be replicated in other places, as the cases of tenants and lords are different in nature. Data capture of tenancy claims gives an opportunity to the parties to negotiate through the options in a transparent way.

# LIST OF ACROYRONMS

<b>ALC</b>	Area Land Committee
<b>ADR</b>	Alternative Dispute Resolution
<b>CAO</b>	Chief Administrative Officer
<b>COO</b>	Certificate of Occupancy
<b>DLB</b>	District Land Board
<b>FC</b>	Final Certificate
<b>GIZ</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit
<b>ILGU</b>	Improvement of Land Governance in Uganda
<b>KCCA</b>	Kampala Capital City Authority
<b>LC</b>	Local Council
<b>MLHUD</b>	Ministry of Lands, Housing and Urban Development
<b>MZO</b>	Ministry Zonal Office
<b>NLP</b>	National Land Policy
<b>PC</b>	Provisional Certificate
<b>RDC</b>	Resident District Commissioner
<b>RTA</b>	Registration of Titles Act
<b>SACCO</b>	Savings and Credit Cooperative Organization

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# DEFINITION OF KEY WORDS

## Allotment

The allocation of a particular acreage of mailo land to a person under the 1900 Buganda Agreement. The person allocated land is called the allottee.

## Bakungu

These were greater chiefs to whom the administration of Buganda kingdom was entrusted

## Bataka

This is a collection of clan heads and sub-clan heads in Buganda. Collectively they are called bataka. The land held by each clan head for the clan was called butaka.

## Batongole

These were lesser chiefs who rendered services to the Kabaka. Ownership of land was attached to these offices to which the administration of Buganda kingdom was entrusted. This land was called butongole land.

## Blue page

This is the original registry copy of un-surveyed and unascertained mailo land. It is one page and blue in colour hence the word blue page. Upon survey, a blue page is converted to a white page.

## Bona fide Occupant

A person who has stayed on and used, or improved the land for not less than twelve years before the coming into force the Constitution on 8<sup>th</sup> October 1995, without being challenged or asked to leave by the owner. Accordingly, that person must have been

occupying the land before 8<sup>th</sup> October 1983. It also applies to a person who had been settled on the land by government or it's agent including a local authority. A person who has bought or otherwise acquired the interest of a bonafide occupant shall be taken to be a bonafide occupant.

### Busuulu

The annual cash payment to a landlord by a tenant for occupation and use a “Kibanja”

### Certification

The process of acquiring a document of proof of ownership to land. This can either be a certificate of title or a certificate of occupancy.

### Easement

A right enjoyed by the owner of land over the land of another, for example a right of way, a right to a flow of air or water.

### Envujjo

This was the payment in kind from the produce from the land by the “Kibanja” holder to the land owner

### Executor

A person who implements the wishes of the testator as expressed in the will.

### Intestate

A situation where a person dies without leaving a will or where a person dies leaving a will which is not valid in law

### Kabaka

This is the traditional king of the Buganda kingdom and also head of the clans (bataka), known as Ssabataka.

### “Kibanja”

A parcel of land over which a tenant lives and cultivates his/her food crops.

### Lawful Occupant

A person occupying land by virtue of the repealed Busuulu and Envujjo Law of 1928; Toro Landlord and Tenants Law of 1937; Ankole Landlord and Tenant Law of 1937; or a person who entered the land with the permission of the registered owner including a buyer and a person who occupied land as a customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the time of acquiring the leasehold certificate of title. This tenant is recognized under section 29(1) of the Land Act.

### Letters of Administration

The grant by a court of competent jurisdiction authorising a person, called the Administrator, to administer and distribute the estate of a deceased person who never made a will. The Administrator is usually a close family member.

### Lukiiko

This is the Great Council of the Baganda. In the earlier years, it had legislative and executive powers of the Buganda Kingdom

### Microfilm

A piece of film that has very small photographs of documents on it, so that they can be stored easily and permanently. The microfilms in the Ministry of Lands, Housing and Urban Development are records of the old, closed archived title records.

### Namasole

The mother of a Kabaka, the king of Buganda

### Probate

The grant by a court of competent jurisdiction authorising the executor named in the testator's will to administer the testator's estate

### Search

Is a request made to a registrar of titles to get information concerning registered land.

Such information can be to know the owner, to know the acreage, and to know whether there are any registered claims on the title

### Squatter

Somebody who lives on someone's land without permission and without paying rent. This person is an unlawful tenant.

### Testate

A situation where a person dies leaving behind a valid will.

### White page

This is the original registry copy of surveyed mailo land. It is one page and white in colour hence the word white page.

### Will

A declaration by which a person making it (the testator) provides for the distribution or administration of his or her property after death.

# 1

## EVOLUTION OF MAILO TENURE

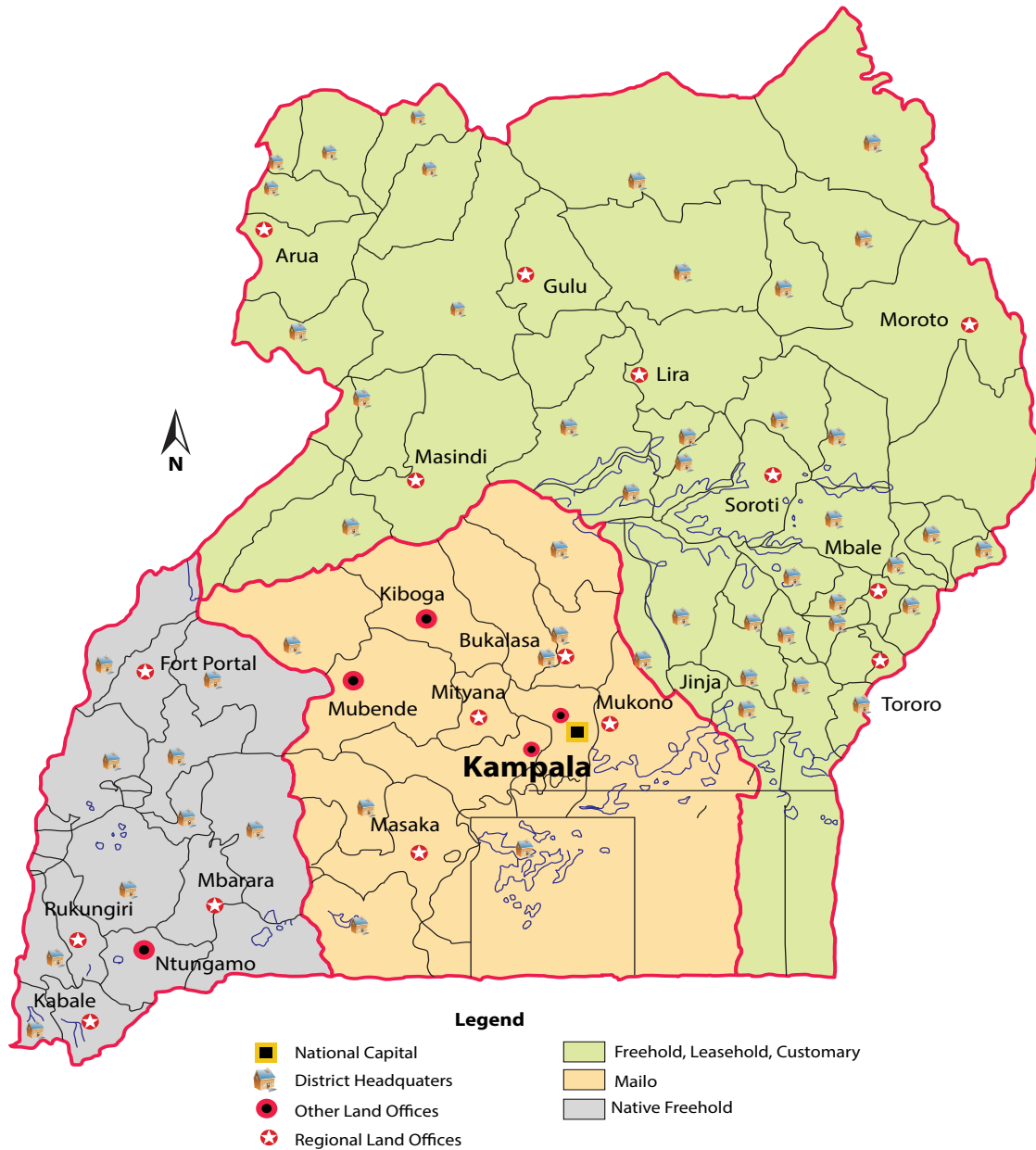
### Introduction:

1. The Mailo System of land holding is a unique tenure system only practiced in the districts in Uganda which by 1900 comprised the Kingdom of Buganda. The Mailo tenure System now exists in the Districts of Buganda and Kibale District, which after the return of lost counties to Bunyoro in 1964, no longer forms part of Buganda.
2. Before the 1900 Buganda Agreement, land in Buganda was held under customary tenure. Clan heads and heads of sub-sections of clans exercised rights over land reserved for clans (Bataka land). The great chiefs (Bakungu) and the lesser chiefs (Batongole) exercise rights over lands reserved for their offices. Some individuals exercised individual hereditary rights over land granted to them by Kabaka (Butongole)

### The 1900 Buganda Land Settlement.

3. In 1894, Uganda was declared a British Protectorate as part of the partition and colonization of Africa. As part of the consolidation of the protectorate administration and in an effort to make the protectorate self-supporting, a land settlement was negotiated between the Protectorate Government and the Regents who were in charge of the administration of the Buganda Kingdom. This led to the signing of the Buganda Agreement, 1900 between Sir Harry Johnston, Special Commissioner on behalf of Her Majesty the Queen of current Britain and the Regents and Chiefs on behalf of the people of Uganda. This Agreement dealt with several matters of protectorate administration, taxation, military service and others. It also specifically dealt with land.

Map 1: Distribution of Land Tenure in Uganda



4. Under Clause 15 of the Agreement, it was assumed that the entire area of the Kingdom of Buganda comprised 19,600 square miles. This was divided as into square miles, i.e. the Uganda Administration (10,500 square miles), the *Kabaka* (350 square miles), the chiefs, the *Namasole*, the Princes and Princesses, county chiefs, and other Royals (320 square miles), the Regents (96 square miles), Mbogo the head of the Muhammedan faith, the three Missionary Societies, 1,000 chiefs and private landlords (8,000 square miles). The details of the distribution are set out in the table below.

**Table 1: Extract from the 1900 Buganda Agreement showing allotment of Land**

	<b>ALLOTMENT OF LAND AND ESTATES</b>		<b>Square miles</b>
i	Forests to be brought under control of the Uganda Administration	.....	1,500
ii	Waste and uncultivated land to be vested in Her Majesty's Government and to be controlled by the Uganda Administration	.....	9,000
iii	Plantations and other private property of His Highness the Kabaka of Uganda	.....	350
iv	Plantations and other private property of the Namasole	.....	16
v	Plantations and other private property of the Namasole, mother of Mwanga	.....	10
vi	To the Princes: Joseph, Augustine, Ramazan and Yusufu Suna, 8 square miles each	.....	32
vii	For the Princesses, sisters and relatives of the Kabaka	.....	90
viii	To the Abamasaza (Chiefs of Counties) twenty in all, 8 square miles each (private property)	.....	320
ix	Official estates attached to the posts of the Abamasaza, 8 square miles each	.....	160
x	The three Regents will receive private property to the extent of 16 square miles each	.....	48

xi	And official property attached to their office, 16 square miles each, the said official property to be afterwards attached to the posts of the three native ministers	.....	48
xii	Mbogo (the Muhammedan chief) will receive for himself and his adherents	.....	24
xiii	Kamswaga, chiefs of koki, will receive	.....	20
xiv	One thousand chiefs and private land owners will receive the estates of which they are already in possession, and which are computed at an average of 8 square miles per individual, making a total of	.....	8,000
xv	There will be allotted to the three missionary societies in existence in Uganda as private property, and in trust for the native churches, as much as	.....	92
xvi	Land taken up by the Government for Government stations prior to the present settlement (at Kampala, Entebbe, Masaka etc.)	.....	50
		Total	19,600



5. After the allotment of the 8,000 square Miles to private land holders, there was a balance which the Special Commissioner distributed by note dated 13.10.1900 as follows: -

**Table 2: Extract from the 1900 Buganda Agreement showing allotment of Land**

	<b>ALLOTMENT OF LAND AND ESTATES</b>		<b>Square miles</b>
xviii	Kabaka		100
xix	Katikiro		26
xx	Mugwanya		23
xxi	Kisingiri		20
xxii	Mbogo		4
xxiii	Namasole		10
xxiv	Lubuga		5
xxv	Abambeja		10
			<b>198</b>
xxvi	Sekibobo	14 all the miles of his Chief	79
xxvii	Mukwenda	14	78
xxviii	Pokino	14	78
xxix	Kangawo	14	57
xxx	Kago	8	42
xxxi	Mugema	18	52

ALLOTMENT OF LAND AND ESTATES		Square miles	
	These amount to	82	386
xxxii	Kaima	9 all the miles of his Chief	31
xxxiii	Luwekula	12	32
xxxiv	Kyambalango	8	22
xxxv	Kiimba	7	14
xxxvi	Kamuswaga	15	5
xxxvii	Kimbugwe	8	22
xxxviii	Lumama	7	13
xxxix	Kweba	6	14
xl	Mutesa	6	14
xli	Mbubi	6	14
xlii	Mulondo	7	14
xliii	Kitunzi	6	14
xliv	Katambala	5	9
xlv	Kasuju	5	9
xlvi	Abamasaza		189
xlvii	All the miles of the Sub-chiefs		613
xlviii	King and his Chiefs		198
xlix	The Bamasaza		189
I	The Sub-Chiefs		613
	<b>The Total</b>		<b>1,000</b>

### Identification of the 1000 beneficiaries

- The task of identifying the 1000 actual beneficiaries and the specific areas where their claims should be surveyed was given to the Buganda *Lukiiko* under the Buganda Agreement (Allotment and Survey Agreement), 1913. This agreement was signed by Sir. Fredrick John Jackson, the Governor of the Protectorate and the Regents and Chiefs on 24<sup>th</sup> August 1913.

7. Provision was made in the agreement for confirmation of allotments and for making of further allotments in case the surveyed land was more or less than what had provisionally been marked out. Time frames were set for the taking up of the surplus or deficient allotment.

### Survey of the Mailo Land

8. The *Lukiiko* prepared and confirmed allocation lists of all the claimants. On the basis of these lists, the claimant was issued a certificate of claim by the Governor stating that he or she had obtained land under the 1900 Buganda Agreement. However, in 1902, the Certificate of Claim was replaced by a Provisional Certificate (PC). This Certificate did not define the rights and duties of the person allocated land. Thereafter persons who had been issued provisional Certificates had their land demarcated and surveyed by the Protectorate Government.

### Certification of Mailo Land

9. In 1908, a law was enacted to define and govern the Mailo land that was being allotted and surveyed in Buganda. It was the Possession of Land Law, 1908. Under this Law, the Mailo owner held the land in perpetuity and could dispose of it by sale, gift or will. Upon death, the land devolves on to his estate. There were restrictions on disposing of the land to a non-Ugandan except with the Consent of the President and the *Lukiiko*.

### The Registration of Land Titles Ordinance, 1908

10. After survey of the land comprised in a Provisional Certificate (PC), the claimant was issued a Final Certificate (FC). These Final Mailo Certificates were subsequently registered under the Registration of Titles Ordinance. The land registered under this law had to be identified by a survey plan. A Mailo Register was opened and the Certificate of Title issued under this register were under volumes and folios. Each volume had 25 Folios.

### Registration of Titles Ordinance, 1922

11. The Registration of Land Titles Ordinance, 1908 was replaced by the Registration of Titles Ordinance, 1922, which came in force in 1924 and remains the law

governing land registration in Uganda today. Under this Act, title to land is guaranteed by the Government upon registration of such title. The registration system is under the control of the Commissioner for Land Registration who supervises the Registrars of Title at the various Ministry Zonal Offices.

12. Under this system of title by registration, a legal register in which all titles and transactions are recorded is maintained. The Register has three parts, one of which describes the land (its plot numbers, acreage and location), the other records the owner of the land while the third part records the claims of other persons to that land (incumbrances). Each certificate of title has to have a survey plan describing the boundaries of the land. A copy of a Certificate of Title is attached hereto as annexure "C"
13. The Act provides for different forms of the registers (certificate of title). The main two types are registers based on blocks and plots and the other is the one based on volumes and folios. When mailo land was first registered under this new register, the titles issued were those under the volume and folio system. The land which was previously registered under the 1908 register was brought on to the new register. That process entailed closing the 1908 register by issuing new certificates of title to the person who held certificates under the old register. Accordingly, certificates issued before 1924 are no longer legal.
14. The office of titles keeps the original certificate of title to the land that is popularly called the "white page" while the owner of the land is issued a duplicate certificate of title which is popularly called the owner's copy. When the original certificate of title is lost, the Registrar of Titles can replace it with a substitute certificate of title. If the owner of the land loses his duplicate certificate of title, the Registrar of Titles, upon application by the land owner and publication of a thirty-day notice in the gazette, issues a special certificate of title to replace the lost duplicate certificate of title.
15. All certificates of title must be signed by the Registrar of Titles and must be sealed with the official seal of the office of titles. To reduce on the incidence of fraud, each office of titles now has a seal which is identical to that specific office. Copies of the Registry and owners Certificates are attached as annexure "C.1 and "C.2".

### Conversion from Volume/Folio to Block/Plot

16. Initially, the land register was based at Entebbe. As more and more land was brought onto the register, it became necessary to open branch offices at Kampala, Mukono, Bukalasa, Masaka, Mityana, Mbarara, Kabale and Fort portal. The system of maintaining the register on the basis of volume and folio became inconvenient in view of the decentralization of the register. Secondly, the numerous sub-division of mailo land also entailed cumbersome opening hundreds of volumes and folios of the register.
17. In view of these developments, a decision was taken in the late 1940s to convert the register to blocks and plots that more conveniently correspond with the territorial location of the land. Accordingly, the certificate of title (both original and duplicate) were converted to block and plot and the volume and folio based duplicate certificate of title withdrawn from circulation and cancelled. This exercise continued up to just before independence in 1962. Except for seven (7) blocks (Kyadondo Blocks 78 at Banda, 148 and 149 at Wamilongo, 186 at Namavunda and 213 at Bukoto; Busiro Block 204 at Kakiri and 476 at Bulwanyi) which were not fully converted due to survey discrepancies, all mailo land in Buganda was converted to the block and plot title systems and any volume and folio duplicate titles in circulation are not legally recognized.

### Microfilm Records

18. In an effort to preserve the history of land dealings and specially to keep a disaster copy, the titles records were microfilmed. This exercise microfilmed all existing certificates of title before conversion from volume/folio to block and plot and did not continue beyond 1962. That explains the fact that there are no microfilm records of block/plot titles.
19. Since the microfilmed records were updated only up to 1962 or thereabout land transactions registered thereafter are not captured. The microfilm is accordingly not an up-to-date status of the register. Any person who wishes to know the up-to-date status must search the current block/plot register.

## Blue Pages

20. Although the original certificate of title kept in the titles office are ordinarily white (hence the common reference to white pages) some original certificates of title are blue (blue pages). Where they still exist, this denotes that such a parcel of land has not been finally surveyed. This situation was occasioned by the delay to complete the mailo survey after the allotment in the first three decades of the 20<sup>th</sup> Century.
21. Owing to the delay in completing the survey for the original allottees of mailo land, several died before getting their final mailo certificates. The *Lukiiko* had to determine the successors of this land and in several instances, it required a sub-division of the original allotment. Secondly, several allottees and beneficiaries started selling part of their allotment or inheritance. In the end, these beneficiaries and purchasers started registering claims as to a certain acreage of the title.
22. Since the sub-division into smaller parcels had not been surveyed, no survey plan could be issued and signed. Accordingly, no certificate of title could be issued. To deal with this unpleasant situation, provision was made in the Registration of Titles Ordinance to allow issue of certificate of title to unascertained parcels (un-surveyed). These are the blue pages. In practice, you would have say 20 claims on one piece of land, identified as one plot or a group of plots. Several persons each claiming a specific acreage would be registered as proprietors in respect of their claim on that one plot or group of plots. You would then end up with a group of blue pages referring to the same plot number or a group of plots but indicating different proprietors. In most cases these various proprietors were already in occupation of their claimed part. Upon survey of the specific part, the blue page is cancelled and a white page for the specific parcel issued. The proprietor is then also issued an owner's copy of the title. If one is seeking to buy land still registered on a blue page, special care should be taken to confirm that this land exists on the ground and there is no white page for it or other rival claimant.

## 1975 attempted abolition of mailo land

23. In 1975, there was an attempt to radically change the land tenure system in Uganda. Under S.1(1) of the Land Reform Decree, all land in Uganda was declared to be public land centrally vested in the Uganda Land Commission. Under S.2 of the decree, all mailo land and freeholds were abolished and

automatically converted into leaseholds of 99 years in case of individuals and 199 years in case of public bodies. These converted leaseholds were to be subject to development conditions in accordance with the zoning scheme of each area.

24. In spite of these radical legislative changes, nothing was done to implement the decree. The land registry did not physically convert the mailo certificates of title into leaseholds and continued to entertain land transactions on the basis of the existing mailo register. The Government did not make any zoning scheme and as such no development conditions were ever enforced on these “leases on conversion”. This remained the position till the promulgation of the Constitution of the Republic of Uganda in 1995.

#### Revival of Mailo land by the 1995 Constitution.

25. There was a heated debate during the collection of peoples’ views by the Constitutional Commission (1988-1993) headed by Justice Benjamin Odoki. This debate continued during the Constituent Assembly deliberations. In the end, article 237(1) of the Constitution reverted the ownership of land to the citizens of Uganda “**to vest in them in accordance with the land tenure systems provided for in the Constitution**”. Among the recognized land tenure systems is Mailo. This Constitutional provision now clarified the status of mailo land which had been thrown in doubt by the Land Reform Decree, 1975.
26. However, the return of Mailo land was also accompanied by the introduction of a new concept of “lawful” and “bona fide” occupants which are the subject of chapters 3, 4, 5 and 7 of this book. These occupants are statutory tenants on mailo land. But it is acknowledged in paragraph 43 of the National Land Policy, that the landlord- tenant relations between the mailo owner and tenant is not amicable or harmonious. It is Government policy to resolve and disentangle the multiple, overlapping and conflicting interests and rights on mailo land (paragraph 44 of the National Land Policy).

# 2

## MAILO LAND TENURE ADMINISTRATION

### Introduction

27. From the account in Chapter one above, the initial mailo owners were not more than 1300 people, who were mostly royals, chiefs and private land owners. Over time, hundreds of thousands of people have acquired Mailo land. While the original owners of mailo were exclusively Baganda, over the decades, hundreds of non-Baganda have acquired and continue to acquire mailo land. In this Chapter, the acquisition and registration of interests in Mailo land is explained.

### Various forms of acquisition of mailo land

28. As already indicated, several of the original owners did not live to have their allocations surveyed and titled. This gave rise to the first group of people who acquired mailo land through succession. However, many got their Certificates of Title and dealt with their land while still alive by way of sale or gift. In this part, we shall deal with the various ways in which one can acquire Mailo land.

### Succession to Mailo Land

29. When a person who owns Mailo land dies, members of his or her family may succeed to that land based on the law of succession in Uganda. The persons entitled to a share include the widow or widower, the children irrespective of sex and other dependant relatives. In chapter five, we discuss in detail the law and processes of succession to mailo land.



## Purchase from Registered Proprietor

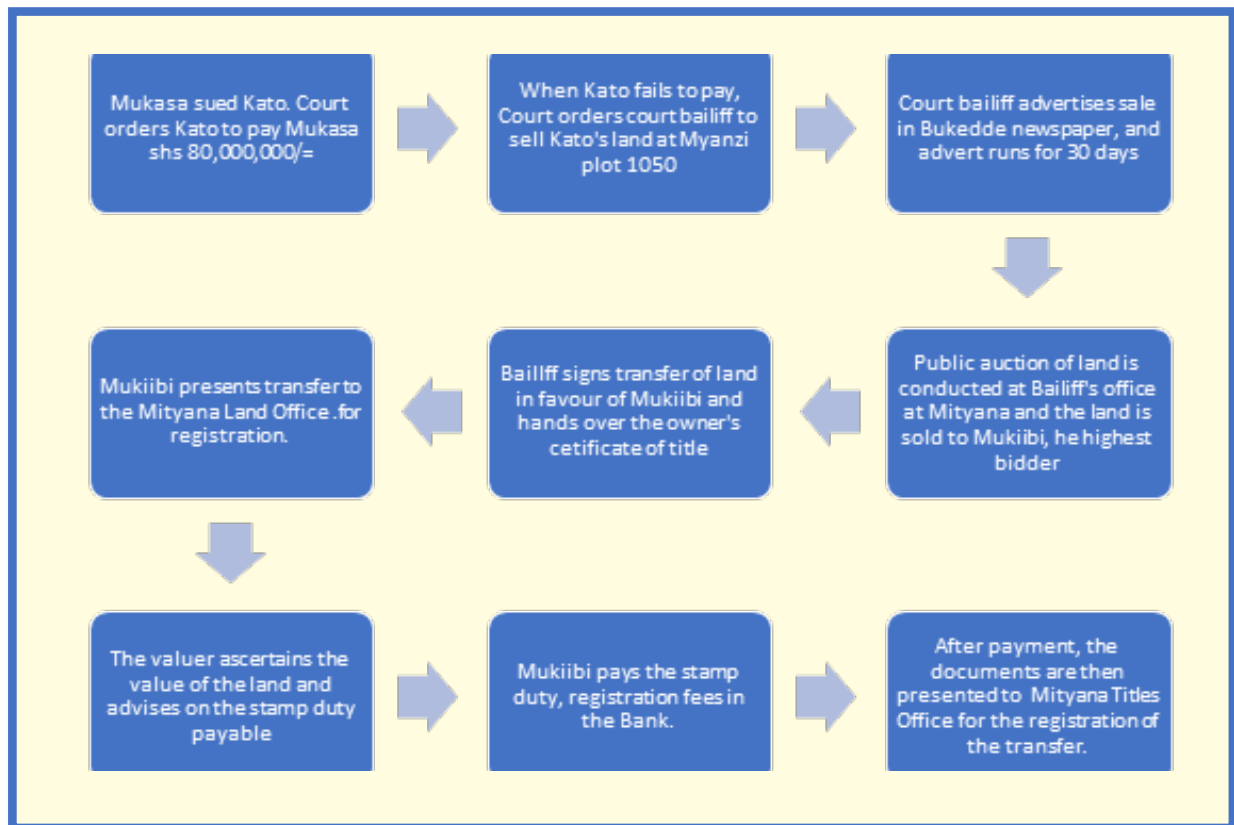
30. This is the most common type of change in ownership of mailo land. It is voluntary in nature. The transfer is made by the registered owner of the mailo signing a transfer form in favour of the purchaser. The transfer may also be signed by a person authorised in writing by the registered owner (attorney). Similarly, the person to whom the land is sold or transferred (transferee) or his or her attorney must also sign this transfer. Both the seller and the purchaser must sign in the presence of an authorized witness. There is also now a requirement that both parties furnish passport photographs to the Registrar of Titles. If the purchase is for only part of the land, the owner will also have to sign a mutation form to authorise a surveyor to survey off the part that has been sold.
31. It is a requirement under S. 92 (1) of the RTA that the consideration for the transfer be described. If the consideration is money, its amount should be disclosed in the instrument of transfer. Where the consideration is not money the true consideration must be stated. For example, the consideration may be “eight cows”, “[exchange with Plot 20 Katawa LC 1A Mubende](#)” or “natural love and affection”.
32. It is permissible for the registered proprietor to transfer to his or her spouse. The proprietor may also transfer to himself or herself and to another or other persons. In this way, the proprietor creates common owners where the land is owned by more than one person. The share of each of the co-owners will be set out in the transfer, for example “ David Mukasa as to one third, Mrs Jane Mukasa as to two thirds”.

## Purchase from Court

33. When a court of law decides a case between parties, it may order the losing party (judgment debtor) to pay a sum of money to the successful party (judgement creditor). If the debtor fails to pay, court may order the sale of his or her property by an officer of the court known as a bailiff. After such sale, the property can be transferred by the bailiff to the purchaser.

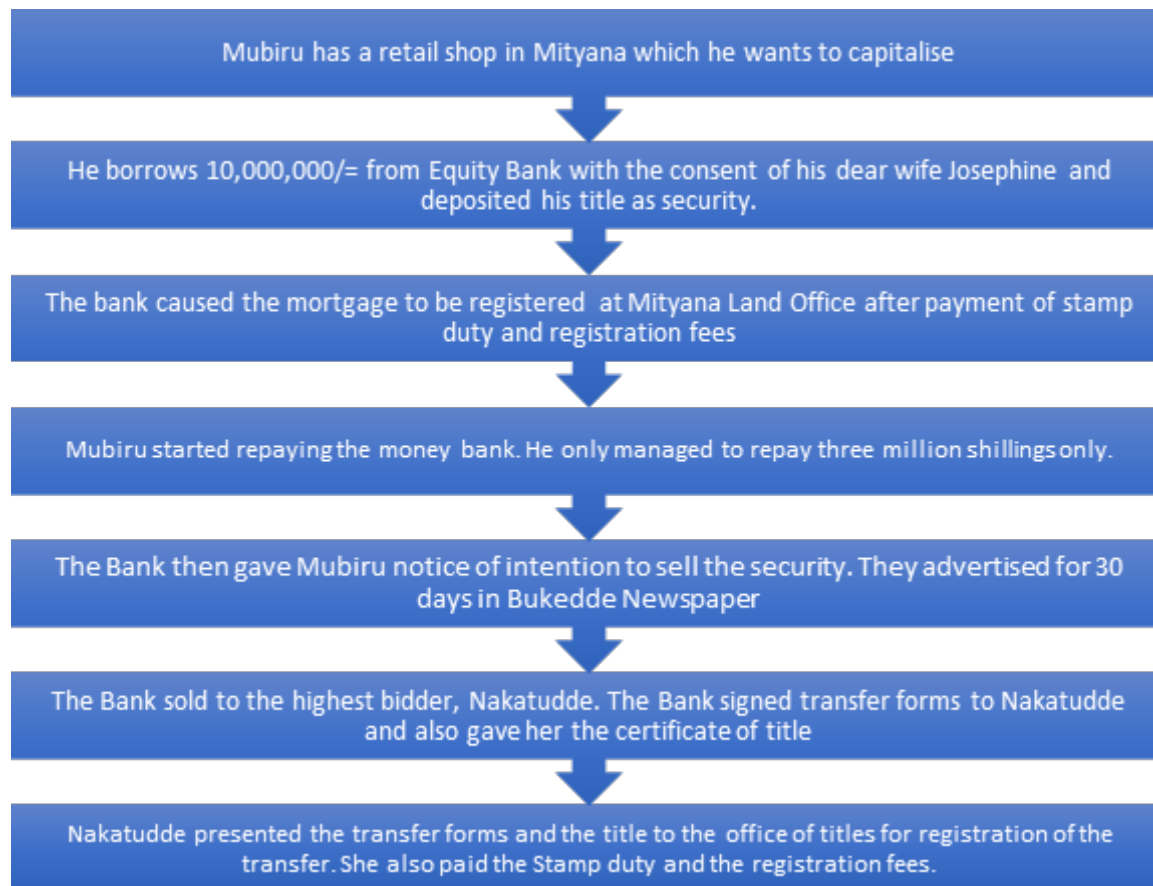
34. There are a number of steps that have to be followed to complete the attachment and sale. When a property is attached in execution, the court issues to a bailiff an order of attachment and sale. Normally before the sale, the court bailiff will advertise the land for sale in a newspaper for thirty days. The sale will be conducted at a public auction. The property will normally be sold to the person who offers the highest amount at the public auction. After the sale, the bailiff signs a transfer in favour of the purchaser and hands over the certificate of title to him or her to enable the registration of the transfer with the Registrar of Titles

**Figure 1: Purchase from Court**



35. A mailo owner can borrow money and offer his or her land as security for repayment of the loan. Such a transaction is called a mortgage. The mailo owner as borrower is called the mortgagor and the lender is known as the mortgagee. Where the mortgagor fails to repay the money, the mortgagee may sell the mortgaged land to recover his or her money<sup>6</sup>. The Mortgagee has to execute a transfer of the mortgaged land to the purchaser as required by S.28(3) of the Mortgage Act.

**Figure 2: Purchase from a Mortgagee**



### **Purchase from a Trustee in bankruptcy**

36. It is possible for a mailo owner to incur debts with people he trades or deals with. An example is Musisi may start a business of a private boarding school. He then gets people to supply him with food, firewood, books, a school bus and he has to pay for water, electricity, salaries for teaches and other staff. If he fails to pay these suppliers and staff, they may apply to court to declare him bankrupt (S.20(1) of the Insolvency Act No.14 of 2011). If court declares Musisi bankrupt, it appoints an officer called a Trustee in bankruptcy to take over the assets of Musisi for management.
  
37. The trustee has powers to collect, realize and distribute the estate of the bankrupt. Part of the process of realization involves sale of the property of the bankrupt which may include mailo land. The trustee upon such sale can sign a transfer of the mailo land in favour of the purchaser which is then registered by the registrar of titles.

### **Purchase of mailo land from a liquidator**

38. A company, the majority of whose members are citizens of Uganda can own mailo land. When such a company is unable to pay its debts, its properties including Mailo land can be sold by a person appointed by court (liquidator) under S. 99(1) of the Insolvency Act. Such liquidator is empowered to sign a transfer in favour of a Purchaser. The Purchaser should satisfy himself that the liquidator was duly appointed by Court and that the property belongs to the insolvent company.

### **Registration of a gift**

39. A registered proprietor of mailo land can give it as a gift to any other person. A person giving the gift is a donor and the person receiving the gift is a donee. For such a gift to be recognized, it is necessary for the donee to obtain evidence of such gift. The best evidence is a signed transfer which can be registered. Where there is no signed transfer, the donee should at the very least take possession before the donor's death.

## Gift of land



40. Upon proof of such donation the administrator or executor the of the donor's estate can be called upon to sign a transfer in favour of the donee. If the administrator or executor refuses to sign, then the donee can apply to court to order the transfer of title.

## Registration of a gift



### Responsible Public Offices or Institutions

41. In the course of acquisition of Mailo land, a number of public offices are involved and it is necessary to briefly state their roles here.

### Ministry Headquarters

42. Matters of land are the mandate of the Ministry of Lands, Housing and Urban Development. At the Ministry, there are three Directorates; that of Housing, Physical Planning and Land Management. Under the Directorates, there are several departments, headed by Commissioners, dealing with specific aspects

of land management. The department of Surveys and Mapping, of Land Administration, Land Registration and Valuation are under the Directorate of Land Management. The department of Physical Planning and Land Use Compliance are in the Directorate of Physical Planning, while the Department of Housing and Human Settlement are in the Directorate of Housing. These various department sets standards and supervise the respective district officers. **The organisational structure of the Ministry is attached as annexure “A”**

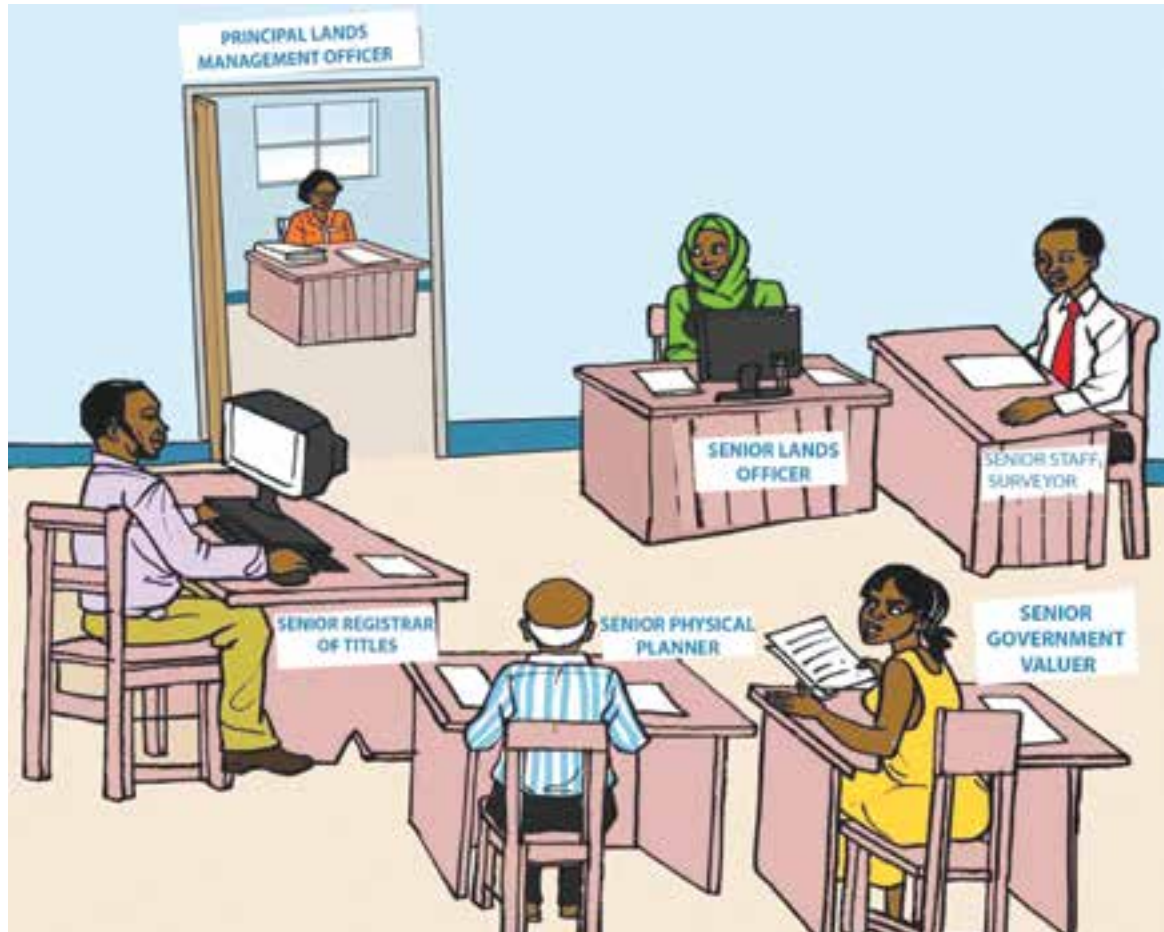
### Office of the Chief Administrative Office

43. The Chief Administrative Officer (CAO) is the Supervisor of all civil servants in the District. He is the most senior technical officer who advises the District Council on land policy and administration. He links the District Land Board, the District Titles Officer and the District Survey Office to the political administration in the District.
44. In cases of administration of estates of deceased persons, the CAO or his assistants help in the organization of family meetings to determine who can apply for Letters of Administration to manage the estate of the deceased. This office works closely with the office of the Administrator General.

### Office of the Administrator General

45. This is an important office that has important functions in the administration of estates of deceased persons. Where a person dies without leaving a will on how to manage his or her estate, the Administrator General, unless there is a widow or widower to manage the estate, has to give a Certificate of no Objection to the person seeking to apply to administer the estate. Normally the family will report the death to the Administrator General who will in turn request the CAO of the area to hold a family meeting to select suitable persons to be granted a Certificate of No Objection to administer a deceased's estate.
46. The office of the Administrator General is also a depository of old records from the Buganda Lukiiko relating to administration of estates that relate to the period before 1967. It is a useful reference point when looking for records of estates distributed by the Lukiiko before 1967.

## Ministry Zonal Office (MZO)



47. Land management services have been decentralised from the Ministry headquarters to zonal offices. A zonal office services a couple of districts as a one stop centre for land administration, valuation, physical planning, surveying and registration. MZOs have been set up at Mukono, Kampala (KCCA), Jinja, Wakiso, Mbarara, Masaka, and Kabarole. Currently other Ministry Zonal offices have been opened at Kabale, Jinja, Lira, Masindi, Kibaale. Others are to be opened in Moroto, Tororo, Mpigi, Luwero, Mityana, Soroti, Kabale and Rukungiri.



### Office of the District Physical Planner

48. All land in Uganda has to be planned under the law before it is surveyed, titled and developed. At the district level, the district planner together with the physical planning committees are responsible to give planning comments to approve a survey, tilting and development of any land, including mailo land, according to the planned zoning scheme. The specific functions of the District Physical Planner are:
- ✓ Acts as Secretary to the District Planning Committee,
  - ✓ Spearhead the production of the District Physical Plan,
  - ✓ Prepares local plans in conformity with the national physical development plan
  - ✓ Approves the proposed scheme of sub-division of Mailo land before the survey

### District Titles offices

49. All land titles and relevant records relating to land in specific areas are held at District Titles Offices. If a person wishes to purchase land or carry out any other transactions on mailo land, the person must of necessity deal with the titles offices at KCCA, Mukono, Bukalasa, Mityana, Masaka, Wakiso or Fort portal. One of the main functions of these offices is to facilitate the public to **search** the Land Register. Under S.201 of the RTA any person is free upon payment of a fee (now Shs. 10,000) to search the Register. This involves a physical inspection (reading) of the register (white or blue page) and if necessary any instruments. The person making a search can also request for a written search report. The report has to be signed by a Registrar of Titles.
50. The other main function of District Titles Offices is to issue Certificate of Titles and to register land transactions. Accordingly, persons who have acquired interest in mailo land have to have their transactions, including transfers registered by the District Titles Offices. Relevant forms for consent to transfer, and transfer forms themselves are available at these offices. The specific functions a Registrar of Titles are:
- ✓ To register land and issue certificates of titles

- ✓ Maintain and keep the register book
- ✓ To assist persons making searches and issue search reports regarding information on registered land
- ✓ To register various land transactions including transfers to beneficiaries, transfers to purchasers, mortgages to banks and individuals,
- ✓ Register caveats of people claiming interest in land,
- ✓ register court orders,
- ✓ register leases and issue leasehold certificates of title,
- ✓ register executors and administrators of deceased persons,
- ✓ register release and withdrawal of caveats,
- ✓ register release of mortgages,
- ✓ Issue special certificate of title where the owners' copy is lost or obliterated
- ✓ gives legal advice to government and the public
- ✓ Attends court to give evidence regarding registered land
- ✓ Attends to court to defend actions of the office of titles

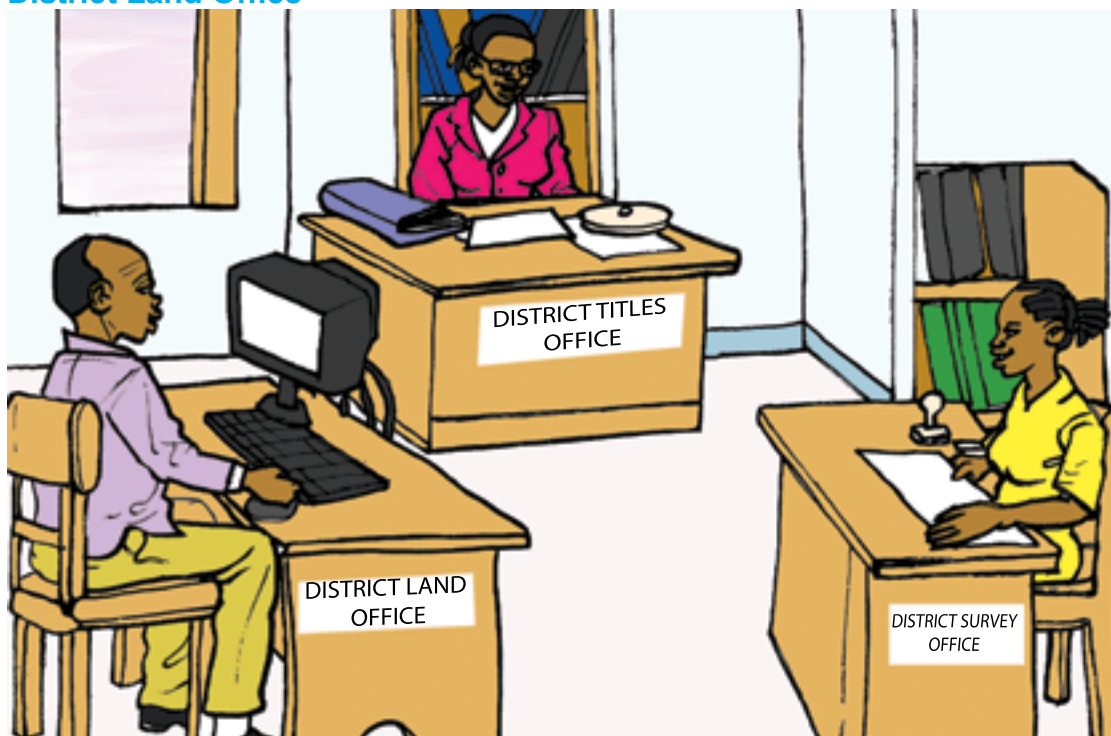
### District Survey Office

51. Attached to each District Titles Office is the Survey Office. This is responsible for the survey of land in the District. All surveys of mailo land including sub-divisions have to be authorized by the District Staff Surveyor, through issue of instructions to survey. The specific functions of a district surveyor are:

- ✓ Gives out instructions to survey
- ✓ Receives and examines survey records as done by a field surveyor
- ✓ Approve survey of a field surveyor
- ✓ Maintain and keep the survey records
- ✓ Prepares, signs and issues survey plans( prints)
- ✓ Forwards the prints to the registrar of titles for issuance of title

52. The District Survey Offices also keep important records including the Kalamazoo were a history of the creation and sub-division of plots is kept. It is from this Kalamazoo that the information in area schedules showing the history of specific plots is obtained. One can also obtain maps and extracts of maps from District Survey Offices.

### District Land Office



### District Land Officer

53. There is a District Land Officer for each District who is the technical officer who advises the District Council, the District Land Board and the public on the management of land in the District. With regard to Mailo land, applications for CCO's that are submitted to the DLB are processed by the Land Officer

### District Land Board

54. Under article 240 of the Constitution provision is made for a Land Board for each

District in Uganda. The Board is charged with several functions under article 241 of the Constitution namely:

- a. To hold and allocate land in the District which is not owned by any person or authority;
- b. To facilitate the registration and transfer of interests in land; and
- c. To deal with all other matters connected with land in the District in accordance with laws made by Parliament
- d. With regard to Mailo land, a DLB approves the issuance of a CCO and forwards the approval to the Recorder

### Area Land Committees

55. Under S.64 of the Land Act as amended by Act No.1 of 2004, area Land Committees are established for each Sub-county or Division to assist Land Boards in an advisory capacity. In relation to mailo land, the Area Land Committee assist the District Land Board in ascertaining boundaries of occupants who have applied for certificates of occupancy.

### Recorder

56. The office of Recorder is established at each Sub-county, gazetted urban area and each division of a city under S. 68 of the Land Act. The respective Sub-County Chief, Town Clerk or Assistant Town Clerk of the area acts as the recorder. Among the functions of the recorder are to issue certificates of customary ownership and to register dealings with certificates of occupancy.

### Local Council I, II and III

57. Although there is no specific role in the Land Act giving any specific responsibilities to Local Councils regarding land management, these local councils play a supportive role to other institutions and offices. For example, they assist in identification of the mailo owners and their successors, identification of the occupants and their successors, assist in confirmation of boundaries, and in mediation of disputes. Secondly the LC II courts serve as courts in matters of conversion or damage to property, trespass and disputes relating to customary tenure. LC III is the appellant court from decisions of LC II.

# 3

## LAWFUL AND BONAFIDE OCCUPATION

### Evolution of tenants by occupancy

58. In chapter one, it is shown how mailo land was granted with tenants in occupation. Even after allocation, mailo owners encouraged tenants to settle on their land so that they (the mailo owners) get increased payment of the *Busuulu* and *Envujjo*. Overtime, the Mailo owners increased the amount of *Busullu* and the quantity of *Envujjo* payable. This caused dis-harmony between landlords and tenants. The tenants started agitating for reform. The colonial government responded to this crisis by enacting the *Busuulu* and *Envujjo* law of the 1928. Under this law, restrictions were imposed on the amount of *Busuulu* and the quantity of *Envujju* to be collected by Mailo owners. Tenants were also given security of tenure since they could only be evicted for non-payment of *Busuulu* or where they abandoned their *bibajja*.
59. In 1975, the Land Reform Decree was enacted. Under this law, the system of holding Mailo land was abolished and Mailo converted into leases of 99 years. The former *bibanja* holders were converted into tenants at sufferance, whose tenancies could be terminated anytime. Similarly, the payment of *Busuulu* and *Envujjo* was abolished. However, these tenants and their descendants are still in occupation of their *bibanja*'s. The abolition of Mailo land was followed by a period of uncertainty regarding acquisition, inheritance, purchase etc. of *bibanja*'s. This period saw the increased and unregulated settlement on *bibanja*'s and expansion by way of opening up fallow land. By the time of the enactment of the 1995 Constitution, there was need to put in place a legal framework to regulate

the occupation of registered land by people who had no registered interest. This is the background to the concept of lawful and bona fide occupants.

60. The concept of lawful and bona fide occupants was introduced in our law by the 1995 Constitution under Article 237(8). The Constitution further provided that Parliament makes a law within two years of its first sitting, to regulate the relationship between lawful and bonafide occupants and also to provide for the acquisition of registration interests by the occupants.
61. Occupants faced possible evictions by land owners when they needed their land for economic development. The Constituent Assembly in deliberating the Constitution were mindful of such massive evictions and put provisions to avoid such social unrest. In compliance to this Constitutional Order, the Land Act was enacted on 2nd July 1998 and has provisions for the definition of lawful and bonafide occupants on registered land, and their relationship with the registered owner. These are in Part 1, sections 29 to 38A.

### **Lawful Occupant**

62. It is important for a person claiming to be a Lawful Occupant to have copies of the tickets of the Busuulu and Envujjo paid to the registered owner or agent of the registered owner before 1975. A successor of a lawful occupant is taken to be a lawful occupant.

### **Bona fide Occupant**

63. It does not include any person on land on the basis of a license from the registered owner or a person who has occupied and utilized or developed any land unchallenged by the registered owner of the land or his/her agent, for a period less than twelve years, from 9<sup>th</sup> October 1995. This tenant is recognized under section 29(2) of the Land Act.

Kiwanuka is the registered owner of 640 acres of Mailo land in Kyanamukaaka in Masaka. Kiggundu entered and occupies part of this land, about 5 acres in 1970, and has stayed there since, unchallenged by Kiwanuka. This means that by 1995, Kiggundu had stayed on the 5 acres for 25 years and clearly qualifies as a bonafide occupant

***This is an example of a person who does qualify as a bonafide occupant***

***This is an example of a person who does not qualify as a bonafide***

On the other hand, Kiggundu's neighbour, a one Mukasa, entered and occupied his "Kibanja" in 1986 without the consent of Kiwanuka. By the time of the promulgation of the 1995 Constitution, Mukasa had occupied the "Kibanja" for only 9 years, and does not qualify as a bonafide occupant on Kiwanuka's land.

### Definition of Licensees

64. A person who occupies land with the permission, authorization, pass, ticket, warrant or allowance of a registered owner is a licensee. A license is usually for a specific period of time/duration and for specific activities. Examples of a licensee are hotel guests, house rental tenants, seasonal plant tenants, a lessee. Licenses to land are created by way of an agreement between the registered owner and another person. Examples of such agreements are tenancy agreement, lease agreements and rental agreements.

### Definition of Trespassers/Squatters

65. Any occupant on registered land, who does not qualify as a lawful or bona fide Occupant or a Licensee, is a trespasser and or squatter. This is a person who

unlawfully enters/invades/encroaches and occupies land of another without permission. Such a person is one that does not qualify as a Lawful or Bona fide Occupant or a Licensee. Such a person is an intruder.

## Acquisition of Tenancies on Mailo Land

### Succession

66. The law governing succession and inheritance in Uganda is in Chapter 162 of the Laws of Uganda. It is a general principle worldwide that when a person dies, he or she is succeeded to. Upon the death of a registered owner of Mailo land or the death of a tenant, his or her beneficiaries are entitled to succeed to the land or “*Kibanja*” according to the wished of the deceased as left in a will, or according to the law of succession. More details on the process of succession are contained in Chapter five.

### Purchase

67. A tenancy on Mailo land can also be acquired by purchase from the “*Kibanja*” owner. However the Land Act requires that the Mailo owner should give consent to such a purchase. Since Mailo land is all registered, it is important for the purchaser to ascertain the genuineness of the title where the “*Kibanja*” falls. The following steps should be followed:
  - a. Get the particulars of the title of the Mailo land on which the “*Kibanja*” which you intend to buy falls. The particulars include sub-county, village and plot number.
  - b. Check at the office where the land is registered. For Mailo land title in Mityana and Mubende, you check at the Mityana Ministry Zonal Office. You will be required to pay an official search fee of 10,000/- plus a bank charge. This money should be paid in the bank.



## Request for a search



## Paying for the search



- c. It is also good to verify the sellers' identity by checking his or her national identity card and making inquiries with the Local Council Officials
- d. Ascertain the boundaries of the "Kibanja" with the assistance of the neighbours, local council officials and elders.

## Receiving a Search Report



- a. Obtain copies of the agreements and other documents showing the “*Kibanja*” ownership.
- b. Once satisfied about the ownership and boundaries of the “*Kibanja*”, the buyer should require the seller to obtain the written consent of the Mailo owner, before the sale of the “*Kibanja*” can be concluded.
- c. The buyer and the seller then write and sign an agreement of purchase. The agreement should specify the terms of the sale on matters like purchase price, payment. It is advisable to have witnesses.

- d. After the agreement is concluded, the seller should hand over possession of the “*Kibanja*” and introduce the purchase to the neighbors’, Local Council leaders and the Mailo Owner.
- e. If the purchase is for part of the “*Kibanja*”, the seller and buyer should demarcate the portion by planting boundary marks in the presence of neighbours, LC’s and other witnesses.

## Gift

- 69. A gift is a gratuitous grant or transfer of property. For a gift of “*Kibanja*” to be valid, there must be an intention to give followed by change in possession. The “*Kibanja*” owner can donate it or part of it as a gift to any person, subject to the consent of the Mailo owner. Just like acquisition by purchase, the recipient of a gift must make a search and ascertain the ownership of the Mailo land, must investigate ownership of the “*Kibanja*”, and must require that the “*Kibanja*” owner has obtained written consent of the Mailo owner. It is good practice for the donation to be confirmed in writing and witnessed.
- 70. If the gift is for only part of the “*Kibanja*”, the giver, called donor and the recipient of the gift, called donee, should demarcate the portion by planting boundary marks in the presence of neighbors, LC’s and other witnesses.

## Termination of Tenancies on Mailo Land

- 71. The tenants by occupancy on mailo land are a historical creation and are now statutory tenants. Once created, it does not mean that this situation must last forever. It can terminate any time by conversion, abandonment or breach.

## Purchase of mailo

- 72. Under section 36 of the Land Act, the registered owner of land and the tenancy by occupancy may mutually agree on the determination of the occupancy by sub-dividing the land and each having exclusive ownership and occupation of the different portions of the land. The agreement may include surrender and or purchase by other party of the interest of the other. When the registered owner

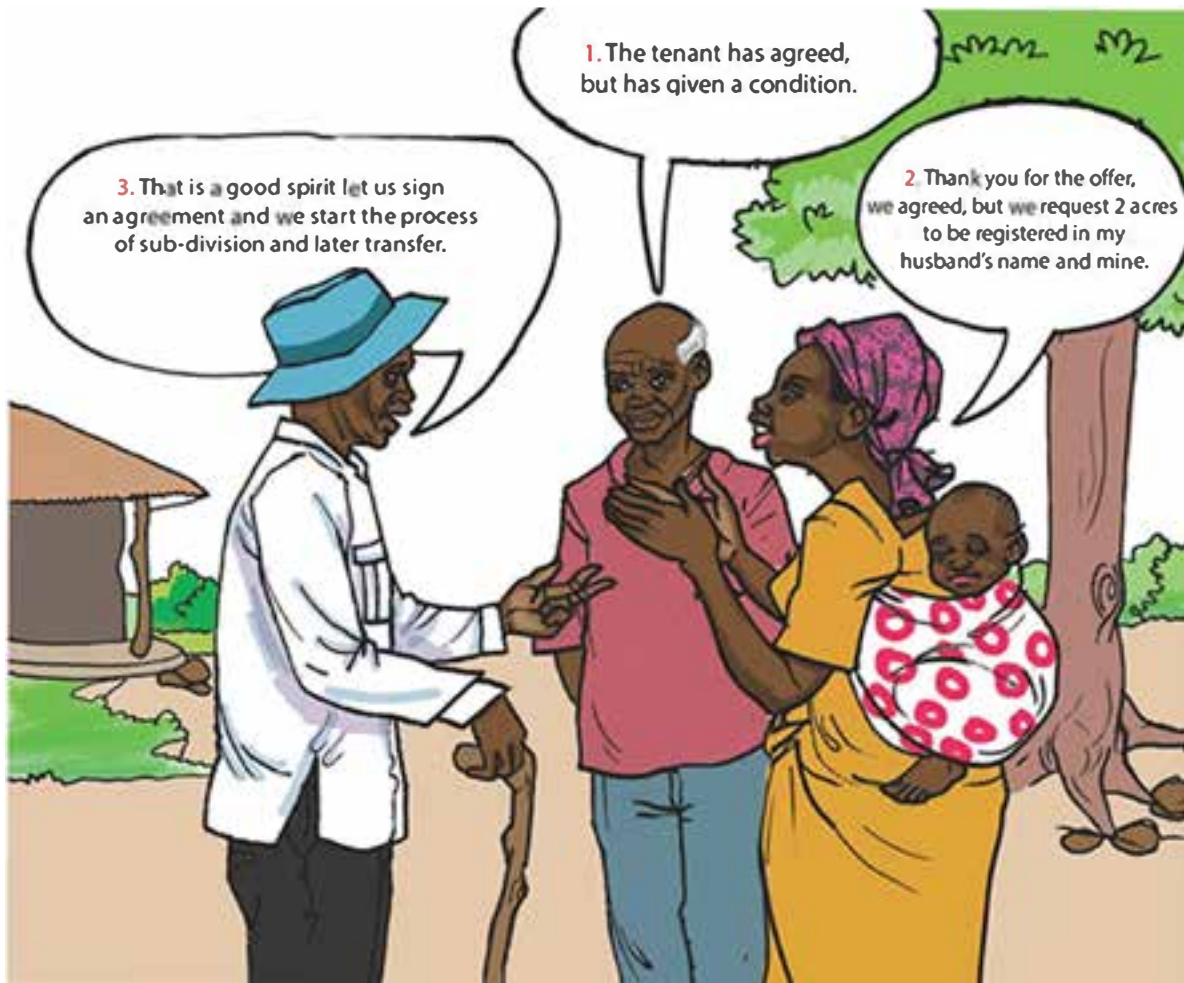
buys the interest of the tenant by occupancy, then the occupancy is terminated. The details are in chapter 4 under options on way forward for landlords and tenants.

### Negotiation between the landlord and the tenant



73. Equally so, when the tenant acquires the registrable interest of the registered land, either under mutual agreement under section 36 or applying to the landowner with the assistance of a mediator under section 38, then the tenancy by occupation is terminated.

### Tenant gives land owner conditions for sharing the land





## Celebration upon registration

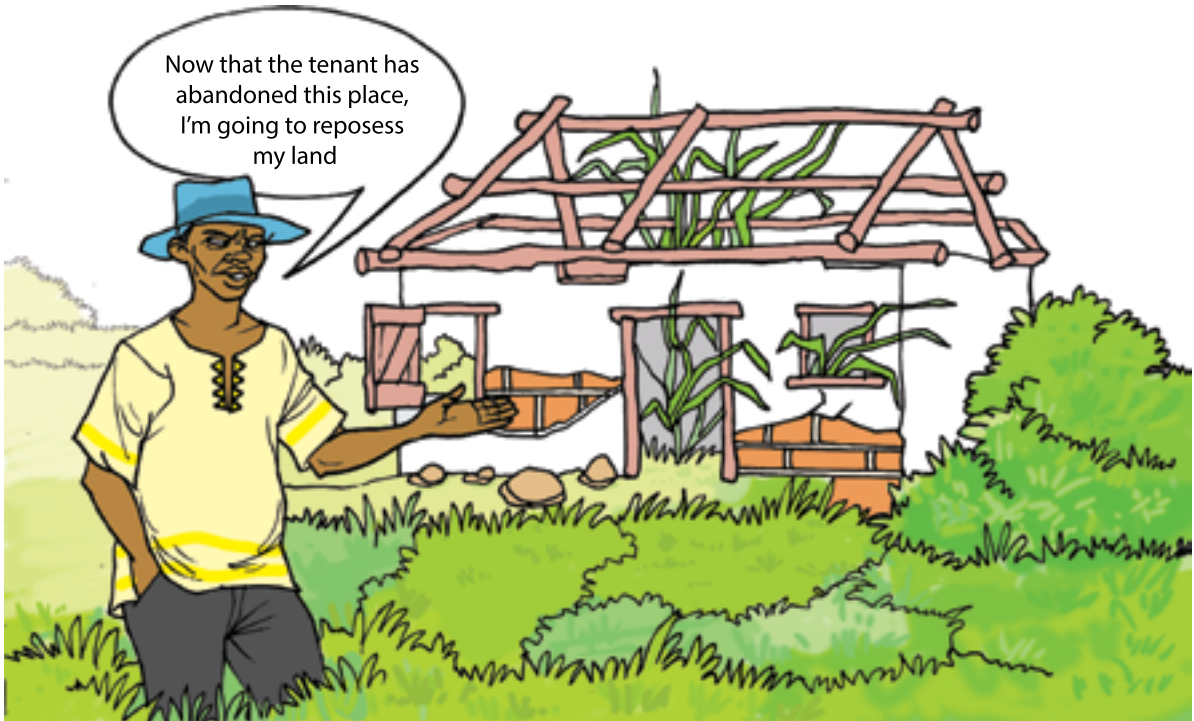


74. Section 38(2) provides that a tenant by occupancy may apply to the registered owner for permission to convert his or her tenancy. The land owner may grant his or her consent with or without conditions, or reject the application outright, or invite the tenant to enter into negotiations. It is up to the parties to reach an agreement, but either party may invoke the assistance of a mediator to bring them to a settlement. There is no right of appeal by the tenant provided in the Land Act.



## Abandonment

76. In law, to abandon land means to give up all claim in relation to it with no intention of ever again asserting, claiming right, or interest over it. Abandonment can be voluntary or involuntary.



77. For voluntary abandonment, a tenant by occupancy can voluntarily inform the registered owner of his/her intention to abandon and actually leaves the “*Kibanja*” for good. The tenant by occupancy may also just leave the whole land unattended by himself or herself, or family member or agent for a period of three or more years. When a tenant voluntarily abandons or deserts his or her occupancy, the occupant may remove any structure placed by him or her on the land, but not trees and dams. However, he /she may not claim any compensation for the loss of the occupancy.

78. Involuntary abandonment is provided for under section 37(4). This occurs in urban areas where an urban/town or city council condemns a tenant by occupancy's building or orders the building to be demolished. In such instances, the tenancy does not extinguish. However, the land owner and the tenant can amicably come into an agreement on terminating the tenancy by compensating the tenant by a sum as determined by a government valuer.

### **Termination by Breach/Forfeiture**

79. A tenant by occupancy is supposed to pay to the registered owner an annual nominal ground rent as is determined by a relevant District Land Board and approved by the Minister. This is provided for under section 31(3) as amended by Act 1/2004 of the Land Act. Some district land boards were vigilant and proposed fees to the minister for approval. Others never proposed fees payable. The Minister, by powers granted under the law, set fees for all land, under a Statutory Instrument; The Land (Annual Ground Rent) Regulation, No. 55 of 2011

80. Currently, the fees payable is categorized based on the location of the land; in municipality, town council, town board or rural area. They are set out in the table below:

**Table 3: Approved Annual nominal ground rent determined by district land boards**

<b>NO</b>	<b>District</b>	<b>Municipality</b>	<b>Town Council</b>	<b>Town board</b>	<b>Rural Area</b>
1.	Abim		20,000=		5,000=
2.	Amolatar		30,000=		5,000=
3.	Amuru		20,000=	20,000=	5,000=
4.	Hoima		30,000=		5,000=
5.	Isingiro		30,000=		5,000=
6.	Kabarole	30,000=	10,000/=		5,000=
7.	Kamwenge		20,000=		5,000=
8.	Kaliro		30,000=		5,000=
9.	Koboko		10,000=		5,000=
10.	Kyenjojo		10,000=	10,000=	5,000=
11.	Lira	30,000=	20,000=		5,000=
12.	Luwero		20,000=		5,000=
13.	Masaka	12,000=	10,000=		5,000=
14.	Nakaseke		30,000=		5,000=
15.	Namutumba		30,000=	10,000=	5,000=
16.	Ntungamo		30,000=	30,000=	5,000=
17.	Oyam		20,000=		5,000=
18.	Pallisa		30,000=		5,000=
19.	Rakai		30,000=	20,000=	5,000=
20.	Sembabule		20,000=	15,000=	5,000=
21.	Sironko		30,000=	30,000=	5,000=

**Table 4 : Annual nominal ground rent for areas where the District Land Board has not determined the rent payable Under Section 31**

Land within a city	Land within a municipality	Land within an urban council	Town board	Land within a rural area
50,000=	40,000=	30,000=	20,000=	5,000=

81. The rent payable is standard as provided, irrespective of the size of the land. A person holding one acre of “*Kibanja*” pays the same with that who holds five acres of “*Kibanja*”, the rent payable is the same. The only difference is the location as per urban zoning; i.e. in a city, municipality, urban council, town board or rural area. The rent payable is revisable every five years [section 31(8) of the Land Act].
82. When a tenant by occupancy defaults in payment of ground rent for a period exceeding two years, the registered owner is entitled to serve on him/her notice to show cause why the tenancy should not be terminated. The notice must be in a prescribed form and a copy forwarded to the relevant land committee. If the tenant disputes the notice, he or she may refer the matter to a land tribunal within a period of six months after the date of service. Where the tenant does not challenge the notice within the prescribed period or pay the outstanding rent within a period of one year from the date of the notice, then the land owner may apply to the land tribunal for an order to terminate the tenancy for non-payment of rent.

## Notice to tenant of non - payment of rent



83. The tribunal or court, in coming up with a decision, is supposed to examine the circumstances surrounding the tenant's failure to pay rent, ascertain whether the tenant is lawful or bonafide or a mere trespasser, and whether the applicant is the registered proprietor or his agent and whether he or she is not in breach of the tenant's rights.

# 4

## RIGHTS AND DUTIES OF LANDLORDS AND TENANTS BY OCCUPANCY

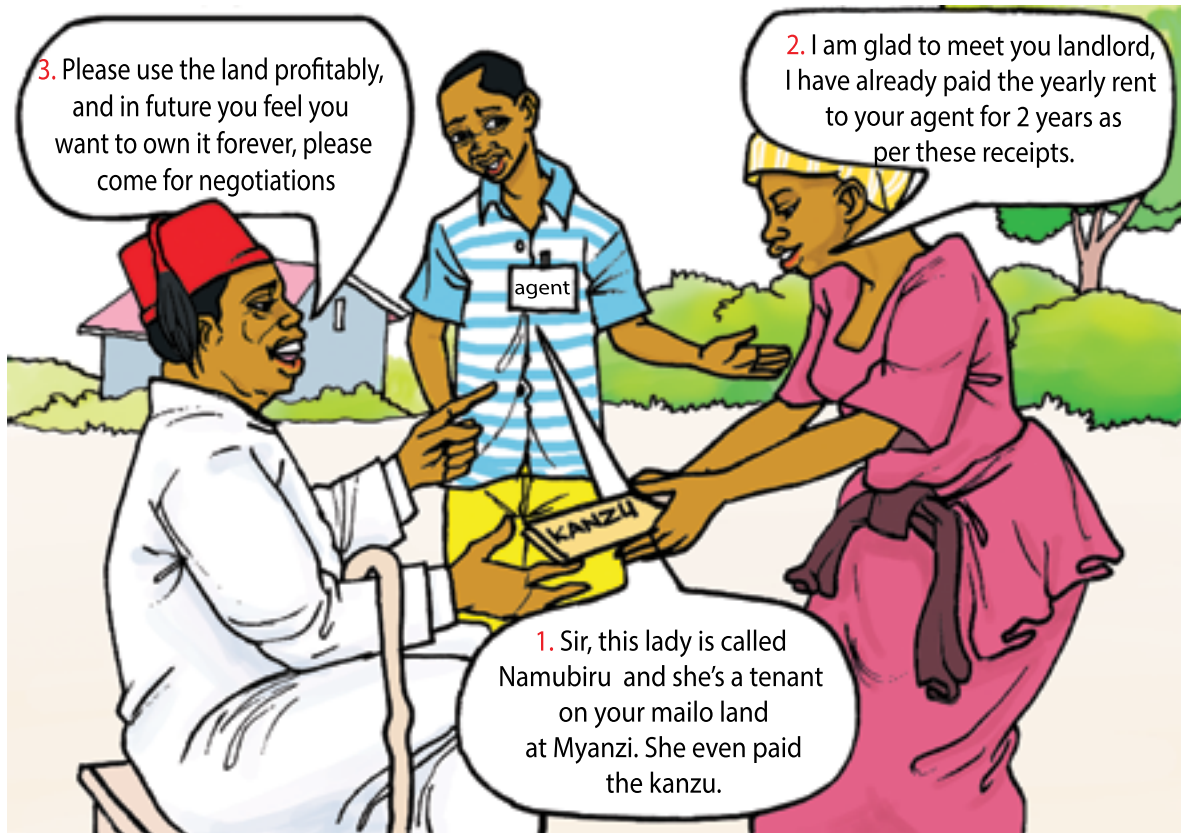
### Rights of Mailo Owner

84. A registered owner has the following rights:
- a. He or she owns the land forever.
  - b. Can lease, mortgage, pledge or sell the land.
  - c. Can sub-divide the land for purpose of sale or any other lawful purpose.
  - d. May pass on the land to any person by will, gift or sale.
  - e. A right to yearly payment of rent from tenant(s) who are legally on his/her land.
  - f. A right to demand for the rent from the tenant by occupancy where there is delay exceeding two years or more in payment.
  - g. A right to apply to court and get an order of eviction where the tenant is in breach of payment of the yearly rent.
  - h. A right of first option to purchase the interest of a tenant by occupancy.

### Duties and Obligations of Mailo Owner

85. A registered owner has an obligation to take all steps necessary to know and document the tenants on his/her land. Prior to the promulgation of the 1975 Land Reform Decree, mailo owners, particularly having bug chunks of land, had agents or caretakers (omusigire) who used to help them in this.
86. A registered owner has a duty to receive the yearly rent from the tenant and give him/her a receipt of payment.

## Land owner receiving receipts of paid rent to agent



87. A registered owner has a duty to leave the tenant peacefully enjoy his/her occupancy provided the tenant meets all his/her obligations. This means that the registered owner should allow the tenant by occupancy peace and time to live on the “*Kibanja*”, build a home, cultivate crops and trees, grow crops, hold ceremonies in his or her home which include marriage and funerals.

## Rights of an Occupant

88. A tenant by occupancy on registered land shall enjoy security of occupancy on the land. This means that he will not be sent away by the registered owner except when he/she fails to pay rent for one year or more and on orders of court.
89. A tenant by occupancy may apply and acquire a certificate of occupancy for the land that he occupies. The certificate of occupancy once issued is registered on the certificate of title of the registered owner by the registrar of titles. This registration informs the whole world of the fact of occupation by the tenant, and the approximate area and size of occupation, thereby protecting all parties.
90. The procedure for application to get this certificate of occupancy is laid out in section 33 of the Land Act. The steps are as follows: -

- i. The application is made, in a prescribed form, to the registered owner of the land.*
- ii. The owner notifies the area land committee.*
- iii. The land committee sets a date for meeting all parties and the neighbours.*
- iv. The land committee's decision is sent to tenant and owner.*
- v. Thereafter, the owner, without undue delay, as long as tenant has paid rent, give his or her consent for acquisition of a certificate of occupancy.*
- vi. The land committee then sends this form to the district land board, for onward transmission to the recorder for issuance of a certificate of occupancy.*



## Area Land Committee convening meeting



90. If the registered owner refuses to give consent to the application for a certificate of occupancy within six months, the tenant may appeal to the land tribunal for consent. After hearing the matter, the land tribunal may grant the required consent to the tenant. When consent is granted by the land tribunal, the application is forwarded to the district land board which also forwards it to the recorder for issuance of a certificate of occupancy.

91. The recorder shall notify the registrar of the issuance of a certificate of occupancy, such that it is noted as an incumbrance on the certificate of title.

### Land owner receiving a certificate of occupancy



92. Possession of a certificate of occupancy provides documentary evidence that the named person has a right of occupancy. More over since a certificate of occupancy is granted after verification and determination of the boundaries, it is likely to reduce future disputes over land ownership and or boundaries. A certificate of occupancy can also be used to access agricultural credit from financial institutions like SACCOs, Banks and Micro Finance Institutions.

93. A right to abandon his/her occupation of a “*Kibanja*”. Such abandonment occurs where the tenant and all members of his or her family or agent leave the whole of the “*Kibanja*” unattended to for three years or more. Where a tenant abandons his or her “*Kibanja*”, they are free to remove any structures, buildings and other things they put on the land except trees and dams. Where the tenant abandons, he or she is not entitled to compensation.
94. An occupant may assign, pledge and create third party rights on his or her “*Kibanja*” with the consent of the land owner. Such assignment and creating third party rights may include a sale of the “*Kibanja*”, mortgaging of the “*Kibanja*”, renting out the “*Kibanja*” to another person for a period of time, say to grow potatoes for two seasons. This right is also subject to the rights of the spouse of the tenant giving consent.

### Duties and Obligations of an Occupant

95. A tenant by occupancy has the following duties or obligations:
  - a. To know the registered owner of the land.
  - b. To apply to the registered owner for a certificate of occupancy.
  - c. To pay to the registered owner the yearly nominal ground rent as set by the boards and approved by the Minister in charge of Lands.
  - d. To use the land in a good husbandry manner. Examples are: not to excessively cut trees, not to cultivate on slopes without putting terraces, not to destroy wetlands.

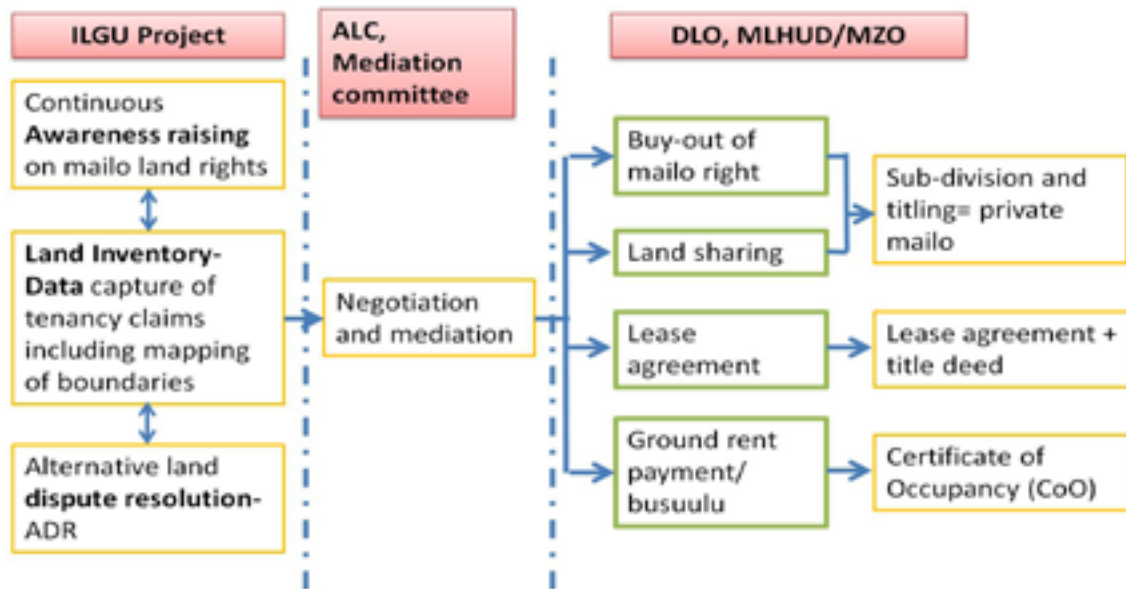
### Landlord and Tenants right to negotiate: suggestions on way forward for Landlords and Tenants

96. The above sections have highlighted the rights and obligations of both the landlords and the tenants as provided in the law. This does not however restrict a landlord and tenant to mutually negotiate any terms. The law provides for who qualifies as an occupant on a landlord’s land and how much rent is payable by a tenant to a landlord. The law is silent on how much land should be held by an occupant. This can be freely negotiated upon by the landlord and tenant. Depending on the development on the land , the parties may also freely and

amicably agree on payment of the annual rent in kind, above or below the threshold set up in the law.

97. Traditionally, land had no intrinsic value. The landlord, who was a chief, induced peasants (*bakopi*) to settle upon his land upon payment of a token premium, known as *kanzu*, and subsequently paying tribute and a tithe which was a percentage of his produce. The services and tribute due from the *bakopi* were a series of mutual obligations between a chief and his people, which if observed, left the *mukopi* undisturbed in the possession of his “Kibanja”.  
A *mukopi*'s garden usually occupied one or two acres. With the introduction of cash crops, some *bakopi* had extended their gardens to eight to nine acres, depending on the ability of the peasant to utilise the land, the consent of the landlord and the availability of the land.
98. The introduction of cash crops made the landlords impose a rent on cultivators, which was a simple evolution arising from the commutation into money of the services traditionally due by a peasant to his overlord. The Busuullu and Envujjo law of 1928 was enacted and put rental conditions and also gave statutory protection of right of occupancy to the tenants.
99. There is no restriction for a landlord and tenant to negotiate and live harmoniously on terms other than those specified in the law. Such terms could be say subdividing the “Kibanja” and each becomes a registered owner of a specific part, payment of more yearly ground rent especially for those utilising the “Kibanja” for commercial purposes. Some landlords have negotiated with tenants on sharing. The tenant agrees to surrender part of a “Kibanja” in exchange for a finished title, already surveyed and transferred in the names of the tenant. Such negotiation should be encouraged and is not forbidden.
100. The NLP presents options for the landlords and tenants that can be reached only after negotiations and these include: - buy-out, land sharing, lease arrangements and acquisition of certificates of occupancy. Brief descriptions of these are below:

Figure 3: Illustration of Negotiation Options



### Land Sharing

101. In land sharing agreements, tenants can agree to let go a percentage of their acreage in lieu of registerable rights in title. The tenant and landlord could choose a mediator for purposes of the sharing- the mediator helps in the negotiations. During the negotiations land is demarcated/surveyed in accordance with the law. Negotiation/Land sharing agreement is drawn and attested to by both parties in the presence of a witness. The agreement can also be witnessed by a neutral party knowledgeable about land issues to rule out the issue of lack of adequate knowledge of the law on the rights and obligations after the agreement has been executed.
102. Land sharing could only be fairly implemented through a fact-based negotiation. The facts (acreage, location, developments) can only be determined through data capture that does not involve prohibitive costs to the parties involved. Land sharing is one of the components of the GIZ project currently being implemented in Mityana and Mubende.

## Buy-out

103. Tenants who are able can be facilitated to buy-out the registrable interest in the “*Kibanja*” from the landlord. The government can also purchase the interest of the registered land owner in the land occupied by the lawful/bonafide occupants using the Land Fund and sell the interest to the said occupants based on social justice and equity consideration.

A tenant who wishes to acquire a registered interest from the landlord should seek advise on how to negotiate with the landlord on the price of the landlord and other terms of the buy- out. Buy-out of the Mailo right over the tenanted portion requires a prior determination of the acreage, location, value of land on the tenanted portion. Where the buy-out is for part of the Mailo land and not the whole, the tenants should go to the land office to have the land surveyed. In Mubende and Mityana, GIZ is facilitating surveys for beneficiaries in the project areas.

104. After the terms of the buy-out are negotiated and the survey, if any, is done, the parties should enter into a written agreement sales agreement with the landlord, duly signed in the presence of witnesses. The Mailo owner should sign transfer and mutation forms to facilitate the acquisition of title by the tenant.

### **How to carry out a sub division on Mailo land (MLHUD transactional procedures)**

- i. The Applicant must have in his/her possession a duplicate Certificate of Title, fully filled Mutation Form, and two authentic Passport photographs of the owner (seller). The Mutation Form must have been stamped by the registered Surveyor, fully filled by the registered owner, dated and signed by all the necessary Parties.
- ii. The Applicant presents the Originals and a Photocopy of the documents to the Mailo registry for checking and approval of the subdivision, in order to proceed. The documents are received at the lands office and the photocopy is stamped 'Received' and returned to the Applicant.
- iii. The Applicant checks after 5 working days to pick the documents. The applicant presents the photocopy of the documents stamped on received and on collection it is stamped 'Returned'.
- iv. On presentation of the Approved Mutation Form from the District Surveyor, with an Area Schedule, Receipts of checking fees, Deed Plan fees, registration fees, and the duplicate Certificate of title and passport photographs, and a set of photocopied documents, the Applicant submits them to the Mailo registry. The photocopy is stamped 'Received' and returned to the applicant.
- v. The applicant is asked to check after 10 - 25 working days.

### Ground rent/Busuulu payment

105. There is a need for increased transparency on Mailo land use rights. Landlords have titles and yet some do not use or use a very small portion of the land on the title. The Mailo land is heavily tenanted, some of which tenants do not know the landlord. The landlord on the other hand does not know the extent and size of each tenants' occupation.
106. A tenant is obligated to pay a yearly ground rent (busuulu) to the landlord for the use and occupation of the "Kibanja". The landlord is in turn supposed to acknowledge this payment by issuing a receipt. It is after these that a tenant can apply for a certificate of occupancy for the "Kibanja" that he or she owns. The certificate of occupancy can then be registered on the Mailo title as an incumbrance.
107. Assisting the landlords and tenants to document and record these use rights, which is the aim of the GIZ project, would create transparency of Mailo land use rights, reduce disputes between landlords and tenants on one hand and tenants and tenants .

### Lease to a "Kibanja" holder

108. A "Kibanja" holder may negotiate with the Mailo owner to obtain a lease over the area covered by the "Kibanja". The process includes demarcating the "Kibanja" by survey, negotiating the premium and annual ground rent payable, preparing and signing before witnesses' lease agreement in duplicate, paying stamp duty and registration fees on the lease, registering the lease at the titles office and obtaining a leasehold certificate of title. Proportionate lease premiums and market rate ground rent also require a determination of the tenancy attributes (acreage, location).

### Procedure in case of a squatter

109. Squatters /trespassers are not protected in the law. If one therefore sees that he or she does not fit in the description of a lawful or bona fide occupant, then the likelihood of one being a squatter or trespasser is very high. However, the law provides that such a person should take reasonable steps to seek and identify the registered owner of the land for purposes of negotiating and agreeing to their stay on that land.



# 5

## LEASES ON PRIVATE MAILO LAND

### Definition of a Lease

110. A Lease is an interest in land defined in S. 3(5) of the Land Act, where the mailo owner (called a “Lessor”) grants to another (called a “Lessee”) exclusive possession of land for a defined period commencing on a specific date usually upon payment of a capital sum known as premium and payment of an annual sum known as ground rent or some other consideration. It is a contract between the lessor and lessee which is freely negotiated.
111. Leases are created by private mailo land owners and this does not cover land renting by tenants. However, a tenant is free, with the consent of the landlord, to rent out his or her “*Kibanja*” for an agreed time, sometimes measured in seasons. The terms of such renting are freely negotiated.

### Manner of creation of a Lease

112. A lease is created either by operation of law or by contract. For purposes of creation of a lease out of mailo land, the mailo owner has, in accordance with Section 101 of the RTA to sign a lease agreement. This is a contract which sets out the particulars of the land, the subject matter of the lease and the terms and conditions of the lease.
113. To ensure that the whole world is aware and bound by the lease it has to be registered with the Registrar of Titles. Upon registration, a leasehold certificate of title is issued to the lessee. Such a lease can be transferred, mortgaged or otherwise dealt into by the lessee although the lease may sometimes require the lessor’s consent for certain transactions.

## Rights and Obligations under a Lease

### Express or Implied Terms.

114. Since a lease is a contract between a lessor and a lessee, the parties are at liberty to agree on the terms of the lease provided that they are not contrary to any law or public policy. However, there are instances where parties may not expressly agree on certain matters. In such cases, the lease will be governed by the terms implied by law. If the lease does not specifically state that the implied terms do not apply, then they will be binding to the parties.

### Covenants implied by the RTA

115. Under S.102 of the Registration of Titles Act, the following covenants are implied against the lessee in favor of the lessor namely:

- i. That the lessee will pay the rent reserved by the lease at the times mentioned in the lease.
- ii. That the lessee will keep the leased property in good and tenable repair throughout the term of the lease except if the disrepair is due to earthquake, storm, tempest or reasonable wear and tear.
- iii. There are also other covenants implied by S.103 of the RTA in favor of the lessor, namely: that once every year, he or she may at a reasonable time of the day, enter upon the leased land with or without surveyors and workmen to view the state of repair of the property, that in case rent is in arrears for a period of thirty days whether formally demanded or not, or if there are other breaches of the terms of the lease for a period of thirty days, then the lessor can re-enter upon and take possession of the leased land, in case of a transfer of a lease, the terms and conditions of the lease will be binding on the purchaser of the lease as an implied term of the transfer under S.105 of the RTA.

### Covenants implied at Common Law

116. Under the English Common Law, which applies in Uganda, unless there is a written law to the contrary the following covenants are implied in favor of a lessee, namely:

- a. That the lessee who is performing his or her obligations in the lease will enjoy peaceful possession, use and enjoyment of the property.
- b. That the lessor will not derogate from his grant of the lease by engaging in activities that make it difficult or impossible for the lessee to enjoy the leased land.
- c. That in case of a lease of developed land, that the premises are habitable and suitable for the leased purposes.

117. As against the lessee and in favor of the Lessor, the common law implies the following covenants:

- a. That the lessee shall pay rent.
- b. That the lessor shall pay rates and taxes.
- c. That the lessee shall not commit waste by using the leased land in such a way as to diminish its value.

### Termination of a Lease

118. A lease as set out in the definition is for a fixed period of time. However, it may be terminated before that time expires. We outline in this part the various forms of termination of a lease.

### Effluxion of Time

119. When the term of the lease say of 49 years comes to an end, the lease is terminated automatically. There is no need for the lessor to serve a notice of termination on the former lessee. If the lessee remains on the land after the date of termination, such a lessee is in law a tenant at sufferance whose occupation can be determined anytime. If the lessor gives notice to such a tenant at sufferance to vacate and the notice is not heeded, the tenant becomes a trespasser. Reasonable force can be used to evict such a trespasser.

### Surrender

120. The lessee can terminate the lease before its expiry by surrendering back the land to the lessor. The most common form of surrender is by execution of a document (instrument) called a deed of surrender. This deed of surrender can then be registered at the office of titles where the leasehold title was issued and

upon registration the leasehold Certificate of Title is cancelled.

## Forfeiture

121. In case the lessee is in breach of the terms of the lease for example by say not paying rent or using the land for the purposes other than for leased user, the lessor can terminate the lease by forfeiture. There are two types of forfeiture.
122. The lessor may physically and peacefully re-enter upon or take possession of the leased land or part of it in the name of the whole. Thereafter, the lessor may apply to the Registrar of Titles under S. 114 of the RTA to note the re-entry on the Land Register and cancel the lease.
123. In many instances, the lessee may not allow the lessor to peacefully re-enter upon the leased land. In that eventuality, the lessor can only forfeit the lessee through Court. The lessor will file a suit against the lessee setting out the breaches of the lease and seeking orders from Court that the lease be cancelled and possession of the land be given back to the lessor. Court will then determine the matter after hearing the evidence of the lessor and lessee. If Court grants an order of forfeiture, the leasehold certificate of title has to be cancelled.

## Merger

124. The existence of a lease presupposes that there are two persons, the lessor and the lessee, who each have different interests in the same land. The lessor as owner of the mailo retains a reversionary interest in the land to be enjoyed after the expiry of the lease. On the other hand, the lessee enjoys immediate ownership for the specified period of the lease.
125. There are instances where the ownership of the mailo and leasehold interest vest in the same one person. This happens for instance if the lessee buys the mailo interest or vice versa. In that eventuality, the two interests are merged into one ownership. The lease as the lesser interest is merged with the reversion.

Upon application, the leasehold certificate of title is cancelled by the Registrar of Titles.

## Renewal of Leases

126. A lease as already stated runs for a specified duration and comes to an end. All permanent developments like buildings on the land revert to the mailo owner and unless there is a specific agreement in the lease to the contrary, the lessee cannot make any claim of compensation or payment for any such development. It is however possible for the parties to agree and state in the lease that the lessee has an option to renew the lease. Where such an option is provided for in the exiting lease, then it is the lessee's right to have the lease renewed. Normally, there will be provision for notice to be given by the lessee to the mailo owner indicating that the lessee is exercising the option to renew. If the previous agreement details the terms of the renewed lease say as to rent, then those will apply. If there is no such detail provided, the terms of the new lease will be renegotiated by the lessee and the mailo owner.
127. Where there is no provision of an option to renew, a lease can only be renewed by agreement of the mailo owner and the lessee. Here the parties will literally be starting from scratch. The negotiations will have to cover the premium and rent payable, the length of the lease, user and all other necessary terms to be included in the new lease that has to be executed by the parties.
128. If the negotiations for the new lease are done before the current lease expires, then a deed of variation of the existing lease can be executed and registered on the existing leasehold Certificate of Title. If the old lease has already expired, a new lease has to be executed and upon its registration a new leasehold Certificate of Title is issued.

# 6

## SUCCESSION TO RIGHTS OF LANDLORDS AND OCCUPANTS

129. Succession and inheritance to property is governed by the Succession Act, Cap 162 of the laws of Uganda. In Uganda, land and “*Kibanja*” are the commonest form of property to the majority of people, especially the common person. In most cultures in Uganda, any person who passes away when he or she is an adult and has property and or children must be succeeded to. For property must move to the successor and the children should have a “mother” or “father.”
130. It is always advisable for every person with property to make a will. A will is a document made by a person during his/her lifetime, directing how his or her estate (assets and liabilities which may include money, properties, shares, debts owing and debts due) should be dealt with after his or her death. A person who makes a will is called a testator. When a person dies when he or she made a will, the situation is called testate. Intestate refers to a situation where a person dies without making a will.
131. When you write a will, you are making an important decision concerning the disposal of your assets. This does not only help your friends and family, but also helps to promote justice in society. A person has a right to dispose of his or her assets to whoever he or she wishes and in whatever proportions he or she considers appropriate. Caution should however be taken to make provision for one’s dependants to avoid the will being challenged in a court of law by any of them. The shares need not be equal but reasonable provision must be made

for every dependant. Please note that household properties such as cups, jerry cans, beddings and other utensils are not property to be administered. **A format of a will is attached hereto marked annexure “B”.**

132. For information and emphasis, it is important to know the particulars that should be in a will. These are:
- ✓ Full names of the testator,
  - ✓ The postal, physical and residential address,
  - ✓ Full names of his or her spouse, place and date of marriage,
  - ✓ Full name of children and their ages,
  - ✓ Full description of properties, for example land, “Kibanja”, vehicle, shares in a company, insurance policies,
  - ✓ Distribution of properties,
  - ✓ Names of executors and their addresses,
  - ✓ Names of guardians of minor children,
  - ✓ Signature or thumb mark of the testator,
  - ✓ Date when the will is made,
  - ✓ At least two witnesses
  - ✓ A will should be written or typed. The testator should sign on all pages,
133. After making a will, the testator can make a codicil. This is an instrument/ document, made after writing a will, explaining, altering or adding to a will. It is considered to be part of the will.
134. Under the law, a residential holding occupied by a spouse and children under the age of eighteen if male and twenty-one years if female and unmarried shall remain their residence and they are entitled to occupy it.
135. A testator has an opportunity to give some of his property to persons of his or her choice in a will (bequeath). Such bequeath can even be to those who may not be legally entitled to it under intestacy for as long as he or she makes provision of all

his or her dependant relatives. The dependant relatives in law are the spouse(s), children and the dependants.

## Beneficiaries

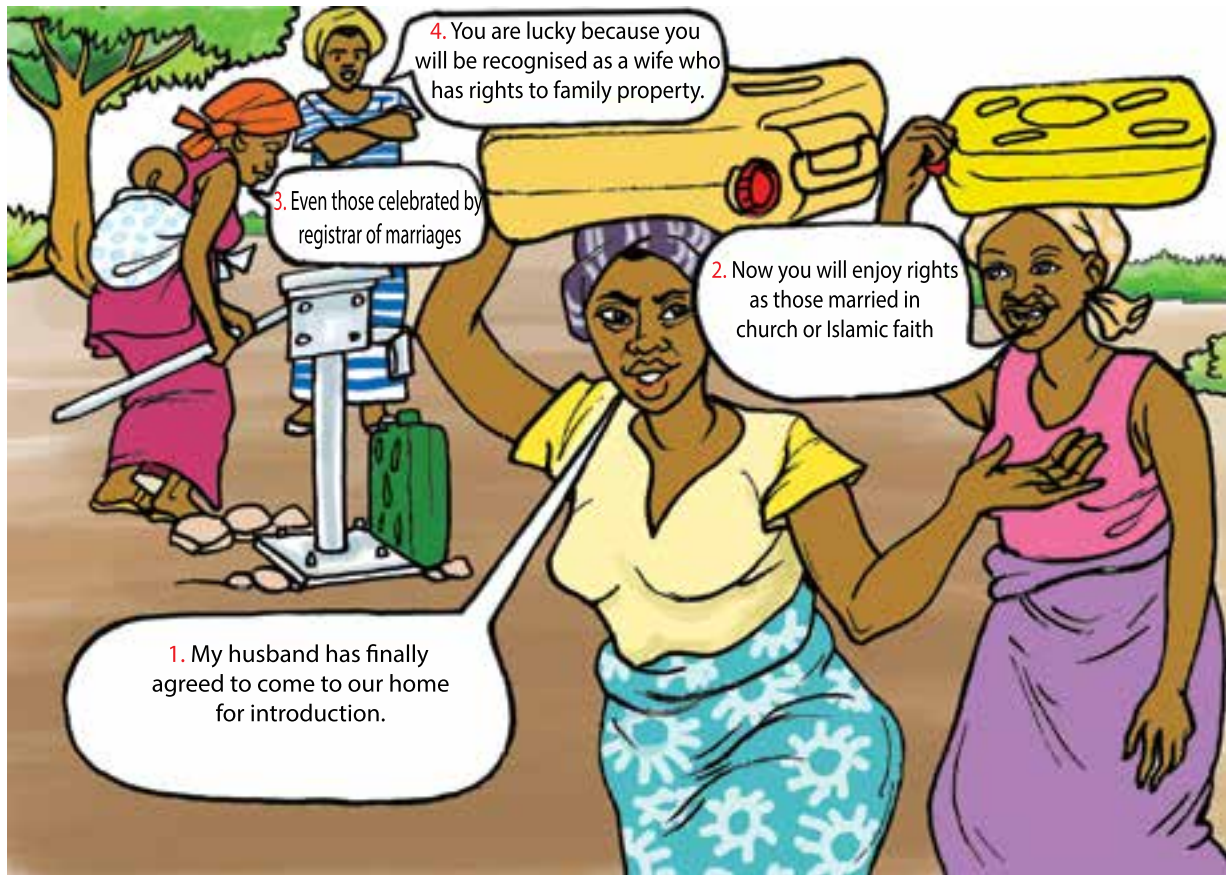
### Spouse:

136. Spouse means a husband or wife of any person. Succession law only recognizes valid marriages, and that is customary which is polygamous in nature (where a man is allowed more than one wife), licensed [under the Marriage Act and is monogamous (where man is allowed only one wife), or Registrar of Marriages (also monogamous) or Muslim (maximum of four wives) or Hindu marriage. Cohabitation is not recognised.

*Most people in Uganda stay in relationships which are not legally recognised. They are cohabiting. Recognised marriages comprise of only 22% of relationships while cohabitation comprise 65%. Parties in cohabitation relationships are not protected at the time of death. It is therefore important for such parties to formalise their relationships and enter into marriages.*



## Succession law recognises only valid marriages



### Children

137. This includes biological and adopted children. The law of succession does not discriminate against any child, whether born by the legitimate wife or born outside marriage; whether girl or boy; whether disabled or not.

### Dependants

138. Means a wife or husband, a son or daughter or a parent, brother or sister, a grandparent or grandchild or any other person who was wholly or substantially dependent on the deceased for provision of the ordinary necessities of life.

## Customary heir

139. A customary heir is also among the beneficiaries to a deceased persons' estate. A customary heir can be a child, brother or sister, cousin, uncle or aunt.

## Roles of the Clan and Family

140. Once somebody dies leaving property in Uganda, a report of death must be made to the Administrator General. If the person died in a hospital, a medical certificate of cause of death is always given by the hospital. Where a person dies elsewhere, the family members or closed relatives are obliged to report the death to the sub – county chief where a short death certificate is given.
141. If the deceased left a will, normally the will is read at or soon after burial. The deceased could have appointed an heir. If he or she did not, it is the role of the family and clan members to appoint an heir according to the norms and customs of the family.

## Processes of Succession to Landlords Rights

### Testate Succession

142. When a person dies leaving a will, the practice is that the will may be read at the burial or at the funeral. If the will makes provision of how one wishes to be buried, the same is implemented.

## The Will and distribution of property



143. On the demise of the testator, the executor(s) named in the will proceeds and obtains a death certificate from the hospital or from the Sub county chief. The Executor presents this to the Registrar of Births and Deaths in Uganda at the National Identification Registration Authority (NIRA) or their agents at the district or sub-county.
144. The executor(s) makes an application for probate to a competent court within the jurisdiction where the deceased, at the time of death had property. The petition is written in English language. The will is annexed to the petition. If the will was

not written in English, a translation thereof is attached to the original will in local language. The petition should state the time of the testator's death and attach proof of death. The petition should state that; the writing or document annexed is the testator's last will, it was duly executed, the amount of assets likely to come to the petitioner's hands, and that the petitioner is the executor named in the will. After verifying the will, the court will make a grant of probate to the executor(s).

145. After grant of probate, the executor(s) apply to the registrar of titles to have his or her or their name(s) entered on the register. They accompany the application with a certified copy of the grant of probate, the passport photos and copies of the national identity card of the applicant, and the deceased's certificate of title. The application attracts a registration fee of ten thousand shillings only (10,000=) per title. After entering on the title, the executor(s) can then distribute it to the beneficiaries by way of transfers.

### **Intestate Succession**

146. When a person dies without leaving a will, it is a legal requirement to report the death of any person who dies leaving property in Uganda to the Administrator General. The practice is that at or after the burial ceremony, the family and clan members meet and appoint an heir. The heir and/or close family member(s) proceeds and obtains a death certificate from the hospital or from the Sub county chief. The heir or close family members presents this to the Registrar of Births and Deaths in Uganda at the Uganda Registration Services Bureau (URSB) or their agents at the district or sub-county.

147. The heir or close family member(s) makes an application to the Administrator General for assistance and the following steps are then followed:

- i. Buying a file cover/death report form costing 2,000=at the cash office of the Administrator General
- ii. Filling the death report form with the required information and attaching a death certificate or a letter of the relevant local council 1 confirming the death of the deceased, the will of the deceased if any, a written application/petition/complaint regarding how you want to be assisted by the Office of the Administrator General.
- iii. Thereafter, a file is opened and allocated to a legal officer who initiates investigations.
- iv. The legal officer calls for a meeting of close relatives and friends. This meeting with the administrator general or its agents must take place despite the fact that the family could have conducted an earlier meeting.
- v. The legal officer also conducts a meeting of all beneficiaries' close relatives and friends. The administrator general may by letter request that this meeting be held at the Chief Administrative Officer(CAO) or the sub-county chief. Minutes of the meeting are extracted.
- vi. After the legal officer has satisfied himself or herself of the authenticity of the applicants and /or beneficiaries, and establish that they are in total agreement, the legal officer may recommend that a certificate of no objection to be issued to enable the person/people they have agreed on to apply for letters of administration of the estate of the deceased.

148. Alternatively, the Administrator general may apply for the letters of Administration in cases where there are some disagreements within the family. Application for letters of administration is done to court of competent with jurisdiction where the deceased had property.

149. After grant of the letters of administration, the administrator(s) apply to the registrar of titles to have his or her or their name(s) entered on the register. They accompany the application with a certified copy of the letters of administration, the passport photos and copies of the national identity card of the applicant, and the deceased's certificate of title. The application attracts a registration fee of ten thousand shillings only (10,000=) per title.
150. After entering on the title, the administrator(s) can then distribute it to the beneficiaries by way of transfers. The distribution may involve the administrators sub-dividing the land and separate titles are issued. This then enables each beneficiary to get a separate title.

### Processes of Succession to Occupants Rights

151. The initial process of succession to a "*Kibanja*" is basically the same as for testate or intestate succession. If the "*Kibanja*" owner left a will, then his or her wishes are followed, provided the wishes do not disadvantage the women, children or persons with disabilities.

## The Will and young Children



152. If the “*Kibanja*” owner dies without making a will, then the family and clan members meet and appoint the heir according to the customs and culture of the deceased. An heir to “*Kibanja*” can only succeed to the “*Kibanja*” rights. Many times however, many of these cases do not end up in court since the land is not registered. Any person aggrieved by the distribution of the clan members can petition the office of the Administrator General for assistance.

# 7

## MANAGING DISPUTES ON PRIVATE MAILO LAND

### Introduction to various disputes

153. Land like any other property has historically been the source and subject of disputes and sometimes wars between nations, tribes, clans, families and individuals. In the case of mailo land, the disputes have multiplied because of the population pressure on the land, the increase in the value of land, the existence of multiple interests in land and the weaknesses in the legal system and dispute resolutions mechanisms. There are several disputes between mailo owners themselves; between mailo owners and occupants; between occupants themselves and disputes with Government. This chapter focusses on the common disputes on Mailo land and provides methods of resolving them.



## Disputes between mailo owners



154. Several disputes can exist between claimants to mailo land including:
- Disputes over boundaries between neighbouring mailo owners.
  - Disputes over ownership over a mailo piece of land as a result of purchase or other transaction, including fraudulent transactions. For example, Mr. Kigundu bought 5 acres out of Musoke's 40 acres of land and paid only half of the money but he is insisting on surveying off the whole 5 acres promising to pay the balance after getting the certificate of title.
  - Disputes over succession to mailo land between family members.

### Disputes between mailo owner and occupant

155. As between a mailo owner and an occupant the following disputes can arise:
- a. Whether the Claimant is actually a lawful or bonafide occupant.
  - b. What is the exact size of land that the tenant is entitled to.
  - c. What are the boundaries of the tenant's "Kibanja".
  - d. Whether the tenant bought or sold his or her "Kibanja" with the mailo owner's consent.
  - e. Whether the tenant has been paying the annual nominal rent.
  - f. Whether the mailo owner has refused to accept the nominal yearly ground rent.
  - g. Whether the mailo owner has sold the mailo without giving opportunity to the tenant to purchase.
  - h. Whether or not to compensate for the "Kibanja" on top of compensation for the developments on the "Kibanja".

### Disputes between occupants

156. As between persons who claim to be lawful or bonafide occupants, the disputes may be over:
- a. Who is the actual owner of the disputed "Kibanja".
  - b. Boundaries of the different bibanja holdings.
  - c. Succession to a deceased's "Kibanja" including the share of each beneficiary and exact location of the share. For example, the owner of a "Kibanja" dies and the heir (who is not a family member) claims to be owner of such "Kibanja" as against the claims of the children of the former owner
  - d. Payments over a sold "Kibanja".
  - e. Rights of widows to their deceased husbands' "Kibanja" as opposed to claims of other family members like the heir and in-laws.

### Outline of various Dispute Resolution Mechanisms

157. In case of the various disputes on mailo land, the parties have to resort to the various dispute resolution mechanisms if they are to avoid violent confrontations. The parties may resort to Courts of law, administrative mechanisms or to alternative dispute resolution mechanisms. Unless there are mechanisms for

peacefully resolving disputes, the cases of violent evicts will increase leading to destruction of property and in some instances injury to persons and death.

### Judicial Processes through the Courts

158. There are various laws under which land disputes can be resolved. These are:-
- a. The Constitution of Uganda, being the supreme law
  - b. The Judicature Act
  - c. The Land Act
  - d. The Registration of Titles Act
  - e. The Physical Planning Act
  - f. The Land Acquisition Act,
  - g. The Civil Procedure Act,
  - h. The Succession Act,
  - i. The Magistrates' Court Act,
  - j. Other Statutory Laws
  - k. Case law
  - l. Equity and Common law

### The various Courts and Tribunals

159. Under article 129(1) of the Constitution of Uganda. Judicial power is exercised by the following Courts of Judicature.
- a) The Supreme Court of Uganda.
  - b) The Court of Appeal of Uganda.
  - c) The High Court of Uganda.
  - d) Subordinate Courts as Parliament may by law establish.
160. There are two sets of subordinate Courts established under legislation made by Parliament. Under the Magistrate's Courts Act, Cap. 16 Magistrate's Courts are established to handle disputes. These are Chief Magistrate's Courts, Magistrates Grade 1 and Magistrates Grade II. For purposes of land disputes, Parliament under S.74 of the Land Act (as amended) established Land Tribunals at each District of Uganda. The Land Tribunal handled land disputes of land whose

value does not exceed **Shs. 50,000,000/=**. However, owing to lack of funding, these Tribunals are no longer functioning. All land disputes have to be filed in Magistrate Courts or the High Court. Under the Executive Committees (Judicial Powers) Act, as amended by the Land Act, LCII has judicial powers over land disputes as discussed in chapter two above.

### Civil Proceedings before the Courts

161. The majority of disputes over land are those that involve peaceful disputes over ownership, boundaries and other rights. Normally, the disputing parties require the Court to declare and protect their rights or to give them monetary compensation for the violation of their rights. These are civil actions. To start the process, the aggrieved party (Plaintiff) will have to prepare usually with the assistance of a lawyer, Court documents (Plaint) file them in Court. The other party (the Defendant) to the dispute is served the documents filed in the Court and he or she also files a defence. The parties will then present their witnesses to testify in Court and these parties or their lawyers will address Court on the law. Thereafter, Court will make a judgment in writing.

## The Court Proceedings:



## Criminal Proceedings

162. Sometimes the dispute takes a criminal nature especially where there is violent eviction involving damage or destruction to property or injury to persons. Other criminal actions may relate to forgery of documents of title, agreements or wills.

Where there are criminal actions are done the aggrieved party can report the matter to police. Police then investigates the allegations and if there is credible evidence the police can charge the perpetrators of the criminal actions with criminal charges in the Court. The case is then handled on behalf of Government by the public prosecutor. The aggrieved party appears in Court as a witness for the prosecution. Normally, the person who committed the offences, if found guilty, may be sentenced to a fine or to a term of imprisonment. In some instances, compensation in terms of money may be ordered to be paid to the complainant.

### Administrative Mechanisms



163. In many instances, disputes may be resolved through administrative intervention by several authorities, where there is a boundary dispute for example a Surveyor can be identified to open up the boundaries and if the parties accept his or her report that will settle the dispute. Intervention by local council officials, family elders or clan leaders, the police or the Resident District Commissioner or other civic leader may avert an eviction or other form of dispute. All these interventions are informal but they should not contravene the legal process.

### Alternative Dispute Resolution Mechanisms

164. Court processes are formal, lengthy and expensive. The ordinary litigation especially widows, children and poor peasants cannot afford the services of lawyers to assist them through the lengthy Court processes. It is therefore necessary to have other alternative ways of amicably resolving disputes other than through court.

165. Alternative dispute resolution mechanism(ADR) refers to any means of settling disputes outside of the court process and includes negotiation, conciliation, mediation and arbitration. There are a number of advantages of ADR over litigation. It is usually faster and less costly, people have a chance to tell their story as they see it, it is more flexible and responsive to the needs of the people involved.

### Arbitration

166. Arbitration is a formal process where parties appoint a neutral person to adjudicate their dispute. The parties present their evidence before him or her and he or she makes a decision (an award) which is filed in Court and enforced by Court just like a Court judgment. This form of ADR is slightly better than Court but it has formalities that make it costly. The best forms of ADR are negotiation, conciliation and mediation.

## Negotiation, conciliation and mediation

167. These three forms of ADR are all premised on the freedom of the parties to choose how best to resolve their dispute without the hindrance of formal processes. In negotiation, the parties normally sit alone or with their relatives and friends and reach an amicable settlement. In both conciliation and mediation, the parties involve a neutral third party for example and LC leader, a family elder, a religious leader to reach a compromise. No formal documents are filed and there are no other formalities. The parties simply sort out the issue with the mediator of their choice and when they reach an agreement, they sign some documents to evidence the compromise.
  
168. This form of ADR is attractive to the common and disadvantaged persons like widows, orphans, the elderly and the sickly who may not afford to engage into complicated and formal court or arbitration forms of dispute resolution. Mediators and conciliators are usually flexible and can meet the parties at their convenience.



# 8

## PROTECTING RIGHTS OF WOMEN AND OTHER MARGINALISED GROUPS ON MAILO LAND

### Constitutional Protection of Marginalized groups

169. Under article 21(1) of the Constitution of the Republic of Uganda, “all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law”. Accordingly, women (especially the rural poor and widows), children (particularly the girl child), and the disabled should be accorded equal rights to mailo land or the *bibanja* holdings.

170. Under article 21(2), the Constitution guarantees that there is no discrimination on grounds of sex, race, colour, ethnic origin, tribe, birth, creed or religious, social or economic standing, political opinion or disability. Given this protection, nobody should be treated with discrimination as regards his or her rights to mailo land or a “*Kibanja*” simply because of his or her gender, age, social standing or any other disability.

171. As between men and women, article 31(1)(a) of the Constitution guarantees

them equal rights at and in marriage, during marriage and at its dissolution. In view of this article, women should not lose rights to mailo land or a “Kibanja” merely because of loss of their husbands or dissolution of the marriage. They should be accorded full and equal dignity of the person with men (Article 33).

172. Articles 33, 34 and 35 of the Constitution provides for protection of women, children and persons with disabilities. Accordingly, women, children/orphans and other person with disabilities have rights to mailo land or to a “Kibanja”, for example in cases of purchase and inheritance should be protected by all concerned persons.

### Rights of Children and widows



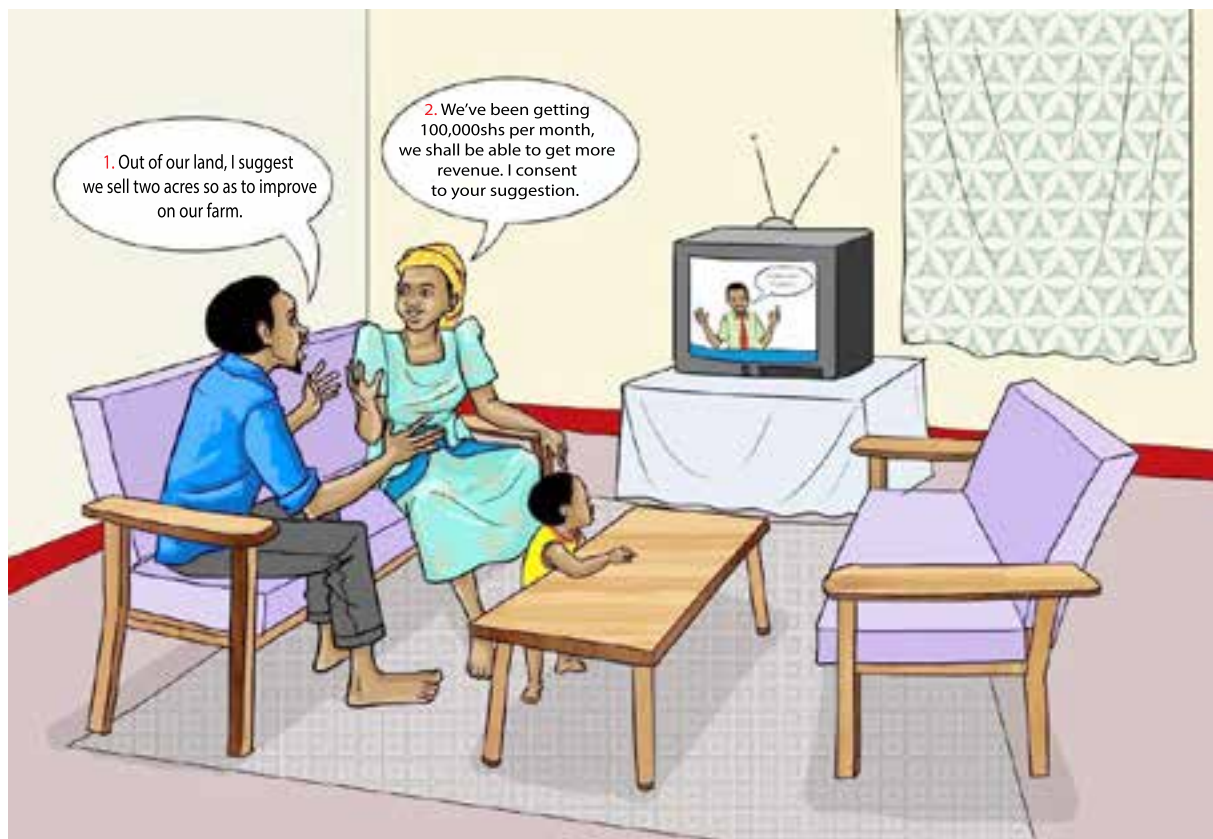
173. The Constitution also protects minorities so that they too participate in decision making and their views are heard (Article 36). With regard to mailo land and “Kibanja” holdings, minority ethnic groups may be very vulnerable and subject to oppression by members of the ethnic majority in an area. This should be avoided. For example, an area could be composed of majority Baganda who may attempt to grab the land of the minority Bakonzho.
174. State actors like LC’s, RDC’s, Police, Land Committees, Land Boards, CAO’s and others should ensure that marginalized people, for example persons with disabilities just like women, children and minorities are given special care and protection as required by the Constitution.

### Protection under the Land Act

175. The Land Act has specific provisions for the protection of these vulnerable groups. Section 27 provides for rights of women, children and persons with a disability regarding customary land. It refers to articles 33,34 and 35 of the Constitution. Under this section, any decision which denies women, children and person with disabilities ownership, occupation or use of land or imposes conditions which violates the three quoted articles of the constitution is illegal and null and void.
176. Section 38A of the Land Act, as amended by Act 1 of 2004, provides for security of occupancy of a spouse (a husband or wife) on family land. This means the right for a husband or wife a right to have access and live on family land. Such a husband or wife must be married in a ceremony recognized by the law. The issues of marriage and their validity are discussed in chapter five above.
177. Spouses must give consent to transactions regarding family land under section 39 of the Land Act as amended. These include sale, exchange, pledge, mortgage or lease family land. This means that if the land or “Kibanja” is registered in the names of the husband, as is family land, then any transaction of sale, exchange, pledge, mortgage of lease must be with the consent of the wife. If registered in the names of the wife, then consent of the husband must be got.

178. In all their processes under the Land Act, LC's, Committee Members, the Land Boards and other actors should ensure that the rights of the marginalized groups including women, children and the disabled are specifically taken care of and are protected.

### Spouse giving consent



### Dispute Resolution Mechanisms

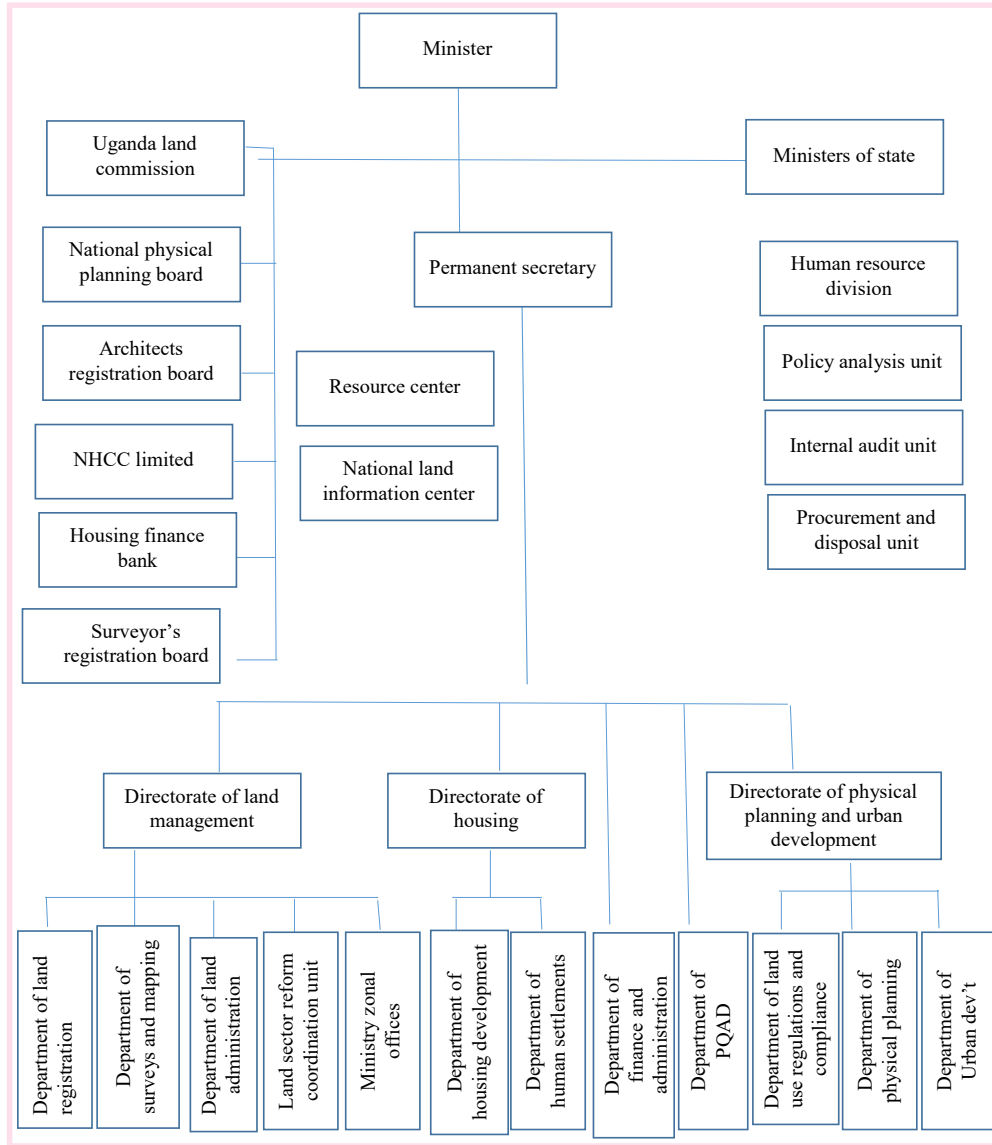
179. In the course of resolution of disputes, rights of women and other vulnerable groups may be ignored. For example, where there is a dispute over ownership of a "Kibanja" where the family stays and cultivates, the husband may agree to

a settlement under which he is paid money and agrees to vacate the land. He may then use some of the money to “settle” the family in a rented room (*muzigo*). He then uses the rest of the money for his own needs leaving the wife and the children abandoned. Accordingly, care should be taken to ensure that in any settlement, the interests of the vulnerable persons are factored into.

180. Where the vulnerable persons are direct parties to a dispute, there must be an effort to ensure that the dispute resolution mechanism employed offers them an opportunity to be heard and for their interests to be fairly determined upon. In negotiation, mediation or conciliation, a friend of the vulnerable woman or child or person with a disability may be appointed to assist such vulnerable person in the negotiation or mediation process.
181. There must be effort to sensitize all persons involved in the dispute resolution efforts to appreciate the need to take special care to protect the rights of vulnerable people.

# ANNEXTURE “A”:

## ORGANISATIONAL STRUCTURE OF MLHUD



# ANNEXTURE “B” WILL FORMAT

## THE REPUBLIC OF UGANDA/ THE SUCCESSION ACT (CAP 162)

Last will of ..... (Names)

I, ..... (Names) of .....  
(Address). This ..... day of ..... (month) ..... (Last will (and revoke all  
former wills) (or) make this codicil in addition to my former will.

1. I have the said children: -

- ✓ .....
- ✓ .....
- ✓ .....

2. My wife (s)/husband/ I am unmarried;

- ✓ .....
- ✓ .....

3. I have the said dependents

- ✓ .....
- ✓ .....

4. I possess the said properties (i.e. Land, shares, vehicles, Bank accounts e.t.c):

Description of property: .....

.....

5. The following properties I give to my minor children respectively and they should be managed by their guardian for the purpose of their education, maintenance and upbringing until they reach mature age.

(i) ..... Description of Property),

For ..... (Names)

..... (Description) ..... for ..... (Names) .....

a) I appoint ..... (Names) ..... of address .....

to the guardian of my children. He shall be responsible for their proper education and upbringing.

b) The said properties I give to my dependents .....(relationship)  
..... description of the property.

c) My properties in ....., I give to my wife/husband, .....(names)

6. I appoint ..... (names) of .....  
address to be the executor of my will.

7. I direct that my body be buried at ..... (place) Besides my father's grave in a coffin, dressed up properly, that the burial takes place not later than 2 days after my death, unless it is preserved, and in any case not later than 5 days after my death.

8. I owe people listed below the money mentioned and direct repayment from account

No ..... at ..... (bank), that is to say: -

a) ..... (names) ..... of .....  
(address) ..... (amount) .....

b)..... (names) ..... of .....  
(address) ..... (amount) .....

9. The following people owe me the money mentioned, and I direct collection of that money.



a) ..... (names) ..... of .....  
(address) ..... (amount) .....

a) ..... (names) ..... of .....  
(address) ..... (amount) .....

c) I however forgive the following who are indebted to me: -

..... (names) ..... of .....  
(address) ..... (amount) .....

Dated at ..... (place) ..... the day ..... (a month) 20 ..... (Year)  
first above mentioned.

Signed by the said ..... (names) .....  
(testator)

(Signature or thumb mark) .....

**TESTATOR**

ATTESTATION OF WITNESS

1. In the presence of Name ..... Address .....

Signature .....

2. In the presence of Name .....

..... Address ..... Signature .....

# ANNEXTURE “C1” CERTIFICATE OF TITLE (REGISTRY COPY)

DISTRICT: MPNGI SUBJ COUNTY:	UGANDA <b>THE LAND REGISTER</b> PART I – PROPERTY	COUNTY: MAWOKOTA BLOCK No: 315 AREA IN HECTARES 1.0900	Plot No. 37
NAME OR DESCRIPTION LAND AT KAUMBIA		Registrar of Titles <b>PART II – OWNERSHIP</b>	
ALL THAT piece of PRIVATE MAILO land situated and described above which is indicated on the Registry plan by the Block and plot numbers written hereon.  Easement, rights, etc appurtenant to the land		Father's Name	Registrar's Signature
Seal of Office Date and Time of Registration 12/02/2018 12:20 PM	Proprietor's Name and Address MPAGI CHARLES MPAGI EMMY JUNIOR of P.O. BOX MPNGI ADMINISTRATORIS of the estate of the late administration cause No. HCT-00-FT-AC-202-2016 of 12/04/2016 (AS JOINT TENANTS)	Claim	Proprietor's signature or Mark
Instrument No. KLA-00018404		M/Regi Mawokota Block(315) 111 Plot 37 M/REGI/047362	

PART III - INCUMBRANCES				
Date and Time of Registration	Instrument No.	Name and Address for service of mortgage, creditor, grantor, etc.	Particulars	Registrar's Signature
15/12/2018 3:10 Pm	KLA 0001570	CERTIFICATE OF OCCUPANCY IN FAVOUR OF MUKATA PLOT 2 ACRES 15 PER 566700 ATACHED		

MPHSI MAWOKOTA (Book/Road) 315 Plot 37

ML051047702

**ANNEXTURE “C2” CERTIFICATE OF TITLE  
(OWNERS COPY)**

U  
G  
A  
N  
D  
A

REGISTRATION  
OF TITLES  
ACT

**Certificate of Title**

District MPIGI


County MAWOKOTA

Block 315

Plot 37

Office of Titles

.....

COUNTY: MAWOKOTA		UGANDA		Plot No. 37
SUB COUNTY:		THE LAND REGISTER		
				DISTRICT MP/GI BLOCK No 315
		PART I – PROPERTY		
NAME OR DESCRIPTION, LAND AT KALIMBA		AREA IN HECTARES		Proprietor's signature or Mark
		1.0000		
REGISTRAR OF TITLES				
PART II – OWNERSHIP				
SEAL OF OFFICE	Proprietor's Name and Address	Father's Name	Class	Registrar's Signature
Date and Time of Registration 12/02/2018 12:29 PM	Instrument No. 614-027368	Proprietor's Name and Address MIFAG CHARLES MPFAG EMERY JUNKO of P. O. BOX 89024 ADMINISTRATIONS of the estate of the late ADMINISTRATOR ISSAKA No. NCT 604/DAC 282-2016 of 13/04/2016 (AS JOINT TENANTS)		
MPCO MAWOKOTA (Sub/Type) 315 No 37				

PART III - INCUMBRANCES				
Date and Time of Registration	Instrument No.	Name and Address for service of mortgage, creditor, grantor, etc.	Particulars	Registrar's Signature
15/2/2018 2:10 Pm	KLA 001870	CERTIFICATE OF OCCUPANCY IN FAVOR OF MUKATA FOR 2 ACRES AS PER SKETCH ATTACHED		

M/NGI MANWOKOTA (Book/Load) 315 Pict 37

M/BD/1547782

UGANDA

REGISTRATION OF TITLES ACT



The Republic of Uganda

Certificate  
of  
Title

**MAILO Tenure**

# ANNEXTURE “D” CERTIFICATE OF OCCUPANCY

**SCHEDULE 2**

Serial No.....

*Regulation 54*  
**FORM 32**

Out of Plot ..... Block ..... LRN/FRV ..... Folio ..... CLIN.....	THE REPUBLIC OF UGANDA  THE LAND ACT, CAP. 227  <i>The Land Regulations, 2004</i>  DISTRICT LAND BOARD	<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> OWNERS PHOTO
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## CERTIFICATE OF OCCUPANCY

### PART I: DESCRIPTION OF LAND IN OCCUPANCY

#### 1. OCCUPANCY IDENTIFICATION NUMBER (OIN)

District	County/Municipality	Sub-county/Town Council/Division	Parish/Ward	Village	Occupancy No.

#### 2. LOCATION

District .....

County/Municipality .....

Subcounty/Division/Urban Area .....

Parish/Ward .....

Village/Zone .....

#### 3. AREA

Approximate area (hectares or acres) .....

.....  
*Date of Issue*

.....  
*Recorder's Signature*

Registrar's Copy

SEAL OF THE DISTRICT LAND BOARD



## PART II: DESCRIPTION OF LAND

Registration Date and Time	Instrument Number	Occupant's Name and Address	Father's Name and Class	Mother's Name and Class	Type of Occupancy (Household or Other)	Occupant's Signature	Recorder's Name and Signature

## PART III: CONDITIONS, RESTRICTIONS OR LIMITATIONS

Registration Date and Time	Instrument No.	Particulars	Recorder's Name and Signature

## PART IV: INCUMBRANCES

Registration Date and Time	Instrument No.	Particulars	Recorder's Name and Signature

DAUDI MIGEREKO (MP),  
*Minister of Lands, Housing and Urban Development.*

# ANNEXTURE “E” TRANSFER FORM

## THE REGISTRATION OF TITLES ACT

BLOCK ..... DISTRICT .....  
PLOT .....  
Mailo/Freehold/Leasehold Register Volume ..... Folio .....

### TRANSFER

I.....  
..... of ..... (Address)  
.....  
Son/daughter of ..... of .....  
.....Clan being the registered proprietor  
of the land comprised in the above Title in consideration of the sum of shillings  
..... paid to me by the purchaser on or before the execution  
of these presents the receipt thereof I hereby acknowledge **DO THEREBY**  
**TRANSFER** all that piece of land (part of the land comprised in the above Title)  
which is delineated to the plan annexed hereto and thereon edged in red and  
now Plot number ..... to  
..... (herein called the  
purchaser) of.....  
(Address) Son/Daughter of ..... of  
.....clan to **HOLD** the purchase for all my estate  
and interest herein.

Dated this ..... day of ..... 20....

**SIGNED** by the said .....  
.....  
**SIGNATURE OF VENDOR**

In the presence of:  
Witness: .....  
Address: .....  
Qualification:.....

**SIGNED** by the said .....  
.....  
**SIGNATURE OF PURCHASER**

In the presence of:  
Witness: .....  
Address: .....  
Qualification:.....

## A GUIDE TO PEACEFUL CO-EXISTENCE ON PRIVATE MAILO LAND

Mailo tenure is the most legislated form of tenure in Uganda, having its origins in the 1900 Buganda Agreement. Reforms over the years have seen the evolution of this tenure that is essentially freehold in nature, albeit with its local characteristics arising out of an unresolved tenant question. This status quo was reinstated in the 1995 Constitution, the Land Act and its subsequent amendments.

Whereas it is expected that reforms introduced by the Constitution and Land Act would suffice in stabilizing Mailo tenure, this has not happened in practice. This is not solely because the reforms introduced do not meet the needs of the land lords and tenants, but also because the interpretations and applicability of such provisions has not been provided to the various users and consumers of land administration services to enable the securing of the rights of both tenants and landlords.

"This publication seeks to help in the interpretation and application of the law to enable peaceful coexistence of tenants and landlords on mailo land"



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53113 Bonn, Germany

T +256 (0) 392 004 142  
E [thorsten.huber@giz.de](mailto:thorsten.huber@giz.de)  
W [www.giz.de](http://www.giz.de)

**Responsible**  
Thorsten Huber

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# EKITABO EKIRUDDAMYA ENKOLAGANA Y'ABANTU KU TTAKA ERY'OBWANNANNYINI ERYA MMAYIRO

Kissiddwa mu nkola



**EKITABO EKIRUDDAMYA ENKOLAGANA  
Y'ABANTU KU TTAKA ERYOBWANNANNYINI  
ERYA MMAYIRO**

**Kisoose okufuluma nga**

**28 February, 2018**

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Ekitabo kino kifulumiziddwa nga tuyambibwako ekitongole ky'Amawanga ageegattira mu mukago gwa Bulaaya.

Ebiri mu kitabo kino birowoozo by'abawandiisi era tebirina kutwalibwa nga ndowooza z'Amawanga ageegattira mu mukago gwa Bulaaya.

# OKWEBAZA

Twagala okwebaza Ekitongole kya Landnet olw'okutuwa omukisa n'obuvunaanyizibwa bw'okuwandiika ekitabo ekiruŋŋamya obwannannyini ku ttaka. Abaavuganya ku mulimu guno baali bangi, noolwekyo tusiima nnyo ekitongole ekyo olw'okutuwa omukisa guno ssaako ebirowoozo ebingi bye batuwadde nga tuwandiika ekitabo kino.

Twebaza nnyo ekitongole kya GIZ n'ab'Ekibiina ky'omukago ogugatta Amawanga ga Bulaaya (EU), ne Gavumenti ya Bugirimaani olw'okusasulira omulimu gw'okussa mu nkola enteekateeka za Gavumenti ya Uganda ez'Okulongoosa Amateeka agafuga ettaka (ILGU), kisobozese abalimi abakolera ku ttaka ery'obwannannyini erya mmayiro okwongera amaanyi mu mirimu gyabwe. Omulimo guno gukoledwa Ebibiina ebyo nga bikolaganira wamu ne Minisitule y'Ebyettaka, Amayumba n'okukulaakulanya Ebibuga.

Tutuusa okwebaza kwaffe eri abantu bano: Mw. Henry Bombooka, olw'ebifaananyi ebissiddwa mu kitabo kino; Mw. David Muwanika olw'okutereza empandiika y'ekitabo ekiri mu Lungereza; Mw. Erisam Kanyerezi, olw'okukyuusa ekitabo n'akizza mu Luganda, n'okutereza empnadiika mu Luganda.

Ebitongole bya GIZ ne Landnet baategeka enkiiko z'abakugu abakubaganya ebirowoozo ku biwandiikiddwa mu kitabo kino. Ebyava mu kukubaganya ebirowoozo mu nkiiko ezo byayongera mu kuzimba ebirowoozo ebisiddwa mu kitabo kino. Twebaza abo bonna abaasomesa n'okukubaganya ebirowoozo mu nkiiko zino.

Sarah Kulata Basangwa	-	Omukugu mu by'amateeka era akulira banne
Peter MukidiWalubiri	-	Omukugu mu by'amateeka
Dr. Anwar Sadat Nakibinge	-	Omusiizi w'ebifaananyi

# EBYANJULA

Obwannannyini ku ttaka lya mmayiro y'enkola esinga okubaako amateeka mu Uganda nga gaviira ddala mu Ndagaano ya Buganda eya 1900. Okulongoosa mu mateeka okubadde kukolebwa okumala emyaka, kuleseewo enkyukakyuka mu bwannannyini obw'enkomeredde ku ttaka, naye era likyaliko obumululumu mu bitundu ebimu obuva ku nsonga z'abeebibanja ezitannagonjoolwa.

Enkola eno yazzibwawo Ssemateeka wa 1995 n'Etteeka ly'Ettaka, n'okulongoosa amateeka amalala agakoleddwa. Newaakubadde ng'enkyukakyuka ezaakolebwa nga ziva mu Ssemateeka wa 1995 n'Etteeka ly'ettaka, zaali zisuubirwa okuleetawo obutebenkevu ku bwannannyini ku ttaka erya mmayiro, nabuli kati tekinnabaawo.

Ensonga ezireese embeera eno kwe kuba ng'enkyukakyuka ezikoleddwa mu mateeka g'ettaka, tezimatiza byetaago bya bannannyini ttaka n'abeebibanja; ate era ennyinyonnyola n'engeri y'okussa amateeka mu nkola, tennaweebwa bantu ab'enjawulo abakola emirimu egikwata ku ttaka, kibasobozese okukuuma eddembe lya nnannyini ttaka erya mmayiro n'eddembe ly'abeebibanja.

N'olw'ensonga ezo, waliwo obwetaavu bw'okukola ekitabo ekirunnamya Eddembe ly'obwannannyini ku ttaka lya mmayiro, kiyambe mu kuyigiriza abakulembeze mu bitundu, abantu babulijjo abakola ku biwandiiko by'ettaka n'eddembe ly'abantu ku bwannannyini bw'ettaka; obuvunaanyizibwa bw'abantu abakolera ku ttaka; amateeka agakugira enkozesa y'ettaka, engeri z'okufunamu ekyapa n'okuwandiisa ettaka; emirimu n'obuvunaanyizibwa bw'abantu abakola ku ttaka; eddembe ly'abakyala ku ttaka; enteekateeka eziriwo ku kulaakulanya ettaka, n'enkola y'okuwandiisa n'okumanya ebiri ku ttaka.

Ekitabo kino kirimu ensonga ezikwata ku mbeera n'ekikula ky'abantu. Abakazi 16 ku buli kikumi be balina ettaka ly'ekyapa. Ekitabo kino kijja kuyamba n'okulunnamya abakozi ba Gavumenti abatakyaweebwa mateeka mawandiike ge balina okugoberera, era abatalina mukisa gwa kuyigirizibwa ebyo bye balina okukola mu bifo eby'obuvunaanyizibwa bye balimu; bajja kwongera okuyiga ku nkyukakyuka ezizzeewo mu mateeka agafuga ettaka mu Uganda.



Ekitabo kino kifunzizza ebiteekwa okumanyibwa ku ttaka ne kibissa wamu, mu lulimi olutegeerekeka, era kyangu kyakujulizaako abakulembeze abakola ku by'ettaka ku mitendera egy'enjawulo; n'abantu ababeera awamu abeetaaga okumanya ebikwata ku ddembe lyabwe mu nsi. Ekitabo kitege keddwa mu ngeri ejja okugasa abantu bonna abalina akakwate ku ttaka erya mmayiro, abeebibanja, abakulembeze mu Gavumenti ez'ebitundu, Abeggombolola ,n'abo abakola mu woofiisi z'ettaka mu bitundu omusangibwa ettaka lya mmayiro.

Ekitabo kyawuddwamu emiramwa ena: Omulamwa ogulaga engeri ettaka ly'obwannannyini bwa mmayiro gye lizze likyukakyukamu mu Uganda; eddembe n'obuvunaanyizibwa bwa nnannyini ttaka n'abeebibanja mu butongole; engeri y'okuwandiisaamu eddembe ly'obwannannyini ku ttaka lya mmayiro n'emitendera gy'okufuna ekyapa ku ttaka lya mmayiro; wamu n'omulamwa ogulaga engeri z'okumalawo enkaayana ku ttaka, nga muno mw'otwalidde okukozesa aboobuyinza n'okuwaaba mu kkooti.

Omulumu gw'okuwandiika ekitabo kino, gukoledwa ebitongole bya GIZ ne LANDnet, nga bigabirirwa obuyambi bw'ensimbi okuva mu kitongole ky'amawanga ageegattira mu mukago gwa Bulaaya n'Ekitongole kya Bugirimaani ekikola mu kutumbula eby'enfuna n'enkulakulana mu nsi; ekya BMZ.

# EBIROWOOZO BY'ABAWANDIISI

Ekitongole kya GIZ nga kikwatidde wamu ne Minisitule y'Ebyettaka, Amayumba n'okukulaakulanya ebibuga (MLHUD) kiri mu kussa mu nkola kaweeefube w'okulongoosa ebyenfuga y'ettaka mu Uganda, (ILGU) kisobozese abalimi baamufuna mpola, abakolera ku ttaka ery'obwannannyini erya mmayiro, okufuna amaanyi mu mirimo gyabwe. Enteekateeka eno evujjirirwa ensimbi okuva mu mawanga ageegattira mu mukago gwa Bulaaya ne gavumenti ya Bugirimaani era y'emu ku biruubirirwa bya Uganda eby'okukulakulanya ettaka mu ngeri ey'obuvunaanyizibwa eyitibwa RELAPU. Enteekateeka eno egenderera okumalawo enjala mu nsi ewagirwa Minisitule ne gavumenti ya Bugirimaani evunaanyizibwa ku kwegatta mu byenfuna n'enkulakulana eya BMZ. Ekigendererwa ekikulu eky'enteekateeka eno kwe kwongera okuleetawo embeera y'emmere emala, okusitula omutindo gw'obulamu n'okukendeeza ku bwavu mu balimi bamufunampola n'abantu abalala abakozesa ebyobugagga obwensibo, naddala abakozi n'abantu abalala abatafiibwako abasangibwa mu bitundu by'amasekkati ga Uganda.

## **Enteekateeka ya ILGU essira erissizza ku miramwa esatu;**

- i. Okwongera okutereeza enkola n'emitendera egigobererwa mu mateeka mu kufuna eddembe ly'obwannannyini mu masekkati ga Uganda.
- ii. Okwongera amaanyi mu bantu ababulijjo n'ebitongole mu kussa mu nkola amateeka ag'okukulakulanya ettaka mu ngeri ey'obuvunanyizibwa.
- iii. Okwongera okuyigiriza bamusiga nsimbi mu by'obulimi n'ebitongole ebiwola n'okutereka ensimbi ku nsonga y'okukulakulanya ettaka mu ngeri ey'obuvunaanyizibwa nga etambulira ku mutindo gw'ensi yona n'amateeka agafuga ettaka mu ggwanga. Olwokuba nga enteekateeka eno y'esoose, ab'ekitongole kya GIZ ne ILGU bateeseteese okussaawo olukalala lw'abebibanja mu magombolola agamu okuva mu disitulikiti ye Mubende ne Mityana.

Ekigendererwa ky'okubala abantu oba kwe kwagala okumanya obunene bw'ettaka okuli abebibanja n'ebifa ku nsalo z'ettaka eryo. Omulimo guno gujja kukolebwa mu mitendera ebiri.

Omutendera ogusooka mujja kubeeramu aboomuliraano okukebera ekibanja n’abantu abalala aboomukitundu, era singa wabeerawo enkaayana ku nsalo z’ettaka, walina okubaawo okutabaganya mu mangu ddala.

Omutendera omulala guzingiramu abantu bangi era gulimu okukunnya ensonga ezavaako enkaayana. Abeeubuzibwako baba bawerako olw’ensonga zino;

- i. Buli alina obwannannyini ku ttaka aba alina okwetaba mu nteeseganya ezikwata ku ttaka nga eryo.
- ii. Emitendera egigobererwa girina okukakasibwa Akakiiko k’ettaka ak’omukitundu.
- iii. Enkaayana ezibeerawo zigonjoolwa mu ngeri y’okutabaganya, oba si ekyo ensonga ezivaako enkayaana, zitegezebwa abantu bonna.
- iv. Ensonga zonna ezifa ku ttaka erikaayanirwa zitimbibwa okumala omwezi mulamba abantu b’omu kitundu ne baziraba era buli alina ky’awakanya akiwaayo.

Kalonda yenna akunanyizibwa ajja kussibwa mu Kompyuta eneesobozesa okusunsulamu amakubo agayinza okugobeerwa oluvannyuma lw’okuteeseganya n’okutabaganya, era bino biba birina okukakasibwa mu butongole Ab’akakiiko k’ettaka ak’okukitundu.

Bannanyini ttaka erya mmayiro basanyukidde nnyo enkola eno ey’okukunnya kalonda yenna akwata ku ttaka olw’okubanga kibawa ekifaananyi ekituufu ekikwata ku ttaka; era n’abeebibanja nabo enkola eno balaze nti bagyagala olw’okuba nga ebawa kalonda yenna akwata ku ttaka, nga kuno kwe bajja okusenziira okuteesa ku bikwata ku byokunyweza eddembe ly’obwannannyini bw’ekibanja; okussaawo olukalala luno kijja kwongera okunyweza obwannannyini ku ttaka kubanga luba lumanyiddwa abafuzi b’omu kitundu n’abantu bonna abalina akakwate ku ttaka (nnanyini ttaka n’abeemiriraano).

Etteeka erifuga ettaka mu ggwanga erya NLP lissizzaawo engeri endala bannanyini ttaka lya mmayiro n’abeebibanja gye bayinza okukkaanya oluvannyuma lw’enteeseganya, era engeri ezo ze zino; okugula/okwegula, okugabana ettaka, okugaba n’okugula liizi ssaako okufuna ebbaluwa y’obusenze ebinnyonyola mu bufunze ku ngeri ezo bye bino:

1. Okwegula ku nnanyini ttaka lya mmayiro. ESSUULA ky’ekibanja kikubiddwa okumanya obunene bwakyo, gye kisangibwa n’omuwendo gwakyo. ESSUULA kya mmayiro

kyonna tekyetaagisa kugulwa olwokubanga ESSUULA ekigulwa kiba tekimalayo ttaka lyonna . mu ngeri y'emu singa obwannanyini bw'ekibanja bubeera na bwakuwandiisibwa ng'obuwolezo ku ttaka lya mmayiro, obuwolezo obwo bulina kukoma ku nsalosalo za kibanja. Kino kiba kireetawo emirembe mu kugulana ku kitundu ky'ettaka eritaliiko babibanja (okutundako, okusinga mu bawozi b'ensimbi, okusibako liizi oba okugabako).

2. Enkola ey'okugabana ettaka Abeebibanja basobola okukkiriza ne bawaayo ESSUULA ku bibanja byabwe ESSUULA ekisigaddewo ne baweebwamu obwannanyini bw'ekyapa kya mmayiro. Enkola y'okugabana ettaka eyinza okusibwa mu nkola singa wabeerawo enteesaganya ezikolebwa nga zeesigamiziddwa mu kumanya ebituufu ebikwata ku ttaka. Ebifa ku ttaka nga obunene bwalyo, ettaka gye lisangibwa, ebikoleddwa ku ttaka bisobola okutegeerekeka mu kukuŋŋaanya ebifa ku ttaka eryo kasita kiba nga tekitwala biseera na nsimbi nnyingi ku njuuyi zombi.
3. Nnannyini ttaka lya mmayiro ayinza okuwa liizi ku ttaka; asatulwa ensimbi okumala ekiseera ekimanyiddwa. Endagaano ya liizi ewandiikibwa, era ekyapa kya liizi ne kiweebwa ow'ekibanja. Kiba kyetaagisa okumanya obunene bw'ettaka n'ekifo gye lisangibwa kisobozese okusalawo omusolo ogujja mu ttaka eryo, n'ensimbi z,obupangisa ezirina okusasulwa okusenziira ku nkyukaakyuka y'omuwendo gw'ensimbi. Omutendera guno gugobererwa okuggyako nga nnannyini ttaka yafa, era nga tewali balabirira bintu bye.
4. Tulowooza nti enkola eno esobola okukozesebwa ne mu bitundu ebirala okumalawo emiteeru egy'enjawulo wakati w'abeebibanja ne bannannyini ttaka. Okuwandiisa ebifa ku bwannanyini bw'ebibanja kiwa omukisa enjuuyi zombi okuteesaganya mu ngeri y'obwerufu.
5. Nnannyini ttaka n'owekibanja basobola okukkiriziganya ku kyokufuna ebbaluwa y'obusenze.
6. Kino kyetaagisa okumanya ow'ekibanja mu butongole, n'obunene bw'ekibanja kye . Ow'ekibanja asaba okuweebwa ennaluwa y'obusenze ng'ayitira mu nnannyini ttaka, era ekibanja kye kirambibwa ab'akakiiko k'ettaka ak'omukitundu.
7. Olukiiko lw'ettaka owa disitulikiti bwe lumala okukakasa okusaba kw'owekibanja, olwo ebbaluwa y'obusenze efulumizibwa omuwandiisi w'ebiwandiiko.
8. Emitendera gino gyonna gyetaagisa okumanya poloti ne Bbulooka y'ettaka lya mmayiro

ne nnannyini ttaka ly'ekyapa. Ebiwandiiko bya nnannyini kibanja birina okukakasa awatali nkenyera ESSUULA ky'ekibanja we kisangibwa ku ttaka lya mmayiro n'olukusa olumuweereddwa nnannyini ttaka.

# Ebigambo Ebifunziddwa

ALC	=	Akakiiko k’ettaka ak’omu kitundu (Area Land Committee)
ADR	=	Engeri endala ez’okugonjoola enkaayana (Alternative Dispute Resolution)
CAO	=	Kkaawo (Chief Administrative Officer)
COO	=	Ebbaluwa y’obusenze (Certificate of Occupancy)
DLB	=	Olukiiko lw’ettaka olwa disitulikiti (District Land Board)
FC	=	Ebbaluwa ey’enkomerero (Final Certificate)
GIZ	=	
ILGU	=	Enkola y’okulongoosa enfuga y’ettaka mu Uganda (Improvement of Land Governance in Uganda)
KCCA	=	Ekitongole ekifuga ekibuga ekikulu mu Uganda ekya Kampala (Kampala Capital City Authority)
LC	=	Olukiiko olufuga ESSUULA (Local Council)
MLHUD	=	Minisitule y’ettaka, Amayumba n’okukulaakulanya ekibuga (Ministry of Lands, Housing and Urban Development)
MZO	=	Offiisi z’ettaka ezigatta Disitulikiti
NLP	=	Etteeka erifuga ettaka
RDC	=	Diisi
RTA	=	Etteeka erifuga okuwandiisa ebyapa
SACCO	=	Ekibiina ly’okutereka ensimbi n’obwegassi.

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ESSUULA “E” EKI KOOKEDDWAKO KIRAGA FFOOMU EKOZESEBWAMU KUKYUUSA ETTAKA

# AMAKULU G'EBIGAMBO

## Engabana y'ettaka

Okuwa omuntu yiika z'ettaka erya mmayiro nga bwe kiragibwa mu Ndagaano ya Buganda eya 1900. Omuntu eyaweebwa ettaka, ayitibwa Omuntu eyagabana ettaka.

## Bakungu

Abakungu ba Kabaka abavunaanyizibwa ku byobufuzi mu Bwakabaka bwa Buganda.

## Bataka

Abakulu b'Ebika n'Abamasiga mu Buganda bayitibwa Bataka. Ettaka okwatuulanga Abakulu b'Ebika lyayitibwanga Butaka.

## Batongole

Bano baami ba Kabaka ab'omutendera ogwa wansi. Obwannannyini bw'ettaka bwali bwatekebwa mu mikono gy'Abaami abamu mu Bwakabaka bwa Buganda.

## Ekyapa ky'ettaka eritannakubwa

Kino ky'ekyapa eky'omu Woofiisi eky'ettaka eritannakubwa era nga terimanyiddwa bugazi bwalyo. Kiriko omuko gumu ogwa bbululu. Ettaka bwe limala okukubwa omuko gwa bbululu gukyusibwa ne gufuulibwa omweru.

## Kyesenza

Ono ye muntu eyali ku ttaka lyonna Ssemateeka nga tannatandika kukola, ng'alikoleddeko ebintu, oba ng'alikulaakulanyizza okumala emyaka 12; oba okusukkawo, nga nnannyini ttaka eyeewandiisa oba omusigire we tebamunyegangako; oba nga yassibwako Gavumenti oba omusigire wa Gavumenti nga mw'otwalidde n'aboobuyinza mu kitundu ekyo. Omuntu yenna kyesenza gwe yaguza, oba gwe yawa obuyinza olwobwetaavu bwe ku ttaka, naye anaatwalibwa nga kyesenza.

## Eddembe ly'okukozesa ettaka ly'omuntu omulala

Eddembe eriweebwa nnannyini ttaka okuba n'olukusa lw'okukozesa ettaka ly'omuntu omulala, okugeza okuba n'eddembe ly'okukozesa ekkubo, eddembe ly'okufuna amazzi oba empewo y'obulamu.

### Omuntu okufa ng'alesse ekiraamo

Embeera y'omuntu okufa n'aleka Obuwandiike ku ngaba y'ebintu bye ekkirizibwa mu mateeka.

**Busuulu:** Ensimbi ezisasulwa oweekibanja buli mwaka eri nannyini ttaka

### Ebyokuwandiisa n'eby'okufuna ekyapa ky'ettaka

Eno y'engeri y'okufuna ekiwandiiko ekikakasa obwannannyini ku ttaka. Ekiwandiiko kino kiyinza okuba ekyapa ky'ettaka oba ebbaluwa y'obusenze.

### Eddembe ly'okuyita mu ttaka.

Waliwo eddembe eriweebwa nannyini ttaka okuyita mu ttaka ly'omulala, okugeza okuyita mu kkubo, okugenda okukima amazzi bino tebikugirwa.

### Envujjo

Ensimbi omusenze ze yawanga nnannyini ttaka nga ziva mu by'alimidde ku kibanja kye.

### Omuntu aweereddwa obuyinza okussa ekiraamo mu nkola

Omuntu alina obuyinza okussa mu nkola ebiri mu kiraamo

### Kabaka

Omufuzi wa Buganda ow'ennono, era y'akulira Abataka ne Abakulu b'Ebika bonna, kyava ayitibwa *Ssaabataka*.

### Kibanja

ESSUULA ky'ettaka omusenze kw'abeera era kw'alimira emmere.

### Omusenze omutuufu mu mateeka

Ono ye muntu ali ku ttaka nga yalisengako mu tteeka lya Busuulu n'Envujjo erya 1928 eryaggyibwawo, oba mu Tteeka lya Tooro erifuga nnannyini ttaka n'omusenze erya 1937. oba mu tteeka lya Ankole erifuga nnannyini ttaka n'omusenze erya 1937, oba omuntu eyajja ku ttaka nga nnannyini ttaka eyeewandiisa y'amuwadde olukusa nga mw'otwalidde omuguzi, n'omuntu eyabeera ku ttaka ng'owweekibanja ku ttaka ery'ennono naye ng'obusenze bwe tebulagiddwa oba nga tebuliyiriddwa nnannyini ttaka eyeewandiisa mu kiseera we yafunira ekyapa ky'obwannannyini ku ttaka erya liizi.

Obuyinza bwa kkooti obuweebwa omuntu okulabirira ebyobugagga by'omugenzi ataaleka kiraamo

## Lukiiko

Ekibiina ky'abakiise mu Buganda abakuŋŋaana okuteesa. Edda baalinanga obuyinza okuyisa amateeka n'okufuga Obwakabaka bwa Buganda.

## Akatambi

Akatambi akalaga ebiwandiiko mu ngeri esobozesa okubitereka obulungi nga tebyonooneka. Obutambi obuli mu Minisitule y'Ebyettaka, Amayumba n'Okukulaakulanya Ebibuga bukwata ku biwandiiko by'ebiyapa ebikadde ebyaggalibwawo

## Namasole

Nnyina wa Kabaka.

Obuyinza bwa kkooti obuweebwa omuntu alagiddwa mu kiraamo okukissa mu nkola Obuyinza bwa kkooti obuweebwa omuntu alagiddwa okutandika okulabirira ebintu by'omugenzi nga bwe biragibwa mu kiraamo.

## Okunoonyereza ku by'ekyapa

Okusaba okuweebwayo eri Omuwandiisi w'ebiyapa okusobola okumanya ebifa ku ttaka eriri mu buwandiike. Okusaba kuno kuyinza okuba ku kumanya ani nnannyini ttaka, obunene bw'ettaka n'okumanya oba waliwo enkaayana ku kyapa eri mu buwandiike.

## Asaalimbira ku ttaka / Omwewanjani ku ttaka

Omuntu abeera ku ttaka eritali lirye nga talina lukusa era nga tawa na busuulu.Omuntu ono abeera musenze atagoberera mateeka.

## Omuntu okufa nga talesse kiraamo

Omuntu okufa nga talaamyee, oba ng'obuwandiike bw'alesse ku ngaba y'ebintu bye tekkirizibwa mu mateeka.

## Ekyapa ky'ettaka erikubiddwa

Kino ky'ekyapa kyennyini eky'ettaka lya mmayiro erikubiddwa. Kirina omuko gumu nga mweru.

## Ekiraamo

Obuwandiike omuli engaba y'ebintu by'omuntu afudde.

# ENKYUKAAKYUKA EZIZZE ZIBAAWO KU TTAKA LYA MMAYIRO

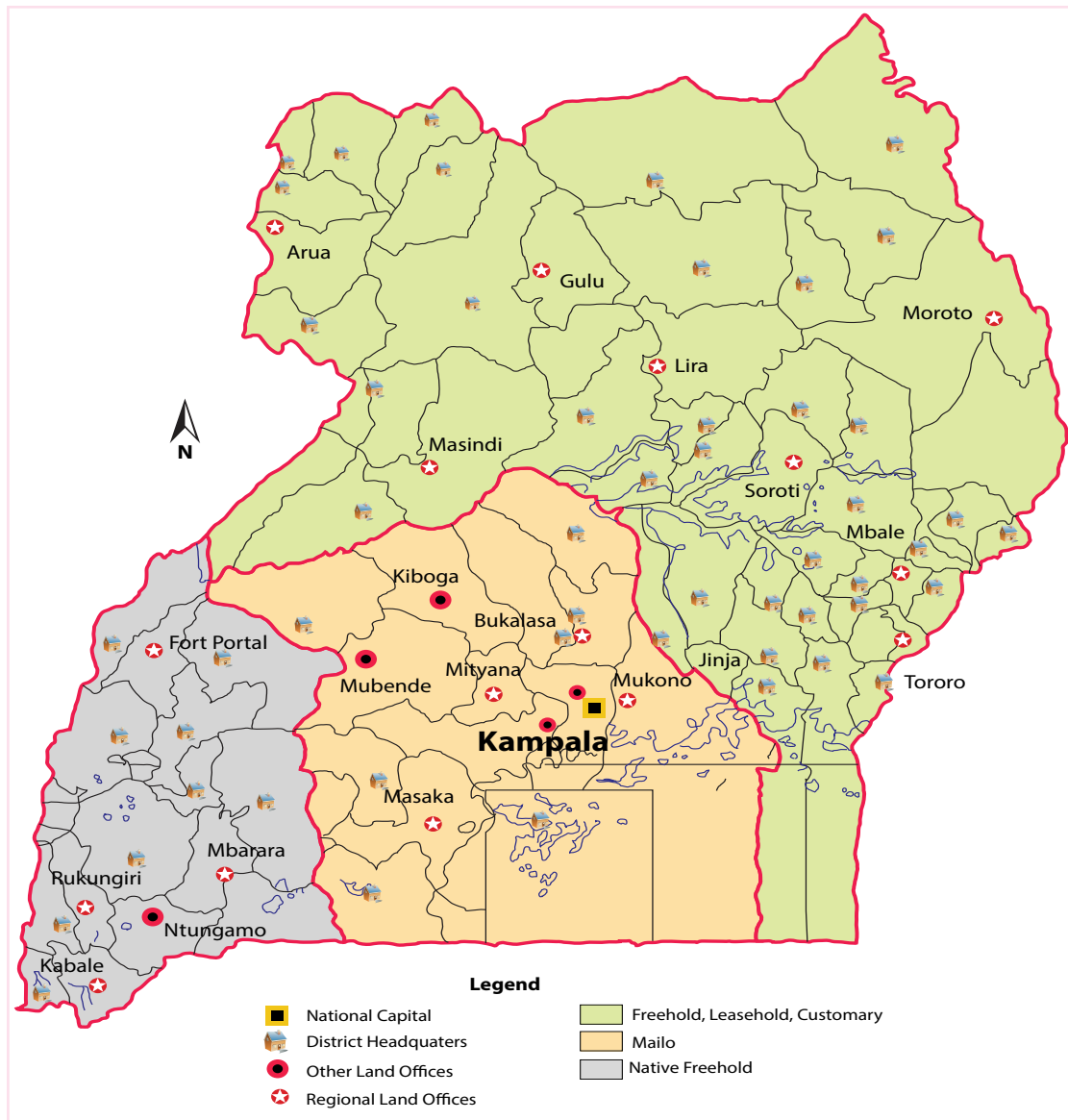
## Ennyanjula

1. Ettaka lya Mmayiro lya njawulo nti lisangibwa mu diisitulikiti za Uganda ezaakolanga Obwakabaka bwa Buganda mu mwaka gwa 1900.
2. Endagaano ya Buganda eya 1900 nga tennakolebwa, ettaka mu Buganda lyali mu bwannannyini obw'ennono. Abakulu b'Ebika n'Abamasiga be baalina obuyinza ku ttaka ly'Ebika oba Obutaka. Abakungu n'Abatongole nabo baalina obuyinza ku ttaka okwakolerwanga emirimu gyabwe emitongole egyabakwasibwa Kabaka (*Obutongole*).

## Endagaano ya Buganda eya 1900 ekwata ku ttaka

3. Uganda yafuuka ettwale erikumibwa Bungereza mu mwaka 1894 Africa bwe yali egabanyizibwa obufuzi bw'amatwale. Etteeka ly'ettaka, eryagenderera okunyweza enfuga ya Gavumenti enkuumi esobole okweyimirizaawo mu byenfuna, lyakolebwa wakati wa Gavumenti y'Abangereza Enkuumi n'Abakuza ba Kabaka abaali bakwasiddwa obuyinza okukulembera Obwakabaka bwa Buganda. Endagaano ya Buganda eya 1900 yassibwako emikono wakati wa Sir Harry Johnston, Kamisona eyakiikirira Nnaabakyala wa Bungereza, n'Abakuza ba Kabaka awamu n'Abakungu abaakiikirira Uganda. Endagaano eno yali ekwata ku nsonga eziwerako ez'ebyobufuzi, ebyemisolo, ebyamagye n'ebirala. Endagaano eno yali ekwata nnyo ku nsonga y'ettaka.

## Mmaapu 1: Engabanya y'obwannannyini bwe'ttaka mu Uganda





National Capital	:	Ekibuga kye Ggwanga ekikulu
District Headquarters	:	Ekitebe kya Diisitulikiti
Other Land Offices	:	Woofiisi z’ettaka endala
Regional Land Offices	:	Woofiisi z’ettaka ez’Ebitundu
Lakes	:	Ennyanja
Freehold, Leasehold, Customary	:	Obwannannyini obwenkomeredde, Obwaliizi, Obwennono
Mailo	:	Ettaka lya mmayiro
Native Freehold	:	Obwannannyini obwenkomeredde ku ttaka erisangibwa mu Bugwanjuba bwa Uganda

4. Mu kawaayiro 15 ak’Endagaano, kyali kirowoozebwa nti Obwakabaka bwa Buganda bwali ku ttaka eriweza mmayiro 19,600. Ettaka lino lyayawulwamu ebitundutundu bya mmayiro ne ligabibwa bwe liti: Gavumenti ya Uganda yaweebwa mmayiro z’ettaka 10,500; Kabaka yaweebwa mmayiro z’ettaka 350; Abakungu ba Kabaka, Namasole, Abalangira n’Abambejja, Abaami Abamasaza n’Abalangira abalala bonna baaweebwa mmayiro z’ettaka 320; Abakuza ba Kabaka baaweebwa mmayiro z’ettaka 96; Mbogo Omukulembeze w’Enzikiriza y’Obuyisiraamu n’Ebibina by’Abaminsane ebisatu n’abaami 1000 abalina ettaka eryabwe ery’obwannannyini bonna awamu baaweebwa mmayiro z’ettaka 8000. Engeri ettaka eryo gye lyagabanyizibwamu, eragiddwa mu kitundu ‘A’ ekikookeddwako. Mmayiro 8000 eziragiddwa mu katundu ‘xv’ akali mu kitundu ‘A’ ekikookeddwako ze z’abantu abalina obwannannyini ku ttaka lya mmayiro, era y’ensonga ekitabo kino kwe kisizza essira. Ebikwata ku ngabanya y’ettaka eryo biragiddwa mu lukangaga wammanga:

## Olukangaga 1: Kisimbuddwa mu ndagaano ya Buganda eya 1900.

	<b>ENGABANA Y'ETAKA N'AMAYUMBA</b>	<b>MMAYIRO</b>
i	Ebibira bijja kuteekebwa wansi wa Gavumenti ya Uganda	1,500
ii	Ettaka okutalimwa kantu lijja kussibwa mu mikono gya Gavumenti ya Nnaabakyala wa Bungereza nga Gavumenti ya Uganda y'erivunaanyizibwako.	9,000
iii	Ettaka okuli ennimiro n'ebyobugagga bya Ssaabasajja Kabaka wa Buganda	350
iv	Ettaka okuli ennimiro n'ebyobugagga bya Nnamasole	16
v	Ettaka okuli ennimiro n'ebyobugagga bya Nnamasole wa Ssekabaka Mwanga	10
vi	Ettaka ly'Abalangira: Joseph, Augustine, Ramazan ne Yusuf Ssuuna: Buli omu ku abo yaweebwa mmayiro 8 ez'ettaka.	32
vii	Ery'Abambejja ne bannyina ba Kabaka	90
viii	Abaami Abamasaza abawera amakumi abiri. Buli omu yaweebwa mmayiro z'ettaka 8 nga zize.	320
ix	Ettaka okukolerwa emirimu emitongole egy'Abamasaza. Buli mwami yaweebwa mmayiro 8 kw'alina okukolera	160
x	Abakuza ba Kabaka abasatu bajja kuweebwa mmayiro 16 buli omu	48
xi	Ettaka okukolerwa emirimu emitongole egy'Abakuza ba Kabaka. Buli Mukuza wa Kabaka ajja kuweebwa mmayiro 16 kw'alina okukolera. Ettaka lino lijja kulabirirwa Woofiisi z'Abakungu ba Buganda Abasatu oluvannyuma	48
xii	Omukulembeze w'Abasiraamu Mbogo n'abagoberezi be bajja kuweebwa mmayiro	24
xiii	Kamuswaga w'e Kooki ajja kuweebwa mmayiro	20
xiv	Abaami lukumi nga be bannannyini ttaka kwe bakolera ebyobugagga bwabwe bajja kuweebwa ettaka eryo kwe bali mmayiro 8 buli omu; olwo bonna awamu ze mmayiro 8000	8,000
xv	Ebibina by'Abaminsane ebisatu mu Uganda bijja kuweebwa okulabirira Ettaka ly'Ekkanisa n'Ekkereziya za Bannansi eriweza mmayiro	92
xvi	Ettaka okuli ebitebe bya Gavumenti ng'endagaano tenakolebwa (Kampala, Ntebe, Masaka n'awalala).	50
	<b>Omugatte</b>	<b>19,600</b>

5. Oluvannyuma lw'okugabana mmayiro z'obwannannyini eziwera 8,000, ettaka eryasigalawo lyagabibwa Kamisona eyali akiikirira Nnaabakyala w'e Bungereza, eyalina obuyinza ku Uganda. Yaligaba ng'akozesa ekiwandiiko kye yafulumya nga 13 Okitobba 1900 bw'ati:

## Olukangaga 2: Kisimbuddwa mu ndagaano ya Buganda eya 1900.

Engabanya y'ettaka n'amayumba	Mayiro
xviii Kabaka	100
Xix Katikkiro	26
Xx Mugwanya	23
Xxi Kisingiri	20
Xxii Mbogo	4
Xxiii Namasole	10
Xxiv Lubuga	5
Xxv Abambejja	10
	<b>198</b>
Xxvi Ssekiboobo n'abaami 14 baweereddwa mmayiro	79
Xxvii Mukwenda n'abaami b'atwala 14 Baaweereddwa mmayiro	78
Xxviii Pookino n'abaami b'atwala 14	78
Xxix Kangaawo n'abaami b'atwala 14	57
Xxx Kaggo n'abaami b'atwala 8	42
Xxxi Obwa Mugema abaami 18 - -	52
<b>Abamasaza ago n'abaami be batwala abaafuna ettaka baali 82 era baagabana mmayiro endala 386</b>	<b>386</b>
Xxxii Obwa Kayima n'abaami 9 baatwala mmayiro	31
Xxxiii Obwa Luweekula n'abaami 12 baatwala	32
Xxxiv Obwa Kyambalango n'Abaami 8 b'akulembera nabo	22
Xxxv Obwa-Kiyimba n'abaami 7 b'akulembera baweereddwa mmayiro	14

Engabanya y'ettaka n'amayumba			Mayiro
Xxxvi	Obwa Kamuswaga	Abaami 15 bawereddwa mmayiro	5
Xxxvii	Obwa Kimbugwe	Abaami 8 bawereddwa mmayiro	22
Xxxviii	Obwa Lumama N'abaami be 7 baafuna		13
Xxxix	Obwa Kweba	Abaami 6	14
Xl	Woofiisi ya Muteesa	Abaami 6	14
Xli	Obwa Mbuubi	Abaami 6	14
Xlii	Obwa Mulondo	Abaami 7	14
Xliii	Obwa Kitunzi	Abaami 6	14
Xliv	Obwa Katambala	Abaami 5	9
Xlv	Obwa Kasujju	Abaami 5	9
Xlvi	Abamasaza		189
Xlvii	Ettaka lya mmayiro ly'Abaami b'Amagombolola		613
Xlviii	Ssaabasajja Kabaka n'Abakungu be		198
Xlix	Abaamasaza		189
L	Abeggombolola		613
<b>Omugatte</b>			<b>1,000</b>

### Okusunsula abaaganyulwa mu ttaka lya mmayiro abawera olukumi

6. Omulimu gw'okusunsula abaaganyulwa mu ttaka lya mmayiro abawera olukumi n'ebifo ettaka lye baagabana gye lisangibwa lisobole okukubwa ,gwaweebwa Olukiiko lwa Buganda mu Ndagaano ya Buganda eya 1913.Endagaano eno yassibwako omukono Sir Fredrick John Jackson ,Gavana wa Gavumenti Enkuumi ya Uganda, ne Abakuza era Abakungu ba Buganda nga 24 August,1913.
7. Endagaano eno yalongoosebwamu ng'essibwamu akawaayiro akakakasa nti walibeerawo okwongera okutereeza mu ttaka eririba likubiddwa ne lisangibwa nga lyayitamu oba nga teriwerwa nga bwe kyali kirambikiddwa mu kipimo ekiba kyafulumizibwa ekitaali kyalubeerera.Wassibwawo ekiseera ekigere ekyali eky'okutereerezaamu ettaka eryali liyitiridde, oba eryali litawera mu bipimo by'ettaka eryagabanibwa.

## **Okukuba Ettaka ly'Obwannannyini erya Mmayiro**

8. Olukiiko lwa Buganda lwategeka, era ne lukakasa enkalala za bannannyini ttaka. Okusinziira ku nkalala zino bannannyini ttaka lya mmayiro baweebwa Ebbaluwa z'obwannannyini okuva ewa Gavana eziraga nti be baali bannannyini ttaka awatali kutataganyizibwa. Newaakubadde ekyo kyali bwe kityo, Ebbaluwa y'obwannannyini okuva ewa Gavana eraga obuyinza bwa bannannyini ttaka lya mmayiro yaggyibwawo, ne bassaawo enkola ey'ekyapa ekyekiseera ekigere (ekitali kya mirembe n'emirembe), kyokka era enkola y'ekyapa eky'ekiseera ekigere teyalambika bulungi kika ky'obuyinza bwa nnannyini ttaka lya mmayiro bwe yalina. Ettaka lya Bannannyini ttaka, abaaweebwa ebyapa by'ekiseera ekigere, oluvannyuma lyasalibwa ne lipimibwa abapunta ba Gavumenti Enkuumi.

## **Ebyokuwandiisa ettaka lya mmayiro**

9. Etteeka erifuga n'okulaga amakulu g'ettaka ly'obwannannyini erya mmayiro, eryali likubibwa n'okugabwa mu Buganda, lyafulumizibwa mu 1908. Lino lye lyali Etteeka ly'Obwannannyini ku Ttaka erya 1908. Nnannyini w'ettaka lya mmayiro yalina obuyinza obwenkomeredde ku ttaka lye emirembe n'emirembe, era ng'alina obuyinza okutundako, oba okugabako, oba okuliraamira omuntu nga bwe yayagalanga. Waaliwo amateeka agakugira okuguza abagwira ettaka okuggyako ng'agula alina olukusa okuva ew'Omukulembeze w'eggwanga n'Olukiiko Olufuga Ebyettaka

## **Etteeka erikwata ku kuwandiisa Ebyapa erya 1908**

10. Oluvannyuma lw'okukuba ettaka eryalagibwa mu Bbaluwa y'ettaka ey'ekiseera, nnannyini ttaka yaweebwa Ebbaluwa y'obwannannyini eyenkomerero. Mu kusooka kyali kisuubirwa nti Ebbaluwa z'ettaka ezenkomerero, ku ttaka ly'obwannannyini erya mmayiro, ziriwandiisibwa mu tteeka ly'Okuwandiisa Ebiwandiiko ebyenjawulo erya 1904, kyokka lino lyaggyibwawo Etteeka ly'okuwandiisa Ebyapa erya 1908. Ebbaluwa ez'enkomerero eziraga obwannannyini ku ttaka lya mmayiro zaawandiikibwa mu Tteeka ly'okuwandiisa ebyapa erya 1908. Kino kyakolebwa oluvannyuma lw'okwetegereza ettaka lyonna eryakubibwa. Olukalala olulaga Ettaka lya mmayiro ery'obwannannyini lwaggulibwawo, era Ebyapa ebyafulumizibwa ku lukalala luno byatekebwa ku miko egiri mu mizingo. Buli mizingo gwalimu emiko okukubwa ebyapa 25.

## Etteeka ly'Okuwandiisa Ebyapa erya 1922

11. Etteeka ly'Okuwandiisa Ebyapa erya 1908 lyasikirwa Etteeka ly'Okuwandiisa Ebyapa erya 1922 eryassibwa mu nkola okutandika mu 1924,nga lino lye likyakozesebwa mu Uganda ku nsonga zonna ez'okuwandiisa ettaka.Okusinziira ku tteeka lino, obuyinza bw'okufulumya obwannannyini ku kyapa ky'ettaka bukuumibwa Gavumenti ng'ekozesa enkola ey'okuwandiisa ekyapa ekyo.

Enkola y'okuwandiisa ebyapa yakwasibwa omukungu wa Gavumenti, Kamisona avunaanyizibwa ku kuwandiisa Ebyapa by'Ettaka, era ono alondoola emirimu egikolebwa mu Woofiisi za minisitule z'ettaka ezisangibwa e Mukono, Bukalasa, Kampala (KCCA), Mityana, Masaka ne Fort Portal. Mu buli Woofiisi zino mulimu Omuwandiisi w'Ebyapa afulumya ebyapa n'okuwandiisa ebikwata ku kugulana okubeerawo ku ttaka.

12. Weetwogerera nga waliwo Woofiisi endala ez'Ekitongole ekikola ku ttaka n'amayumba ezigguddwawo e Wakiso, Mbarara, Kabale, Jinja, Lira, Masindi, Kibaale. Woofiisi endala zijja kuggulibwawo e Mbale, Gulu, Arua, Mpigi, Mityana, Soroti, Moroto ne Rukungiri mu myaka ebiri egijja mu maaso.
13. Mu nkola eno ey'okuwandiisa ebyapa,Olukalala lw'ebyapa ebyafulumizibwa n'ebirala ebikwata ku ttaka luumibwa. Olukalala luno lulimu ebitundu bisatu: ESSUULA ekimu kinyonnyola ebikwata ku ttaka (nnamba ya poloti, obunene bw'ettaka n'ekifo gye lisangibwa).ESSUULA ekyokubiri kiraga nnannyini ttaka;ekyokusatu kiraga abantu abalala abalina obwogerero ku ttaka eryo.Buli kyapa ky'ettaka kirina okubaako obubonero obulaga ensalo z'ettaka.
14. Etteeka lirambika engeri ez'enjawulo ez'Olukalala lw'ebyapa ng'era Ebika ebikulu biri mu ngeri bbiri.Waliwo Olukalala lw'ebyapa olwesigamizibwa ku bbulooka ne poloti z'ettaka.Engeri endala ey'olukalala ya kuba n'Omuzingo omuli emiko gy'ebyapa.Ettaka lya mmayiro bwe lyali lyakawandiisibwa mu Lukalala olupya,ebyapa ebyafulumizibwa byali mu ngeri ya miko egisabikiddwa mu muzingo.Ettaka eryali lyawandiisibwa mu Tteeka lya 1908 lyali lirina okuwandiisibwa obuggya mu lukalala olupya.Emitendera gy'okuddamu okuwandiisa ebyapa ebyo gyaligitwaliramu okuggyawo Olukalala lw'ebyapa bya 1908, nga kino kyetaagisa okufulumya ebyapa ebiggya eri bannannyini byapa ebyafulumira mu Lukalala oluka+dde.Noolwekyo ebyapa byonna ebikadde ebyakubibwa ng'omwaka 1924 tegunnatuuka tebikyakola okusinziira ku Tteeka eririwo.

15. Woofiisi ekola ku byettaka, ekuuma ekyapa ky'ettaka eryakubibwa emanyiddwa nga Ekyapa kya Woofiisi ,ate ye nnannyini ttaka aweebwa kkopi ey'okubiri, esinga okumanyibwa bulijjo ng'ekyapa kya nnannyini ttaka.Singa ekyapa kya woofiisi kibula, omuwandiisi w'Ebyapa asobola okukubisa kkopi y'ekyapa kya woofiisi endala.Singa ekyapa kya nnannyini ttaka kibula,addamu n'asaba Omuwandiisi w'ebyapa ekyapa ekirala. Omuntu asaba, alina kusooka kulanga mu kitabo kya Gavumenti ekiranga ebibuze ng'assaamu ekirango ekimala ennaku asatu,olwo n'alyoka aweebwa kkopi y'ekyapa ekifaananako n'ekyabula.
16. Ebyapa byonna birina okubaako omukono gw'Omuwandiisi w'Ebyapa n'envumbo ekola ku byapa emanyiddwa mu butongole. Buli woofiisi y'ebyettaka yaweebwa envumbo emanyiddwa, kisobozese okukendeeza ku muze gw'okugingirira ebyapa.

### **Engeri y'okukyusa ebyapa ebiri mu mizingo n'emiko gy'empapula bizzibwe mu nkola eya Bbulooka oba Poloti.**

17. Mu kusooka,Olukalala lw'amannya ga bannannyini ttaka lwakuumirwanga Ntebe, naye bwe lwawanvuwa olw'okweyongera kw'ettaka eriwandiisibwa, wassibwawo Woofiisi z'ebyettaka e Mukono, Bukalasa, Masaka, Mityana n'e Fort Portal. Enkola ey'okukuumira olukalala lw'ebyapa ebiri ku miko gy'empapula eziri mu mizingo yali tekyali nnungi oluvannyuma lw'obuyinza okubussa mu Woofiisi ez'enjawulo. Ekyokubiri,ettaka ly'obwannannyini erya mmayiro lyali lyawuddwaamu ebitundu bingi, ng'omulimu nagwo guyitiridde ogw'okufulumya ebikumi n'ebikumi by'ebyapa mu miko n'emizingo.
18. N'olwensonga ezo,kyasalibwawo okuva mu myaka gya 1940 okukyusa Olukalala lwa bbulooka ne poloti z'ettaka zibeere nga ziraga ebitundu ettaka mwe lyali lisangibwa. Noolwekyo, ekyapa kya woofiisi n'ekyapa kya nnannyini ttaka byakyusibwa ne bassaako Bbulooka ne Poloti ya buli kyapa, olwo ebyapa eby'emiko n'emizingo, ne biggyibwawo n'okusazibwamu.Wabula olw'ensobi mu kukuba ettaka,waliwo Bbulooka 7 ezitaakyusibwa ,gamba Kyaddondo Bbulooka 78 e Banda, Bbulooka 148 ne 149 e Wamirongo,Bbulooka 186 e Namavunda ne Bbulooka 213 e Bukoto; Bbulooka 204 mu Busiro- Kakiri ne Bbulooka 476 e Bulwanyi.Ettaka ly'obwannannyini erya mmayiro lyonna mu Buganda lyakyusibwa ne lizzibwa mu byapa ebiraga Bbulooka ne Polooti ,era ebyapa ebyali ku nkola enkadde ey'emizingo ebikyali mu bantu abamu tebikyakola mu mateeka.

### Akatambi akalaga ebiwandiiko mu ngeri esobozesa okubitereka obulungi.

19. Mu kaweeefube w'okukuuma ebyafaayo by'ensonga z'ettaka n'okwetegekera ebiseera ebyakabenje, ebyapa byassibwa ku katambi. Ebyapa byonna ebiriwo byassibwa ku katambi nga tebinnakyusibwa kuva mu nkola y'emizingo okubizza mu nkola ya Bbulooka ne Polooti. Kyokka akatambi kalaga ebyakwatibwa obutasussa mwaka 1962; noolwekyo ebyapa bya Bbulooka ne Polooti byo tebikwatibwanga ku katambi akalaga ebyettaka.
20. Olwokuba akatambi kalaga ebyakwatibwa okutuusa mu mwaka 1962; ebyapa bya bbulooka ne polooti mu myaka egyaddako byo tebikwatibwanga ku katambi akalaga ebyettaka. Noolwekyo akatambi tekalaga biriwo kati ku lukalala. Omuntu ayagala okumanya obukulu bw'ensonga ezifa ku ttaka alina kukebera ku lukalala oluliwo olulaga bbulooka ne polooti.

### Ekyapa kya Woofiisi ku ttaka eritannakubwa

21. Nawaakubadde ng'empapula z'ekyapa kya Woofiisi njeru okufaanana ng' ezabulijjo, ebyapa ebimu ddala bikubibwa nga biri mu mpapula za bbululu. Ekyapa ekiri mu mpapula za bbululu kiba kiraga nti ettaka eriragibwa mu kyapa liba terinnaggwa kukubwa mupunta. Embeera eno eva ku kulwawo okwaliwo mu kukuba ettaka lya mmayiro ery'obwannannyini mu myaka amakumi asatu egyasooka okuva mu 1900.
22. Olw'okulwawo ennyo ng'ebyapa tebifulumiziddwa ku baagabana mmayiro z'obwannannyini, abamu baafa nga tebafunye byapa byabwe ebiraga nti be baali bannannyini. Olukiiko lwa Buganda lwalina okusalawo anaasikira ettaka eryo ng'oluusi kyetaagisa n'okwawuza mu ttaka liri eryasooka. Ekirala, bangi ku baagabana ettaka lya mmayiro baatandika okutundako, nga mw'otwalidde n'ettaka lye baabanga basikidde. Mu nkomerero, abaagula oba abaafuna ku ttaka lya mmayiro mu ngeri ezo, baatandika okuwandiisa obwannannyini bw'ettaka lya mmayiro erikubiddwa mu yiika z'ettaka.
23. Okwawuza mu ttaka kuno olwokuba kwalinga tekukubiddwa mupunta, tewaali ayinza kufulumya kiwandiiko ne kissibwako omukono, wadde okufulumya ekyapa ku ttaka eryali litakubiddwa. Akawaayiro mu Tteeka erifuga ebyapa kassibwawo okusobola okugonjoola obuzibu obwo. Akawaayiro kaali kakkiriza okuwa Ekyapa ku bitundutundu by'ettaka eritaali kkube. Bino by'ebyapa ebyafulumizibwa mu kkopi eza Woofiisi. Kino kyaleetawo embeera ng'ESSUULA ky'ettaka ekimu kiriko bannannyini abasukka mu 20 nga bonna bakaayanira poloti emu oba zeezimu. Kino kyaleetawo ebyapa ebyenjawulo ku



ttaka nga lye limu, naye nga bannannyini ttaka ly'obwannannyini erya mmayiro nga nabo banjawulo. Mu ngeri nnyingi bannannyini ttaka ab'enjawulo baali basenze ku ttaka eryo lye baayitanga ery'obwannannyini. Naye oluvannyuma lw'okukuba ettaka ly'ESSUULA buli nnannyini ttaka w'ali,ekyapa ekyasooka eky'ettaka eritaakubibwa, kisazibwamu ne bafulumya ekipya ekya nnannyini, ku muko omweru, ku ttaka eriba likubiddwa, ekyapa ekiggya kiweebwa nnannyini kitundu ky'ettaka erikubiddwa.Singa omuntu ayagala okugula ettaka ly'ekyapa ky'ettaka eritannakubwa, kirungi asooke yeekenneenye akakase oba ddala ettaka ly'ayagala gye liri, era teriiko kyapa ekyafulumizibwa nga kiriko obwannannyini, oba omuntu omulala yenna ng'alirinako obwannannyini.

### **Ebyaliwo mu 1975 nga bigenderera okuggyawo obwannannyini bw'Ettaka lya mmayiro**

24. Mu 1975 waaliwo okwagala okuggyawo obwannannyini bw'ettaka mu Uganda. Ekiragiyo ky'okuddamu okutereeza eby'ettaka ekya 1975 kyalimu ennyingo 1(I) eraga nti ettaka lyonna mu Uganda lyali lya lukale, era lyassibwa mu Kakiiko ka Uganda ak'ebyettaka. Mu nnyingo S.2 ey'ekiragiyo, kaggyawo obwannannyini bw'ettaka lya mmayiro n'obwannannyini obw'enkomeredde ku ttaka. Ekiragiyo kyassaawo obwannannyini ku ttaka erya liizi ey'emyaka 99 ku bantu abaali balyagala,ate liizi ya myaka 199 ku bitongole bya Gavumenti. Ettaka ly'obwannannyini erya liizi lyali lirina okugoberera obukwakkulizo okusinziira ku nkulaakulana eyateekebwateekebwa mu buli kitundu.
25. Nawaakubadde ng'enkyukakyuka ssinziggu mu byamateeka zaayisibwa, naye nno tewaali kyakolebwa mu kussa mu nkola ekiragiyo ky'okuddamu okutereeza ettaka. Ekitongole ekikola ku kuwandiisa ettaka tekyakyusa byapa bya bwannannyini bw'ettaka erya mmayiro okulizza mu byapa by'obwannannyini obwa liizi,era ekitongole ekyo kyayongera okukola ku nsonga z'ettaka nga kikozeza olukalala lw'ettaka ly'ebyapa eryobwannannyini erya mmayiro. Gavumenti nayo terina kye yakolawo ku ky'okussaawo obukwakkulizo bw'okukulaakulanya ebitundu, nga yeesigama ku Ttaka ly'obwannannyini erya liizi eryali lirina okugobererwa. Embeera bw'eti bwe yali okutuusa Ssemateeka wa Uganda owa 1995 lwe yakolebwa.

### **Okuzzaawo Obwannannyini bw'ettaka lya mmayiro mu Ssemateeka wa 1995**

26. Waaliwo okukubaganya ebirowoozo kw'amaanyi Akakiiko akaabaga Ssemateeka akaakulemberwa Omulamuzi Benjamin Odoki bwe kaali kakunjaanya ebirowoozo

by'abantu wakati wa 1988-1993. Okukubaganya ebirowoozo kweyongera mu Lukiiko lw'Ababaka Olukola Ssemateeka, era oluvannyuma baasalawo ne bassa Etteeka nnamba 237(1) mu Ssemateeka eryazza obwannannyini bw'ettaka mu Bannansi ba Uganda, nga bagoberera obwannannyini bw'ettaka obulambikiddwa mu Ssemateeka. Obumu ku bwannannyini obwogerwako mwe muli obwannannyini bw'ettaka erya mmayiro. Akawaayiro ka Ssemateeka kano kalaga bulungi ebirina okugobererwa ku bwannannyini bw'ettaka lya mmayiro eryali litankanibwa oluvannyuma lw'okuyisa Ekiragiro ky'okuddamu okutereeza eby'ettaka ekya 1975.

27. Nawaakubadde ng'ekyo kyali bwe kityo, okuzza ettaka lya mmayiro kyakomawo nga kiriko ebigambo ebiggya ebya "omusenze amannyiddwa mu mateeka" ne "Kyesenza" ebyogerwako mu bitundu ekyokusatu, ekyokuna, ekyokutaano n'ekyomusanvu mu kitabo kino. Abasenze bano abali ku ttaka lya mmayiro kati bamannyiddwa mu mateeka. Naye mu katundu aka 43 ak'Etteeka erifuga Ebyettaka mu Ggwanga, kiragibwa nti tewali mirembe na butebenkevu mu nkolagana wakati wa bannannyini ttaka n'abeebibanja. Kiri mu nkola ya Gavumenti okulaba nti egonjoola emivuyo egiriwo mu bwannannyini bw'ettaka n'eddembe lya buli akolera ku ttaka erya mmayiro (Kino kiragibwa mu katundu aka 44 ak'Amateeka Agafuga Ettaka mu Ggwanga).

## ENKOLA ERINA OKUGOBERERWA KU TTAKA LY'OBWANNANNYINI ERYA MMAYIRO

28. Mu ssuula esooka, kiragiddwa nti bannannyini ttaka lya mmayiro baali tebasukka 1300, era okusinga baali balangira n'abambejja, abakungu, abaami n'abantu abaali balina ku ttaka kwe bakolera emirimu gyabwe. Nga wayise ekiseera, enkumi n'enkumi z'abantu baafunye obwannannyini ku ttaka lya mmayiro. Ettaka lino mu kusooka kwaliko Baganda nga be basingako, naye we twogerera ng'abantu abalala bangi abatali Baganda nabo baligula, era nga bakyaligula, olwo nabo ne baba n' obwannannyini bw'ettaka erya mmayiro. Mu kitundu kino tujja kulaba engeri y'okufunamu n'okuwandiisa obwannannyini ku ttaka lya mmayiro.

### Engeri z'okufuna Obwannannyini ku ttaka lya mmayiro

29. Nga bwe kyalagiddwa mu kitundu ekisooka, bangi ku baagabana baafa ng'ettaka lyabwe terinnakubwa bapunta, wadde okulifulumya mu kyapa. Kino kyaleetawo abantu bannannyini ttaka lya mmayiro nga basikira lisikire. Bangi ku baalisikira baamala ne baafuna ebyapa era ne bakozeza n'ettaka nga bakyalibalamu, okugeza nga batundako, oba okugabirako abalala. Mu kitundu kino, tujja kulaba engeri z'okufunamu obwannannyini bw'ettaka erya mmayiro.

## Okusikira Obwannannyini bw'Ettaka lya mmayiro

30. Nnannyini ttaka lya mmayiro bw'afa,abantu b'omu nju ye bayinza okusikira ettaka lye okusinziira ku tteeka ly'obusika mu Uganda. Abantu abateekwa okugabana ku byobugagga kuliko nnamwandu. oba omusajja afiiriddwa mukazi we, abaana b'omugenzi awatali kusosolamu, n'abejjanda abalala ababa balabirirwa. Etteeka erikwata ku busika n'engeri zonna omuntu z'ayitamu okusikikira obwannannyini bw'ettaka lya mmayiro zoogerwako mu bujjuvu mu kitundu ekyokutaano.

## Okugula ettaka okuva ku nnannyini ttaka alina ekyapa

31. Eno y'enkola ya bulijjo ey'okukyusa obwannannyini ku ttaka ly'ekyapa, era yakyeyagalire. Okukyusa kikolebwa nnannyini ttaka erya mmayiro ng'assa omukono ku mpapula ezikyusa, ng'alizza mu mannya g'omuguzi. Empapula ezikyusa ziyinza okussibwako omukono omuntu akiikirira nnannyini ttaka, bw'aba n'ebbaluwa emukkiriza okukola ekyo. Mu ngeri y'emu, omuntu agula naye asobola okufuna amukiikirira n'amusizzaako omukono ku mpapula ezikyusa ekyapa. Omutunzi n'omuguzi w'ettaka bateekeddwa okussaako omukono nga waliwo abajulizi<sup>1</sup>. Waliwo kati n'enkola eteekeddwa okugobererwa ey'okuweereza obufaananyi bw'enjuuyi zombi ew'Omuwandiisi w'Ebyapa.

32. Ensonga ereetera okukyusa obwannannyini bw'ekyapa nayo erina okulagibwa nga bwe kirambikiddwa mu nnyingo 92(1) ey'Etteeka Erifuga Okuwandiisa Ebyapa. Bwe ziba nsimbi nkalu, omuwendo gwazo gulina okulagibwa mu ffoomu esaba okukyusa ekyapa. Bwe biba bisolo, birina okulagibwa okugeza:” *ente munaana*”” *ziweereddwayo okufuna poloti nnamba 20 eri e Katawa LC IA esangibwa e Mubende*”. “Omukwano n'okwagalana” nayo nsonga eyinza okuviirako okukyusa ekyapa. Singa okugula kukwata ku kitundu kyattaka, nnannyini ttaka abeera ajja kussa omukono ku ffoomu, eziwa omupunta w'ettaka obuyinza obw'okukuba ettaka n'okwawuzaako ekitundu ekitundiddwa.

33. Amateeka gakkiriza nnannyini ttaka okulikyusa n'alizza mu mannya g'Omukyala oba musajja we. Amateeka era gakkiriza nnannyini ttaka okulikyusa n'afulumya obwannannyini obulala mu mannya ge ku ttaka lye limu, oba n'alizza mu mannya g'omuntu omulala yenna. Engeri eno nnannyini ttaka aba asizzaawo obwannannyini bw'abantu babiri ku ttaka lye. Ebiri mu kugatta obwannannyini ku ttaka biragibwa mu kiwandiiko ekifuga okukyusa ekyapa ky'ettaka. Ebiba bikkaanyiziddwa abantu abeegasse mu bwannannyini

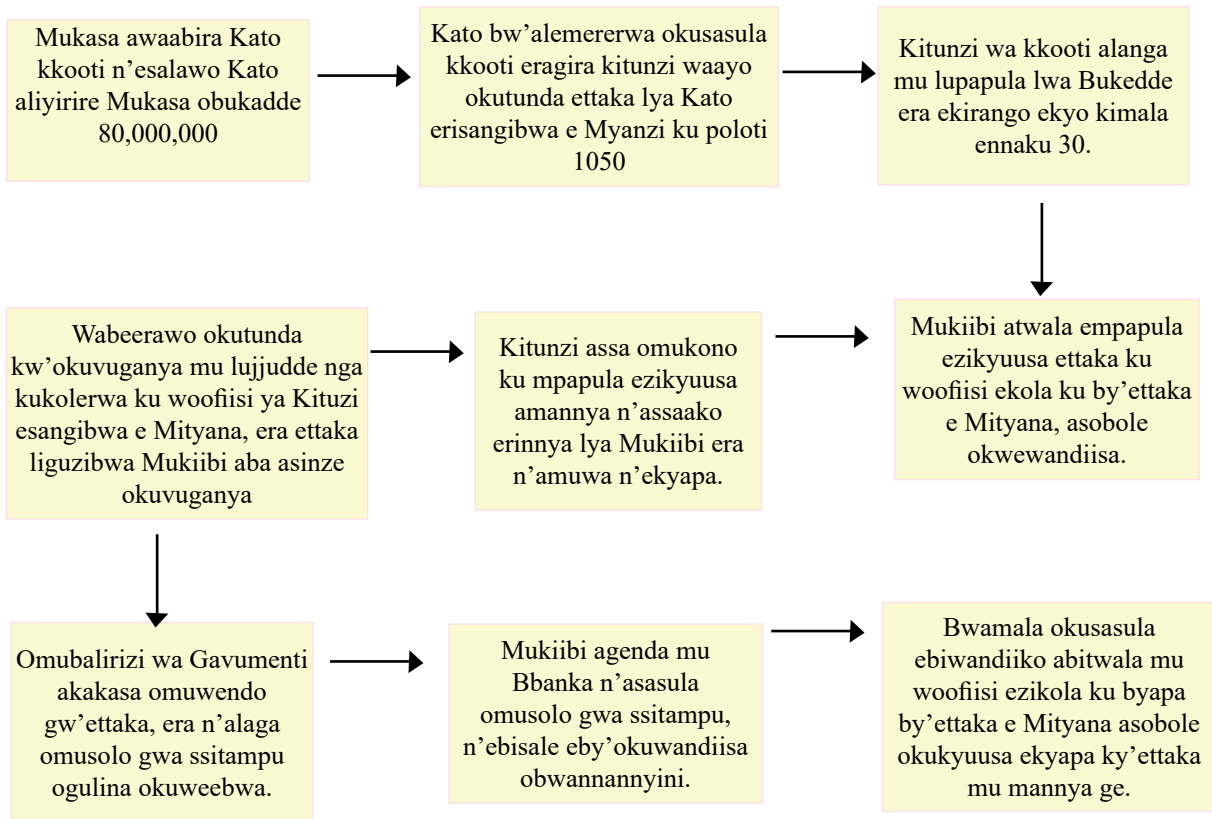
<sup>1</sup> Ennyingo 147 ey'Etteeka ery'Okuwandiisa Ebyapa eraga abantu abateekeddwa okukola ng'abajulizi okugeza *Bannamateeka, abasawo, maneja wa bbanka, omusumba w'ekkanisa, Oweggombolola n'omukozi wa Gavumenti.*

bw'ettaka bissibbwa mu ndagaano y'okukyusa ettaka, era ebyakkaanyizzibwako bissibwa ku kyapa kyabwe. Ekyokulabirako:Dawudi Mukasa alina obwannannyini bwa kimu kya kusatu, ng'ate Mukyala we Jane Mukasa, ye alina bibiri bya kusatu ku bwannannyini.

### Okugula Ettaka okuva ku Kkooti

34. Kkooti bw'esala omusango, eyinza okusalira oluuyi olusingiddwa omusango okusasulira oluuyi oluwangudde omusango omuwendo gw'ensimbi.Singa abanjibwa alemererwa okusasula,kkooti ekozesa obuyinza bwayo n'eragira okutunda ebyobugagga by'omuntu oyo abanjibwa ng'ekozesa bannamateeka baayo. Ebyobugagga ebiwambiddwa bitundibwa, ne bikyusibwa ne bissibwako erinnya ly'omuguzi, nga kino kikolebwa munnamateeka wa Kkooti.
35. Waliwo emitendera egiwerako egigobererwa mu kuwamba n'okutunda ebyobugagga by'omuntu.Ebyobugagga bwe biwambibwa, kyokka nga bikyali mu mikono gy'alina obuyinza okussa mu nkola ebiri mu kiraamo,olwo kkooti ewandiikira Munnamateeka waayo n'awamba ebyobugagga ebyo.Ekitera okukolebwa,Munnamateeka ayisa ekirango mu mawulire ekiyita abantu okujja okugula ettaka mu bbanga lya nnaku 30.Ebitundibwa biyita mu nkola ya kuvuganya mu lwatu.Ebyobugagga ebiwambiddwa bitundibwa eri omuguzi asinga banne mu bbeeyi ey'okuvuganya.Oluvannyuma lw'okutunda ebintu,munnamateeka assa omukono ku mpapula ezikyusa, n'assaako erinnya ly'omuguzi era n'ekyapa ky'ettaka n'akikwasa omuguzi kimusobozese okugenda okukizza mu mannya ge ew'Omuwandiisi w'Ebyapa.

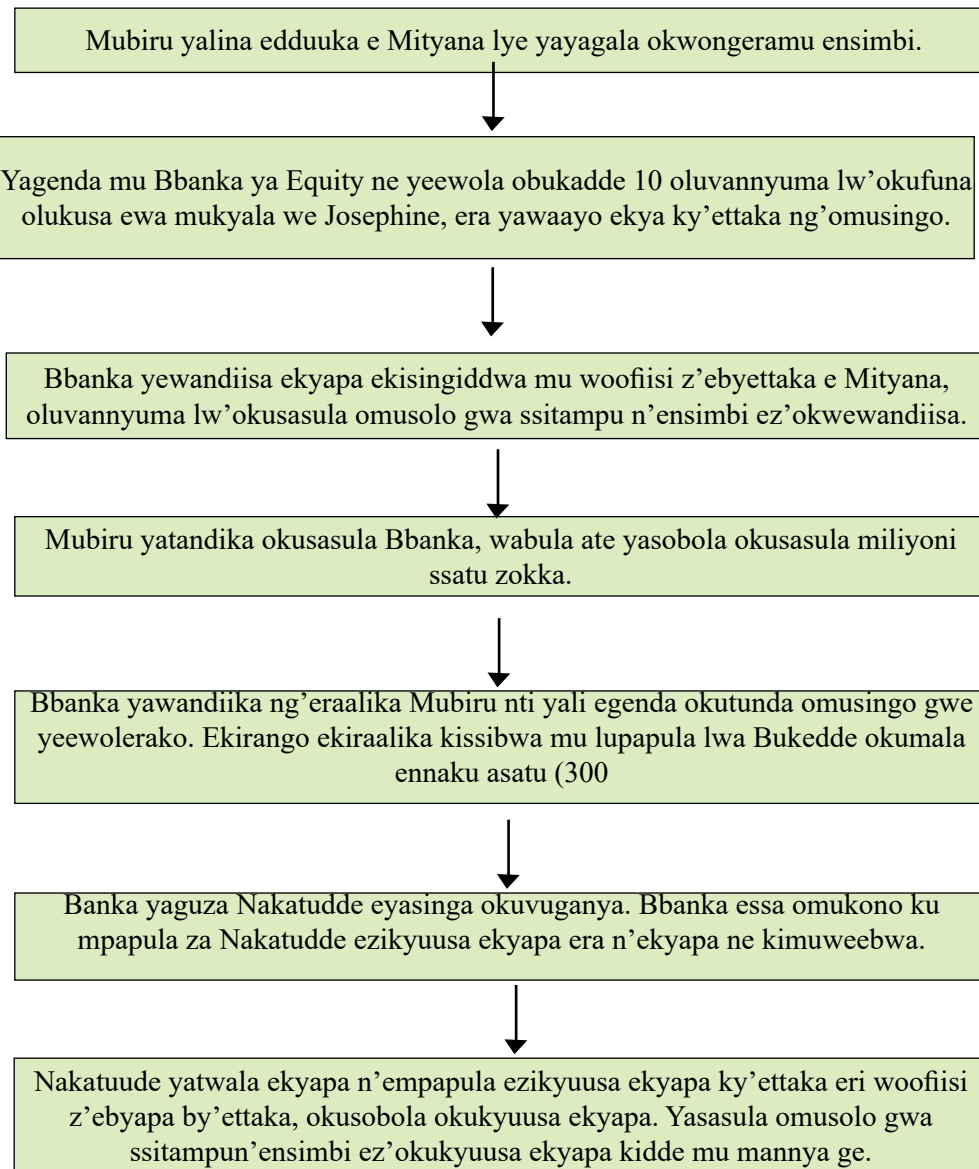
## Ekifaananyi 1: Okugula okuva ku kkooti



## Okugula okuva ku muwozi alina obwannannyini ku ttaka ly'Omusingo

36. Nnannyini ttaka lya mmayiro asobola okwewola ensimbi ng'akozesa ettaka lye ng'omusingo. Okugulana kuno kuyitibwa omusingo. Nnannyini ttaka y'aba *omwewozi* ng'asinzeeyo ettaka lye, ate omuntu amuwoze ensimbi ye *muwozi* w'omusingo. Singa *omwewozi* alemererwa okusasula ensimbi ze yeewola, *omuwozi* ayinza okutunda ettaka ly'omusingo okusobola okununula ensimbi ze. Omuwozi alina okujjuzaamu empapula ezikyuusa ettaka ng'assaako amannya g'omuguzi ng'Etteeka S.28(3) erifuga Ebyemisingo bwe likirambika. Okukyuusa kukolebwa ku ffoomu nnamba 5, ey'Amateeka Agafuga Ettaka ly'omusingo erya 2012.

## Ekifaananyi 2: Okugula ettaka ery'omusingo:



## **Okugula okuva ku musigire wa nnannyini ttaka abanjibwa naye nga takyasobola kusasula**

37. Nnannyini ttaka lya mmayiro ayinza okubeera n'amabanja g'abantu b'asuubulagana nabo. Ekyokulabirako: Musisi ayinza okutandika essomero ly'ekisulo n'afuna abamuwola emmere, enku, ebitabo, bbaasi y'essomero ng'ate era alina okusasulira amazzi, amasannyalaze, emisaala gy'abakozi n'abasomesa. Singa alemererwa okusasula amabanja agamubanjibwa, aggulwako omusango mu Kkooti okusinzira ku nyingo S20 (1) ey'Etteeka Nnamba 14 erya 2011. Singa kkooti evaayo n'erangirira nti Musisi takyalina busobozi bwa nsimbi, eronda Omusigire anaayimirirawo okulabirira enzirikanya y'emirimu n'ebuyobugagga bya Musisi.
38. Omusigire w'ebuyobugagga alina obuyinza okukuŋŋaanya, okunoonya n'okugaba ebuyobugagga by'omwewozi atakyesobola, nga muno mw'otwalidde n'ettaka lya mmayiro ery'obwannannyini. Omusigire bw'atunda ku ttaka, asobola okussa omukono ku mpapula ezikyusa ettaka n'alizza mu mannya g'omuguzi, atwala empapula ze okuziwandiisa ew'omuwandiisi w'ebuyapa.

## **Okugula okuva ku bwannannyini ttaka lya mmayiro erya kkampuni**

39. Kkampuni bw'eba ng'erina bannakibiina nga bannansi ba Uganda be basingamu obungi, ekkirizibwa okuba n'obwannannyini ku ttaka lya mmayiro. Singa kkampuni eyo eremererwa okusasula amabanja gaayo, ebuyobugagga by'erina bikwatibwa Kkooti, oba Kkooti etandika okugirabirira ng'ekozesa Etteeka Eriraga nti Kkampuni tekyasobola kuyimirirawo olw'obutaba na nsimbi. Mu kitundu S.99(1) eky'Etteeka Eriraga nti Kkampuni tekyasobola kuyimirirawo, kkooti eronda Kitunzi n'emuwa obuyinza okukuŋŋaanya, okunoonya n'okugaba ebuyobugagga bya Kkampuni. Kitunzi wa Kkooti era aweebwa obuyinza okussa omukono ku mpapula ezikyusa amannya g'obwannannyini bw'ebuyobugagga bya kkampuni n'assaako amannya g'omuguzi. Omuguzi alina okwetegereza Kitunzi gw'akolagana naye n'akakasa nti y'oyo ddala eyalondebwa Kkooti era by'atunda bintu ddala bya Kkampuni eyalangirirwa nti yagwa.

## **Okukyusa Ettaka eryakuweebwa ng'ekirabo**

40. Nnannyini ttaka lya mmayiro ery'ekyapa ayinza okuligabirako omuntu omulala ng'ekirabo. Agaba ettaka ayitibwa mugabi ate aweereddwa ettaka ye muntu gwe batonedde ekirabo. Ettaka erigabiddwa ng'ekirabo, lirina okubaako ekiwandiiko ekiraga nti lyagabibwa.



Ekiwandiiko ekikyusa obwannannyini kye kimu ku biraga nti ddala omuntu yagabirwa ettaka ng'ekirabo. Awatali kiwandiiko kyonna, eyatonerwa taba na buyinza ku ttaka erimuweebwa ng'omugabi tannafa. Wabula eyatonerwa bw'aba n'obujulizi obulaga nti yaweebwa ettaka, munnamateeka w'omugabi ayitibwa n'akyusa ekyapa n'akizza mu mannya g'eyatonerwa. Munnamateeka w'omugabi bw'alemererwa, Kkooti ekozesa obuyinza bwayo n'eragira ekyapa ne kizzibwa mu mannya g'eyatonerwa.

### Ekifaananyi 3: Okukyusa ekirabo ky'ettaka



41. Omuntu avunaanyizibwa ku kussa mu nkola ebyasaliddwawo omugabi, bw'amala okukakasa nti ettaka lyatoneddwa, atuukirirwa n'assaako omukono ku mpapula ezikyusa amannya. Singa avunaanyizibwa ku kussa mu nkola ebyagabiddwa agaana, omuntu

eyatoneddwa yeekubira enduulu mu kkooti, eno nno ewa ekiragiro okukyusa ekyapa ky’ettaka.

#### Ekifaananyi 4: Okuwandiisa ekirabo



#### Ebitongole bya Gavumenti ebivunaanyizibwa ku ttaka

42. Mu ngeri y’okufuna obwannannyini ku ttaka lya mmayiro, Ebitongole bya Gavumenti ebiwerako bikwatibwako ,era kyetaagisa okulaga obuvunaanyizibwa bwa buli kitongole.

Ekifaananyi ekiraga ensengeka z’obukulembeze mu Minisitule y’eby’ettaka, Amayumba

n’okukulaakulanya Ebibuga, kiragiddwa ng’ekitundu ekikookeddwako ‘A’.

### **Ekitebe kya Minisitule Ekikola ku byettaka**

43. Ensonga ezikwata ku ttaka buvunaanyizibwa bwa Minisitule y’Ebyettaka, Amayumba n’Okukulaakulanya Ebibuga. Ku kitebe kya Minisitule eriyo Ebitongole ebikulu bisatu: Ekyamayumba, Ekiteekateeka ebinaazimbibwa ku ttaka n’Ekitongole ekirabirira enkwata y’ettaka. Wansi w’ebitongole bino ebisatu eriyo ate Ebitongole ebirala ebiwerako ebikulirwa Bakamisona, nga buli omu alina obuvunaanyizibwa obwenjawulo ku nsonga z’okulabiriramu n’okukulaakulanya ettaka. Ekitongole ekikola ku kupunta ettaka n’okukuba mmaapu; ekitongole ekifuga endabirira y’ettaka; ekitongole ekikola ku kuwandiisa ettaka n’okubalirira omuwendo gw’ettaka ; bino byonna bikulemberwa Bakamisona abavunaanyizibwa ku kulabirira enkwata y’ettaka. Ekitongole ekiteekaateeka ebinaazimbibwa ku ttaka n’okulondoola amateeka g’enkozesa y’ettaka bitwalibwa Kamisona akola ku kuteekaateeka ebinaazimbibwa ku Ttaka. Ebyamayumba n’okusenga kw’abantu ku ttaka bigwa ewa Kamisona avunaanyizibwa ku nsonga z’amayumba. Ebitongole bino bissaawo omutindo ogulina okugobererwa n’okulondoola emirimu egikolebwa abakungu b’ettaka mu Diisitulikiti.

### **Woofiisi ya Kkaawo**

44. Kkaawo y’akulira abakozi ba gavumenti bonna mu diisitulikiti. Ye mukugu asingayo era muwi w’amagezi eri olukiiko olwa diisitulikiti. Obukiiko buno mulimu Akakiiko k’ettaka aka Diisitulikiti, Akakiiko k’ebyapa aka Diisitulikiti n’akakiiko k’Abapunta aka Diisitulikiti. Kkaawo y’abagatta ku lukiiko olufuzi mu Diisitulikiti.

45. Bwe wabaawo ensonga yonna ekwata ku kuddukanya ebyobugagga by’abagenzi, Kkaawo oba Abamyuka be be bayamba mu kukubiriza enkiiko z’abantu b’omu maka ,okusalawo ku muntu anaasaba ebiwandiiko ebibawa obuyinza okuddukanya n’okulabirira obugagga bw’omugenzi. Kkaawo akolagana ne Woofiisi ya Munnamateeka wa Gavumenti akola ku biwandiiko n’okukuuma ebyobugagga by’Abagenzi.

### **Woffiisi y’avunaanyizibwa ku kulabirira n’okukuuma ebyobugagga by’abafu**

46. Woffiisi eno y’evunaanyizibwa ku kulabirira n’okukuuma ebyobugagga by’abafu; Omuntu afudde ng’atalesse kiraamo kiraga bugagga bwe engeri gye bulina okukwatibwamu . Singa omugenzi aba talesse Nnamwandu, oba musajja we, olwo Omukungu wa Gavumenti

alabirira ebyobugagga by'omugenzi, afulumya ebbaluwa erimu olukusa lw'okulabirira ebyobugagga by'omugenzi eri omuntu aba asizzaamu okusaba kwe eri woofiisi eno. Ab'omu maka omugenzi mwava babikira Omukungu wa Gavumenti oyo, era oyo atwala obuvunaanyizibwa n'asaba Kkaawo w'ESSUULA okukubiriza olukiiko lw'amaka g'omugenzi ne balonda abantu abatuufu abanaaweebwa ebbaluwa ebakkiriza okulabirira ebyobugagga by'omugenzi.

47. Woofiisi ya Omukungu wa Gavumenti akola ku by'obugagga by'abafu ,era ekola ng'etterekero ly'ebiwandiiko ebikadde ebiva mu lukiiko lwa Buganda nga bikwata ku nzirukanya y'ettaka ebyaliwo ng'omwaka 1967 tegunatuuka. Wano we wasangibwa ebiwandiiko ebikwata ku ttaka eryagabibwa Olukiiko lwa Buganda ng'omwaka 1967 tegunnatuuka, era ekifo kino kya mugaso nnyo eri yenna alina ky'ayagala okumanya ku biwandiiko ebyo.

### **Woofiisi z'ettaka zi MZO**

48. Ensonga ezikwata ku ttaka zagyibwa ku kitebe kya minisitule y'eby'ettaka ne zizzibwa ku bitebe ebigatta Disitulikiti eziwerako nga zivunaanyizibwa ku nfuga y'ettaka, okubalirira omuwendo gw'ettaka, okukuba ppulaani ku birina okuzimbibwa ku ttaka; okupunta ettaka n'okufulumya ebyapa.

Woofiisi za MZO zigguddwawo e Mukono, Kampala (KCCA), Jinja, Wakiso, Mbarara, Masaka ne Kabalere. Mu kiseera kino, woofiisi z'ettaka eza MZO zigguddwawo e Kabaale, Jinja, Lira, Masindi, Kibaale. Woofiisi endala zijja kuggulibwawo e Moroto, Tororo, Mpigi, Luweero, Soroti, Kabale ne Rukungiri.

### **Woofiisi y'Akulira Ebyokukuba Ppulaani mu Diisitulikiti**

49. Ettaka lirina okubaako ne ppulaani nga terinnakubwa mu kyapa oba nga terinnakolebwako kintu kyonna. Akulira Ebyappulaani ku Diisitulikiti ng'akolaganira wamu n'Aboobukiiko abakola enteekateeka z'ebyokuzimbibwa, be bavunaanyizibwa ku kuwa ebirowoozo ku ttaka eririna okukubibwa mu kyapa; ettaka eririna okufulumizibwa mu kyapa n'okukulaakulanya ettaka okusenziira ku nteekateeka ezisuubirwa mu buli

kitundu,nga muno mw'otwalira ettaka ery'obwannannyini erya mmayiro.

**Emirimu emitongole egy'omukugu wa Gavument akulira ebya ppulani ku Disitulikiti gye gino:**

- ✓ Akola ng'omuwadiisi w'olukiiko lwa Disitulikiti olukuba ppulani.
- ✓ Akulira eby'okufulumya ppulani y'ebiyokukulaakulanya ettaka mu disitulikiti.
- ✓ Ateekateeka ppulani z'omubitundu nga zikwataganya ne ppulaani y'eggwanga ekwata ku by'enkulaakulana.
- ✓ Asemba enteekateeka z'okusalasala mu ttaka lya mmayiro nga terinnakubwa bapunta.

**Woofiisi za Diisitulikiti ku by'Ebyapa**

50. Ebyapa byonna n'ebiwandiiko ebikwata ku ttaka mu buli kitundu bikuumirwa mu Woofiisi ya Diisitulikiti ey'Ebyapa. Omuntu ayagala okugula obwannannyini bw'ettaka lya mmayiro, alina kukolagana na Woofiisi z'ebyapa ezisangibwa ku KCCA, e Mukono, Bukalasa, Mityana, Masaka, Wakiso oba Fort Portal. Omulimu omukulu ogwa Woofiisi zino kwe kuyambako abantu okunoonyereza ebifa ku Lukalala lw'ettaka ery'ebyapa. ESSUULA ky'etteeka S.201 ery'Etteeka ly'Okuwanddiisa Ebyapa, omuntu yenna waddembe okunoonyereza ku ttaka lyonna eriri ku Lukalala lw'ebyapa ,bwaba asasudde ebisale by'okunoonyerezaako (Sente ezisasulwayo kati ziri ssiringi 10,000). Okunoonyereza kitwaliramu okusomera ddala ebifa ku lukalala lw'ebyapa (luno luba lweru oba lwa bbululu), n'ebiwandiiko ebirala ebikwata ku ttaka. Anoonyereza ku ttaka ayinza okusaba alipoota ekwata ku ttaka. Alipoota eno eteekwa okufulumya nga kuliko omukono gw'Omuwandiisi w'Ebyapa.

51. Omulimu omulala gwa Woofiisi za Diisitulikiti ez'Ebyapa gwa kufulumya byapa by'ettaka, n'okuwandiisa ensonga ezikwata ku ttaka. Noolwekyo abantu abafunye obwannannyini ku ttaka lya mmayiro balina okulaba ng'ebiwandiiko ebifa ku ttaka, nga mw'otwalidde n'okukyusa ebyapa by'ettaka, bitwalibwa ne biwandiikibwa mu Woofiisi ezo. Emirimu emitongole egy'omuwandiisi w'ebyapa gye gino:

- ✓ Okuwandiisa n'okufulumya ebyapa
- ✓ Okulabirira ekitabo omuli abalina ebyapa.

- ✓ Okuyamba abantu abanoonyereza ku by'ettaka ng'abawa ebifa ku ttaka eriwandiise.
- ✓ Okuwandiisa, okugulana okukolebwa ku ttaka nga muno mwe muli okukyuusa ettaka mu mannya g'abantu abalina okuganyulwa nnannyini ttaka ng'afudde , n'okukyuusa ettaka ne lidda mu mannya g'omuguzi oba ebyomusingo egiweebwayo mu bbanka n'abantu abalala bonna.okuwandiisa ebiwandiiko ebikugira okutunda ettaka
- ✓ Okuwandiisa ebiragiro bya kkooti ku ttaka
- ✓ Okuwandiika ebyapa bya liizi n'okufulumya ebyapa bya liizi
- ✓ Okuwandiika abantu abalina obuyinza okulabirira eby'obugagga by'abafu, n'obuyinza obugaba eby'obugagga by'abafu.okuwandiika ebiwandiiko ebiggyawo obukugiro ku ttaka.
- ✓ Okuwandiika ebiwandiiko ebisumulula emisingo egibeera ku ttaka.
- ✓ Okufulumya ekya eky'enjawulo singa ekyapa kya nnannyini ttaka ekyasooka okufulumu kiba kibuze oba nga kyoonese.
- ✓ Okuwa Gavumenti n'abantu amagezi ku kisaana okugobererwa
- ✓ Okuwa obujulizi obujulizi mu kkooti ku bikwata ku bwannannyini ttaka eggwandiise.
- ✓ Okugenda mu kkooti n'awolereza woofiisi y'ebypa by'ettaka.

### Woofiisi y'Abapunta ku Diisitulikiti

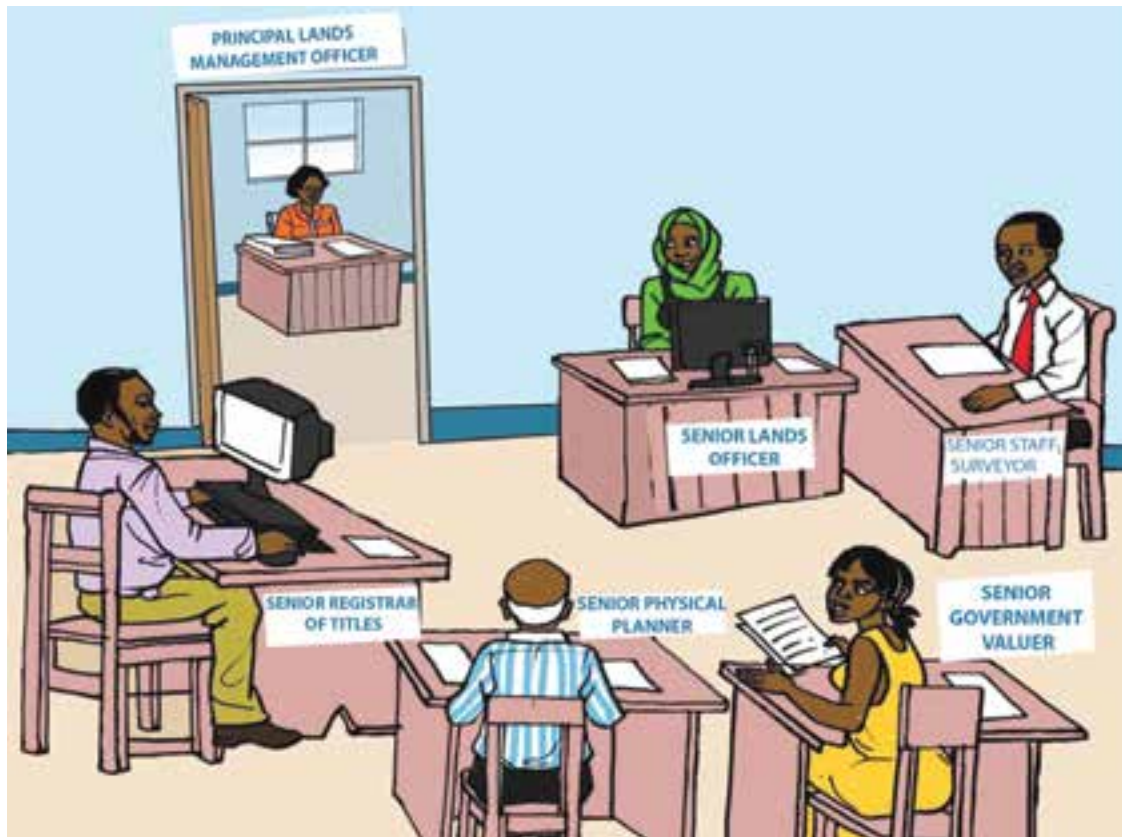
52. Ku buli Woofiisi ya Diisitulikiti kuliko ne Woofiisi y'Abapunta.Woofiisi eno y'evunaanyizibwa ku kukuba ettaka mu Diisitulikiti. Ettaka lyonna erikubwa ssaako okulyawuzaamu kikolebwa ng'omuntu afunye olukusa olumuweebwa Omukulembeze w'Abapunta owa Diisitulikiti; ono y'alagira ekirina okukolebwa mu kukuba ettaka.

### Emirimu emitongole egy'omukungu akulira okupunta ettaka mu disitulikiti gye gino :

- ✓ Okuwa ebiragiro ku by'okupunta ettaka
- ✓ Okufuna n'okwetegereza ebiwandiiko ebikoleddwa abapunta b'ettaka.
- ✓ Okukakasa ebikoleddwa abapunta b'ettaka
- ✓ Okutegeka, okussa omukono n'okufulumya ppulaani z'ebypa byettaka eriba likubiddwa.

- ✓ Okuweereza ebifaananyi by'ebiyapa eri omuwandiisi w'ebiyapa kisobozese okufulumya ebiyapa.
53. Woofiisi z'Abapunta ku Diisitulikiti zivunaanyizibwa okukuuma ebiwandiiko ebikulu ennyo ebikwata ku ttaka, nga muno mw'otwalira ebyafaayo by'okusalaasala ppoloti mu ttaka. Mu biwandiiko bino omukuumirwa ebyafaayo by'ettaka mwe muva kalonda yenna aba akwata ku ppoloti z'ettaka ezigenda zifulumizibwa mu buli kitundu. Omuntu ayinza okufuna mmaapu ez'enjawulo okuva mu Woofiisi z'Abapunta eza Diisitulikiti.

### Ofisi z'abapunta



### **Akulira Ebyettaka ku Diisitulikiti**

54. Akulira Ebyettaka ku Diisitulikiti asangibwa mu buli Diisitulikiti, era ye mukugu aluŋŋamya Akakiiko k'Abakulembeze ba Diisitulikiti, Akakiiko ka Diisitulikiti ak'ebyettaka n'abantu bonna ku bikwata ku ttaka mu Diisitulikiti.

### **Akakiiko ka Diisitulikiti ak'ebyettaka**

55. Ennyingo 240 eya Ssemateeka eraga nti buli Diisitulikiti mu Uganda erina okuba n'Akakiiko k'Ebyettaka. Emirimu gy'Akakiiko okusinziira ku nnyingo 241 eya Ssemateeka girambikiddwa bwe giti:

- a) Okwesigaliza n'okugaba ettaka eriba mu Diisitulikiti nga teriiriko nnannyini lyo;
- b) Okuyambako mu kuwandiisa ate n'okuwanyisa obwannannyini ku ttaka;
- c) Okukola ku nsonga z'ettaka zonna mu Diisitulikiti ng'amateeka agaayisibwa Paalamenti bwe galagira.
- d) Olukiiko lwa disitulikiti olw'ebyettaka DLB lwe luvunaanyizibwa ku kufulumya ebbaluwa y'obusenze ku ttaka ery'obwannannyini erya mmayiro, era okukasa kw'olukiiko kuweerezebwa eri omukuumi w'ebiwandiiko.

### **Obukiiko bw'ebyettaka mu buli kitundu**

56. Ennyingo S.64 ey'Etteeka ly'Ettaka yalongoosebwamu okufuna Etteeka Nnamba 1 erya 2004. Etteeka lino lyassaawo Obukiiko bw'ebyettaka mu buli Ggombolola ng'omulimu gwabwo kwe kuyambanga akakiiko ka Diisitulikiti ak'ebyettaka nga buwa amagezi ku nsonga z'ebyettaka.

### **Omukuumi w'ebiwandiiko by'ettaka**

57. Mubuli Ggombolola, oba ekifo ekitongozeddwa, ne mukitunduky' ekibuga wateekeddawo Omukuumi w'ebiwandiiko by'ettaka okusinziira ku nnyingo S.68 ey'Etteeka ly'ettaka. Omwami ow'eggombolola, Kiraaka w'ekibuga, oba Omumyuka wa Kiraaka w'ekibuga avunaanyizibwa ku kitundu ekyo, y'anaabeeranga omukuumi w'ebiwandiiko. Egimu ku mirimu gy'Omukuumi w'ebiwandiiko gw'ogwokuba ng'avunaanyizibwa ku kufulumya ebbaluwa z'obwannannyini bw'obusenze ku ttaka ery'ennonno, n'okutereka ebiwandiiko byonna ebikwata ku bbaluwa z'obusenze ku bibanja.



### Abafuzi b'ebitundu aba L.C I, II, III

58. Nawaakubadde nga tewali buvunaanyizibwa bw'Abakulembeze ku bikwata ku nsonga z'ettaka bulagiddwa mu Tteeka ly'Ettaka, Abakulembeze bano bayamba nnyo ku mirimu egikolebwa Woofiisi eziddukanya ensonga z'ettaka. Ekyokulabirako: Abafuzi b'ebitundu baba bamanyi ebikwata ku bannannyini ttaka n'abo abasikira bannannyini ttaka erya mmayiro; ebikwata ku beebibanja n'abasikira abeebibanja; ebikwata ku nsalo z'ettaka; ensonga z'okutabaganya abantu abalina enkaayana ku ttaka. Kkooti za L.C II ziwuliriza emisango egikwata ku kukyusa oba okwonoonebwa kw'ebintu; okusaalimbira ku ttaka n'enkaayana ku bwannannyini bw'ettaka ery'ennonno. LC III ekola ng'Ekkooti ng'ewuliriza emisango egijjulirwa okuva ku LC II.

# 3

## OMUSENZE OMUTUUFU MU MATEEKA N'OMUSENZE OW'EBBALUWA

### Enkyukaakyuka ezizze zibaawo ku basenze ab'ebibanja

59. Mu kitundu ekisooka kiragiddwa nti ettaka lya mmayiro lyagabibwa nga kuliko abeebibanja. Bannanyini ttaka lya mmayiro nabo era baayongera okusenza ab'ebibanja ku ttaka lyabwe nga baagala obusuulu n'envujjo byeyongere.

Nga wayise ekiseera, bannanyini ttaka erya mmayiro bayongereza obusuulu n'obungi bw'envujjo. Kino kyaleetawo obutakkaanya wakati wa bannanyini ttaka erya mmayiro n'ab'ebibanja. Abeeibanja baatandika okwegulanga, okuleetawo ennoongosereza mu nsasula y'obusuulu. Gavumenti yasalawo okukkanya embeera y'olutalo olwo ng'eyisa etteeka ly'obusuulu n'envujjo erya 1928. Etteeka lino lyassaawo ekkomo ku busuulu n'obungi bw'envujjo ebyali birina okusoloozebwa bannanyini ttaka erya mmayiro. Abeeibanja nabo baweewwa obukuumi ku bwannanyini bw'ebibanja, ng'olwo baali bayinza okugobebwa ku ttaka olw'obutasasula busuulu ,oba bo okusalawo okuva ku bibanja byabwe.

### 60. Ekiragiro ekirongoosa mu ttaka ekyayisibwa mu 1975

Ekiragiro kino kyawera obwannanyini bw'ettaka erya mmayiro, era ettaka lya mmayiro lyakyusibwa ne lizzibwa mu liizi ya myaka 99. Abeeibanja baakyusibwa ne baafuuka abasenze abatalina bukuumi ku ttaka, era ng'obwannanyini bwe baali balina ku bibanja bwali bwakusazibwamu ekiseera kyonna.

Mu ngeri y'emu obusuulu n'envujjo nabyo byagyibwawo newankubadde ng'ebyo byali bwe bityo, abasenze n'abazzukulu baabwe bakyalali ku bibanja byabwe okugyawo ettaka ly'obwannanyini erya mmayiro kyaddirirwa ekiseera ekyalimu obutamanya kyakukola ku ngeri z'okufunamu okusikira n'okugula ebibanja. Waliwo okweyongera kw'abasenze ku bibanja mu ngeri etagoberera mateeka, ssaako okwesenza ku ttaka eryaliko ensiko mu kiseera ekyo. Ssemateeka wa 1995 we yafulumira nga waliwo obwetaavu bw'okussaawo enkola, egoberera amateeka agafuga abasenze ku ttaka ly'obwannanyini ery'ekyapa. Eno y'ensibuko y'ensonga z'omusenze omutuufu mu mateeka ne kyesenza.

Endowooza y'omusenze omutuufu ne kyesenza, byassibwawo Ssemateeka wa 1995, akawaayiro 237(8). Ssemateeka yalagira Paalamenti okukola etteeka mu bbanga lya myaka ebiri mu lutuula lwayo olusooka, okulunganyama enkolagana wakati w'omusenze omutuufu ne kyesenza ;n'okubasobozesa okufuna obwannanyini ku ttaka.

61. Etteeka nnamba 237(8) eriri mu Ssemateeka wa 1995 lyassaawo enkola y'omusenze omutuufu mu mateeka. Ssemateeka ono yawa obuyinza Paalamenti okukola etteeka, oluvannyuma lw'emyaka ebiri ng'etudde, erifuga enkolagana wakati w'omusenze omutuufu mu mateeka ne kyesenza wamu n'okwegula kw'abeebibanja.
62. Abasenze baalina ekizibu ky'okugobebwa bannanyini ttaka singa ettaka baali balyetaaga okulikulaakulanya. Olukiiko lw'Ababaka abaakola Ssemateeka baali bakimanyi bulungi nti wayinza okubaawo okusengula abantu mu kirindi, era okwewala ekyo bassaawo amateeka okwewala obutabanguko bw'engeri eyo. Etteeka ly'Ettaka lyayisibwa nga 2 July 1998 nga ligenderera okussa mu nkola ekiragiro kya Ssemateeka. Etteeka lirimu obuwaayiro obulaga amakulu g'omusenze omutuufu mu mateeka ne kyesenza ku ttaka, n'enkolagana yaabwe ne nnannyini ttaka ly'ekyapa. Bino biri mu kitundu 1, ennyingo 29 okutuuka ku nnyingo 38A.

### **Omusenze omutuufu mu mateeka**

63. Omuntu ayagala okutwalibwa ng'omusenze omutuufu mu mateeka kirungi afune tikiti z'obusuulu n'envujjo ezisasulwa eri nnannyini ttaka eyeewandiisa oba omusigire wa nnannyini ttaka eyeewandiisa ng'omwaka 1975 tegunnatuuka.

## Amakulu ga kyesenza

64. Ono ye muntu eyali ku ttaka lyonna Ssemateeka nga tannatandika kukola, ng'alikoleddeko ebintu oba ng'alikulaakulanyizza okumala emyaka kkumi n'ebiri oba okusukkawo nga nnannyini ttaka eyeewandiisa oba omusigire we tebamunyegangako; oba nga yassibwako Gavumenti oba omusigire wa Gavumenti nga mw'otwalidde n'aboobuyinza mu kitundu ekyo; omuntu yenna kyesenza gwe yaguza oba gwe yawa obuyinza olw'obwetaavu ku ttaka, naye anaatwalibwanga okuba kyesenza. Obwakyesenza tebuzingiramumu muntu yenna nnannyini ttaka gwe yawa olukusa, oba oyo yenna ali ku ttaka ng'alikolerako oba ng'alikulaakulanyizza okumala ebbanga eritaweza myaka kkumi n'ebiri, nga nnannyini ttaka eyeewandiisa oba omusigire we tebamunyegangako. Kyesenza ono ayogerwako mu nnyingo nnamba 29(2) ey'etteeka ly'ettaka.

**Kiwanuka ye nnannyini ttaka eyeewandiisa ku bwannannyini bw'ettaka lya mmayiro eriweza eka 640 e Kyanamukaaka, Masaka.**

**Kiggundu yajja n'asenga ku kibanja kya eka 5 mu 1970, era abaddeko nga Kiwanuka tamunyegangako. Kino kitegeeza nti kiggundu yali awezezza emyaka 25 ng'ali ku eka 5 omwaka gwa 1995 we gwatuukira era kino kimufuula okuba kyesenza.**

**Eky'okulabirako  
kya kyesenza**

**Ekyokulabirako  
kyatali  
kyesenza**

**Kyokka waliwo Mukasa, muliraanwa wa Kiggundu eyajja n'asenga ku kibanja mu mwaka gwa 1986. Mukasa yali asenze ku kibanja okumala emyaka 9 gyokka Ssemateeka wa 1995 nga tannakolebwa, noolwekyo Mukasa tabalibwa nga kyesenza ku ttaka lya Kiwanuka.**

### Amakulu g'omusenze alina olukusa/Abapangisa

65. Omuntu asenga ku ttaka ng'aweereddwa olukusa okugeza: ebbaluwa y'aboobuyinza, ttikiti oba ebbaluwa ya nnannyini ttaka. Olukusa luyinza okuweebwa nga lwa kiseera oba ebbanga ggere nga lulaga n'emirimu egirina okukolerwamu. Ebyokulabirako by'abantu abaweebwa olukusa mulimu abagenyi mu wooteeri, Abapangisa b'amayumba, Abalimi b'ebirime ebikungulwa amangu, oba omuntu aweereddwa liizi ku ttaka. Okupangisa ettaka kibaawo endagaano bw'ekolebwa wakati wa nnannyini ttaka eyeewandiisa n'omuntu omulala. Ebyokulabirako by'endagaano ez'engeri eno mwe muli endagaano y'okugaba liizi ku ttaka.

### Amakulu g'abasaalimbira ku ttaka/Abewanjanyama

66. Omuntu ajja ku ttaka eryawandiikibwa tekimugwanira kuyitibwa musenze mutuufu mu mateeka, oba kyesenza ,oba omupangisa, wabula ayitibwa omuntu asaalimbira ku ttaka. Ono ye muntu ajja, oba alumba, oba eyeeteeka ku ttaka nga tagoberera mateeka, era nga talina lukusa. Omuntu ono tasaana kuyitibwa musenze omutuufu mu mateeka, oba kyesenza oba omupangisa. Omuntu ono ayitibwa mulumbaganyi. Okufuna obusenze ku ttaka ly'obwannanyini bw'ettaka lya mmayiro.

### Obusika

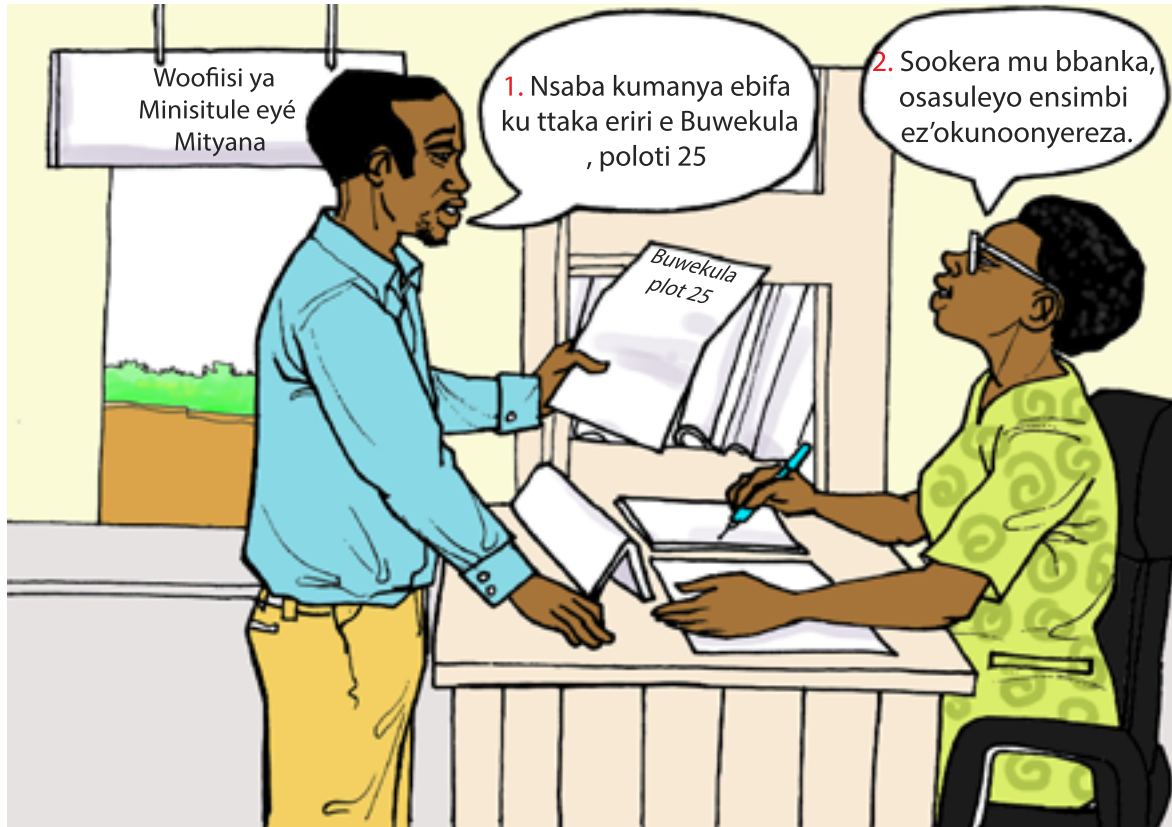
67. Etteeka erifuga obusika n'okusikira ebintu mu Uganda liri mu kitundu 162 eky'Amateeka ga Uganda. Kimanyiddwa mu nsi yonna nti omuntu bw'afa, alina okusikirwa. Nnannyini ttaka lya mmayiro bw'afa abaana be bateekwa okugabana ku ttaka okusinsiira ku ebyo ebibeera mu kiraamo ky'alesse, oba ku mateeka agafuga eby'obusika. Ebirala ebikwata ku by'obusika biri mu kitundu ekyokutaano.

### Okugula

68. Obwannanyini ku ttaka lya mmayiro busobola okufunibwa mu kugula ettaka ku nnannyini kibanja. Wabula etteeka ly'ettaka likirambika bulungi nti nnannyini ttaka aba alina okuwa olukusa ku buguzi obwo. Ettaka ly'obwannanyini erya mmayiro lyonna liri mu buwandiike, noolwekyo kirungi omuguzi w'ettaka asooke anoonyereze ku butuufu bw'ekyapa n'omuntu atunda ng'omuguzi tannasulira ttaka eryo. Amakubo agalina okugobererwa ge gano:

- a. Funa ebikwata ku kyapa ky'ettaka ly'oyagala okugula.
- b. Kebera ku woofiisi ettaka gye lyawandiikirwa. Ebikwata ku ttaka lya mmayiro erisangibwa e Mityana ne Mubende, kebera ku woofiisi za Minisitule y'ettaka esangibwa e Mityana. Oteekwa okusasulayo ssente ez'okunoonya ekyapa Omutwalo gumu n'ogattako n'ebisale bya Bbanka ;ssente zino zirina kusasulwa mu Bbanka.

### Okusasulira okunoonyereza ku ttaka



- a. Kirungi omuguzi okwetegereza kkopi y'ekyapa n'endagamuntu y'omutunzi ng'obuuzza n'ab'obuyinza abafuga ekitundu.
- b. Kakasa ensalo z'ekibanja ng'oyambibwako aboomuliraano, abakakiiko abafuzi ku kyalo n'abataka.

Mu kitundu ekiwedde twakulaze engeri ettaka lya mmayiro gye liyinza okupangisibwa, era tubategeezza nti omusenze naye aba alina ebbaluwa emukkiriza okubeera ku ttaka eryo. Agula ettaka kirungi yeetegereze obanga ettaka ly'ayagala okugula liriko oba teririiko basenze ng'ayita mu kulambula ettaka eryo.

### Okufuna ebivudde mu kunoonyereza ebifa ku ttaka



68. Okufuna alipoota eva mu kunoonyereza ebifa ku ttaka

- a. Funa endagaano n'ebiwandiiko ebirala ebiraga obwannannyini bw'ekibanja.
- b. Obwannannyini n'ensalo z'ekibanja bwe bimala okutegeerwa, omuguzi asaba omutunzi afune olukusa lwa nnannyini ttaka mu buwandiike, nga ebyokugula ekibanja tebinnakomekkerezebwa.

- c. Omuguzi n’omutunzi bakola endagaano y’okutunda ny bagissaako emikono. Endagaano erina okulambika obukwakkulizo obuli mu kutunda okugeza omuwendo gw’ettaka n’ensasula. Kirungi okuba n’abajulizi mu ndagaano.
- d. Omutunzi alina okuwaayo ekibanja oluvannyuma lw’okukola endagaano y’okutunda, ng’ayanjula aguze eri abeemiriraano, ab’akakiiko abafuga ekitundu n’eri nnannyini ttaka erya mmayiro.
- e. Singa obuguzi buli ku kitundu kya kibanjaomutunzi n’omuguzi balina okwawula mu nsalo z’ekibanja era kino kikolebwa nga waliwo abeemiriraano, ab’akakiiko abafuzi mu kitundu n’abajulizi abalala.

### Okugaba /Okufuna ettaka ng’ekirabo

#### 69. Ekirabo

Ettaka erigabibwa mu ssanyu ky’ekirabo. Ekibanja bwe kiba nga kye kigabiddwa, watekeddwa okubaawo ekigendererwa ky’okukyusa mu bwannanyini.

Oweekibanja asobola okugaba ekibanja kye oba ekitundu ky’ekibanja ng’akigabira omuntu omulala yenna, singa aba afunye olukusa okuva ku nnannyini ttaka erya mmayiro. Nga bwe kikolebwa mu kugula ettaka, omuntu aweereddwa ekirabo ky’ettaka ateeddwa okunoonyereza ebifa ku kibanja n’okusaba nnannyini ttala erya mmayiro onwannanyini bw’ekibanja era alina okukakasa nti nnannyini kibanja alina olukusa okuva ewa nnannyini ttaka lya mmayiro olumukkiriza okugaba . kirungi ettaka erigabiddwa okuliraga mu buwandiike n’eri abajulizi.

- 70. Singa ekirabo ky’ettaka kya kitundu kya kibanja, omugabi n’agabiddwa, balina okulaga ensalo z’ekitundu ekigabiddwa nga basimba empaanyi ng’abeemiriraano, ab’akakiiko akafuzi n’abajulizi abalala webali.

### Okusazaamu obusenze ku ttaka lya mmayiro

- 71. Abasenze abatuufu, ne bakyesenza ku ttaka lya mmayiro baatekebwawo olw’ensonga ezaaliwo edda ennyo, era kati abeebibanja bano bamanyiddwa mu mateeka. Wabula kino tekitegeeza nti balina kusigalira mu mbeera eyaatekebwawo, emirembe n’emirembe. Embeera y’obusenze ku ttaka esobola okuvaawo nga tugula ne tukyuusa ebyapa, okuvaawo, oba okusaza mu ndagaano.

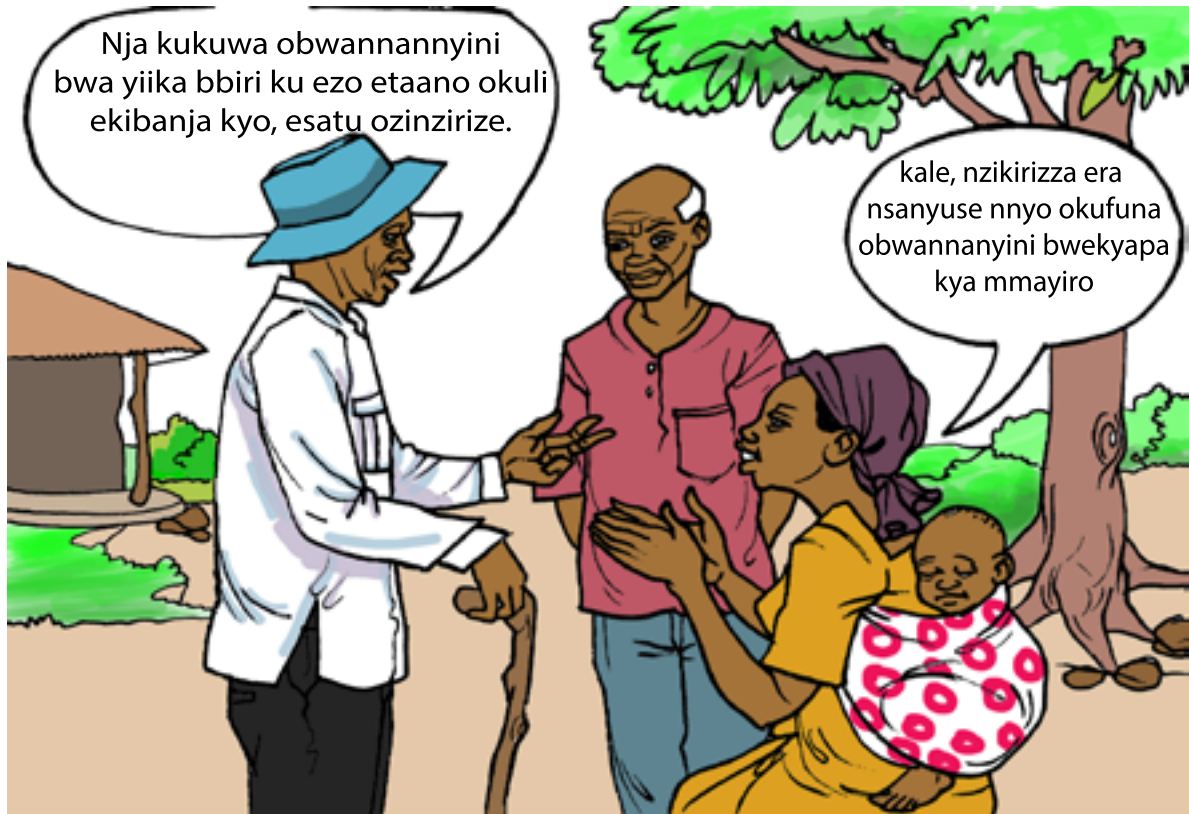


## Okugula ettaka lya mmayiro

72. Mu tteeka ly'ettaka, ennyingo 36, nnannyini ttaka omuwandiise ne nnannyini ttaka ly'ekibanja basobola okukkiriziganya ne basala mu ttaka, buli omu n'asigaza ESSUULA ky'ettaka kw'akolera yekka. Endagaano eno eyinza okuba omu 'akkiriza okuteera omulala oba okugula ettaka ly'oluyi olulala. Nnannyini ttaka eriwandiise bw'agula ettaka ly'omusenze abadde awa obusuulu ng'obusenze bw'aguliddwa buvaawo.

Ebisingawo ku bino biri mu ssuula ey'okuna ku katundu akakwata ku makubo agalina okugobererwa bannannyini ttaka n'abeebibanja.

## Enteesaganya wakati wa nnannyini ttaka n'ow'ekibanja



73. Mu ngeri y'emu omusenze asobola okwegula ng'asooka okusaba nnannyini ttaka eriwandiise; endagaano y'okutegeeragana ekolebwa ng'egoberera ebiri mu nnyingo 36 oba awandiikira nnannyini ttaka ery'ekyapa ng'amusaba bafune omutabaganya nga bagoberera ebiri mu nnyingo 38. Olwo obusenze ku ttaka nga buvaawo.

### Ensalosalo ze ttaka



## Okujjaguzza nga ofuse nannyini ttaka



74. Ennyingo 38(2) eraga nti omusenze ku ttaka asobola okuwandiikira nnannyini ttaka ebbaluwa ng'amusaba olukusa olw'okukyusa ettaka lidde mu mannya g'omusenze. Nnannyini ttaka asobola okumuwa olukusa olwo nga kuliko, oba nga tekuli bukwalkulizo, oba okugaana okusaba kw'omusenze, oba n'ayita omusenze okujja mu nteseganya. Kiri eri ku njuuyi zombi okutuuka ku kukkiriziganya, naye enjuuyi zombi zisobola okusaba omutabaganya okubeerawo n'abayamba okukkiriziganya. Etteeka ly'ettaka teririna weeriraga nti omusenze alina eddembe ly'okujulira.

## Okulekawo ettaka



75. Okulekawo ettaka mu mateeka kitegeeza okuwaayo obwa nnannyini nga tokyakayaanira ttaka oba kufaayo nti liry o ba nga tolina ky'oklerawo. Okuva ku ttaka kiyinza okuba ng'omuntu yeeyagalidde oba okukakibwa okuvaawo.
76. Omuntu anaatwalibwanga okuba ng'avudde ku kibanja oba okuba ng'alekulidde singa ategeeza mu buwandiike nnannyini ttaka ow'ekyapa oba singa aleka ekibanja ekyo okumala emyaka esatu nga talina ky'akikoleddoko wadde ab'omu makage, oba omusgire we.
77. Singa ow'ekibanja asalawo okuva ku kibanja ekyo nga yeeyagalidde, waddembe okukiggyako byoSna by'akitaddeko okugyako emiti n'ebidiba. Kyokka talina kusaba kuliyirirwa bintu by'afiiriddwa olw'okulekulira ekibanja ekyo.

78. Okuva ku ttaka ng'omuntu teyeeyagalidde kiragiddwa mu nnyingo 37(4). Kino kibaawo mu bibuga akakiiko akafuga e kibuga bwe luvumirira ow'ekibanja aba azimbye obubi oba bwe luwa ekiragiro ky'okumenya e kizimbe mu ngeri ezo, obusenze tebuvaawo. Wabula, nnannyini ttaka n'omupangisa oba omusenze ku ttaka batuula ne bateesa ne bakola endagaano ekomya obupangisa aliyirirwa omuwendo gw'ensimbi ogusalibwa omubalirizi wa Gavumenti.

### **Okukomya obusenze ekiva ku kumenya amateeka**

79. Omusenze ku kibanja asuubirwa okusasula obusuulu bwa buli mwaka eri nnannyinittaka omuwandiise nga bwe kiba kyasalibwawo akakiiko k'ebyettaka aka Diisitulikiti era nga kyakakasibwa Minisita. Kino kiragibwa mu nnyingo 31(3) ey'ennongosereza y'etteeka ly'ettaka; Etteeka 1/2004. Obukiiko bw'ettaka bwa Diisitulikiti obumu bwafaayo nnyo era ne buwaayo ebiwoozo ku muwendo gw'ensimbi ogulina okusasulwa, gukakasibwa Minisita. Obukiiko obumu tebwawaayo biwoozo ku bisale ebirina okusasulwa. Minisita ng'akozesa obuyinza obumuweebwa etteeka ly'ettaka, yasala ebisale ebirina okusasulwa ku ttaka lyonna ng'ayitira mu tteeka erifuga obusuulu bwa buli mwaka namba 55 erya 2011.
80. Ebisale ebisulwa kati bigabanyizibwa okusinziira ku kifo ettaka gyelisangibwa; mu munisipaale, ekibuga, olukiiko olufuga ekibuga, ekyalo, ebisale bino bisengekeddwa nga bw'obiraba mu lukangaga wammanga;

### OLUKANGAGA 3: OBUSUULU OBWAGEREKEBWA OBUKIICO BW'ETTAKA OBWA DIISITULIKITI

Nnamba	Diisitulikiti	Munisipaale	Olukiiko lw'Abakiise mu kibuga	Akakiiko Akafuga ekibuga ekikyakula	Ekyalo
1.	Abim		20,000=		5,000=
2.	Amolatar		30,000=		5,000=
3.	Amuru		20,000=	20,000=	5,000=
4.	Hoima		30,000=		5,000=
5.	Isingiro		30,000=		5,000=
6.	Kabarole	30,000=	10,000/=		5,000=
7.	Kamwenge		20,000=		5,000=
8.	Kaliro		30,000=		5,000=
9.	Koboko		10,000=		5,000=
10.	Kyenjojo		10,000=	10,000=	5,000=
11.	Lira	30,000=	20,000=		5,000=
12.	Luwero		20,000=		5,000=
13.	Masaka	12,000=	10,000=		5,000=
14.	Nakaseke		30,000=		5,000=
15.	Namutumba		30,000=	10,000=	5,000=
16.	Ntungamo		30,000=	30,000=	5,000=
17.	Oyam		20,000=		5,000=
18.	Pallisa		30,000=		5,000=
19.	Rakai		30,000=	20,000=	5,000=
20.	Sembabule		20,000=	15,000=	5,000=
21.	Sironko		30,000=	30,000=	5,000=

**OLUKANGAGA 4: ENSASULA Y’OBUSUULU MU BITUNDU OLUKIIKO  
OLUFUGA DIHSITULIKITI GYE LUTANNAGEREKA MUWENDO  
GUNAASASULWA OKUSINZIIRA KU KITUNDU 31**

Ettaka ly’omu kibuga	Ettaka ly’omu minisuupaali	Ettaka ly’omu bibuga	Akakiiko k’ekibuga	Ettaka eriri mu kyalo
50,000=	40,000=	30,000=	20,000=	5,000=

81. Obusuulu obuweebwa bwa kipimo ekyenkanankana, Newaakubadde ng’ettaka likyukakyuka mu bunene. Omuntu alina yiika y’ekibanja emu asasula obusuulu bwe bumu n’oyo nnannyini kibanja ekya eka etaanu. Enjawulo eri mu kifo nga ebibuga bwe bigenda bikubwa okugeza munda mu kibiga, munisipaale, akakiiko k’ekibuga oba ekyalo. Obusuulu obuweebwa bwa kipimo ekyenkanankana Newaakubadde ng’ettaka likyukakyuka mu bunene. Omuntu alina eka y’ekibanja emu asasula obusuulu bwe bumu n’oyo nnannyini kibanja ekya eka etaanu. Enjawulo eri mu kifo nga ebibuga bwe bigenda bikubwa okugeza munda mu kibiga, munisipaale, akakiiko k’ekibuga oba ekyalo.
82. Omusenze w’ekibanja bw’alemererwa okusasula obusuulu okumala ebbanga erisussa mu myaka ebiri nnannyini ttaka omuwandiise akkirizibwa okumuwandiikira ng’amulaalika n’okumulagira aveeyo yeewoozeeko ku nsonga ezirobera obusenze bwe okusazibwamu. Okulaalika kuno kuteekwa okuwandiikibwa mu bufunze era kwokebawamu kkopi eweerezebwa eri akakiiko k’ettaka ak’omukitundu. Omusenze bw’awakanya ebiri mu kiwandiiko ekimulaalika, ayinza okutwala ensonga mu kakiiko akataawulula enkaayana, ettaka mu bbanga lya myezi mukaaga okuva lwebaamuwandiikira. Omusenze bwatawakanya kiwandiiko kimulaalika mu bbanga erimuweereddwa, oba bw’alemererwa okusasula obusuulu obumubanjibwa mu bbanga lya mwaka gumu okuva lwe baamulaalika, olwo nnannyini ttaka awandiikira kkooti y’ettaka emuwe obuyinza okumenyawo obusenze oba obupangisa olw’ensonga y’obutasasula busuulu.

## Ekirango ekiraalika omusenze ku ky'okulwawo okusasula obusuulu



83. Akakiiko k'ettaka akataawulula enkaayana oba kkooti y'ettaka ng'egenda okusalawo, eteekeddwa okwetegereza ekyaviirako omusenze w'ekibanjaokulemererwa okusasula obusuulu, eina okwetegereza oba omusenze mutuufu mu mateeka oba kyesenza oba muntu asaalimbira mu ttaka, era n'okumanya oba eyawandiise ye nnannyini eyawandiisa ettaka oba musigire we n'okulaba nti awandiise talina w'alinyiridde ddembe lya musenze ow'ekibanja.



## EDDEMBE N'OBUVUNAANYIZIBWA BW'ABEEBIBANJA NE BANNANNYINI TTAKA

### Eddembe lya nnannyini ttaka erya mmayiro

84. Eddembe lya nnannyini kyapa kya ttaka erya mmayiro
- Obwannanyini ku ttaka bwalubeerera.
  - Asobola okugaba liizi, okwewolerako; okulisinga oba okulitunda.
  - Asobola okulisalamu ebitundu n'atunda oba n'alikozesa emirimu egikkirizibwa mu mateeka.
  - Okulirekera omuntu omulala ng'akissa mu kiraamo, oba okuligaba oba okulitunda.
  - Eddembe ly'okusasulwa obusuulu bwa buli mwaka okuva mu b'ebibanja abatuufu mu mateeka ku ttaka lye.
  - Eddembe okusaba obusuulu okuva mu basenze b'ebibanja abaluddewo okusasula okumala emyaka esatu.
  - Eddembe okusaba kkooti emuwe ekiragiro ekisengula ow'ekibanja aba elemereddwa okusasula obusuulu bw'omwaka.
  - Eddembe ly'okuba ng'aweebwa omukisa ogusooka ogw'okugula omusenze singa omusenze abeera ng'ayagala okutunda.

### Eddembe n'obuvunaanyizibwa bya nnannyini ttaka erya mmayiro

85. Nnannyini ttaka eriwandiise atekwa okufaayo okumanya n'okuwandiika ab'ebibanja abali ku ttaka lye. Ekiragiro ky'Ettaka ekya 1975 nga tekinnatandika kukola bannanyini ttaka erya mmayiro naddala abo abaalina ebitunddu by'ettaka ebinene ennyo, baalina abasigire abaabayambanga okutuukiriza ekyo.

86. Nnannyini ttaka eriwandiise mulimu gwe okukunjaanya obusuulu okuva ku b'ebibanja era n'okubawa ttikiti eziraga nti basasudde.

### Nnannyini ttaka ng'afuna ttikiti z'obusuulu okuva ew'omusigire



87. Nnannyini ttaka eriwandiise mulimu gwe okuleka omusenze n'abeera omusenze singa omusenze oyo aba ng'atuukirizza obuvunaanyizibwa bwe. Kino kitegeeza nti nnannyini ttaka eriwandiise alina okukkiriza omusenze w'ekibanja okweyagalira/okwetaaya ku kibanja kye, okuzimba amaka, okulima ebirime, okusimba emiti, okulima emmere, okukola emikolo mu maka ge ng'egy'embaga z'okufumbirwa, ennyimbe.

## Eddembe n'obuvunaanyizibwa by'omusenze

88. Omusenze w'ekibanja ku ttaka ery'ekyapa alina obwogerero ku ttaka eryo. Kino kitegeeza nti talina kugobebwako nnannyini ttaka omuwandiise okuggyako ng'alemereddwa okusasula obusuulu okumala ebbanga lya myaka esatu nga kkooti efulumizza ekiragiro ekimugoba.
89. Omusenze w'ekibanja ayinza okusaba n'afuna ebbaluwa y'obusenze ku ttaka kw'ali. Ebbaluwa y'obusenze bw'efulumizibwa eba erina okuwandiikibwa ng'eraga ekyapa ky'ettaka kya nnyini ttaka obusenze kwe buli, omuwandiisi w'ebypa awandiisa ebbaluwa y'obusenze eba efulumiziddwa ng'eraga ekyapa ky'ettaka kya nnyini ttaka. Okuwandiisa kuno kwe kutegeeza ensi yonna nti omusenze alina obwogerero ku ttaka eriweza obugazi n'obunene obulagiddwa mu buwandiike. Kino kiba kiyamba enjuuyi zombi.
90. Enkola egobererwa okufuna ebbaluwa y'obusenze eragiddwa mu nnyingo 33 ey'etteeka ly'ettaka. Emitendera gye gino:

- i. Okusaba, kukolebwa ng'omuntu ajjuza ffoomu entongole egenda eri nnannyini ttaka ery'ekyapa.
- ii. Nnannyini ttaka ateggeeza ku b'akakiiko k'ettaka ak'omukitundu.
- iii. Akakiiko k'ettaka kassaawo olunaku we kanaasisinkanira enjuuyi zombi n'ab'emiriraano.
- iv. Ekiba kisaliddwawo akakiiko k'ettaka kiweerezebwa eri ow'ekibanja ne nnannyini ttaka oluvannyuma lwa byonna
- v. Nnannyini ttaka awatali kulwiisa akkiriza n'awa olukusa olw'okufuna ebbaluwa y'obusenze, omusenze bw'abanga amalirizza okusasula obusuulu.
- vi. Akakiiko k'ettaka kaweereza ffoomu mu kakiiko k'ettaka aka Diisitulikiti akalina era okugyongerayo nga kagiweereza eri omukuumi w'ebiwandiiko kisobozese okufulumya ebbaluwa y'obusenze ku ttaka.

91. Singa nnanyini ttaka agaana okuwa olukusa mu myezi mukaaga, ow'ekibanja asobola okujulira eri akakiiko akatawulula ensonga z'ebyettaka ng'asaba olukusa. Oluvannyuma lw'okuwuliriza ensonga, akakiiko akatawulula enkaayana z'okuttaka kayinza okukkiriza ne kawa omusenze olukusa. Olukusa bwe lumala okuweebwa akakiiko k'ettaka akatawulula enkaayana, okusaba (kw'omusenze) kuweerezebwa mu kakiiko k'ettaka aka Diisitulikiti, era kwongera okuweerezebwa eri omukuumi w'ebiwandiiko kimusobozese okufulumya ebbaluwa y'obusenze ku ttaka.

### Okufuna ebbaluwa y'obwannannyini bw'obusenze ku ttaka.



92. Omukuumi w'ebiwandiiko awandiikira omuwandiisi w'ebiyapa ng'amutegeeza nti wabaddewo okufulumya ebbaluwa y'obusenze ku ttaka, kino kiyamba okutegeeza nti waliwo obwogerero ku ttaka ly'ekyapa (okukaayanira ettaka ly'omuntu omulala okukkirizibwa mu mateeka).
93. Oweekibanja alina ebbaluwa, asobola okwazika ekibanja kye okusengako abantu abalala, okwewola ng'akozesa ettaka ng'omusingo, okusenza omuntu omulala; okusalasala mu kibanja kye okugaba ekibanja ng'akozesa ekiraamo, n'okukozesa ng'akulaakulanya ekibanja kye n'okukozesa ettaka nga bwe bakkiriziganya ne nnannyini ttaka. Eddembe ly'oweekebanja nalyo ligobererwa kasita aba nga yafunye olukusa okukola ebyo byonna okuva ewa mukyala we.
94. Okufuna ebbaluwa y'obusenze bujulizi obuli mu buwandiike obulaga nti omusenze ayogerwako ddala alina eddembe ly'obusenze, olw'okubanga ebbaluwa y'obusenze ewebwa oluvannyuma lw'okwetegereza ensalo z'ettaka, kino kijja kuyamba mu kukendeeza enkaayana ezandibaddewo ku bwannannyini bw'ettaka n'ezo eziba zikwata ku nsalo z'ettaka.
95. Eddembe ly' okulekulira obusenze ku kibanja; kino tekikolebwa bwe kiba kikosa eddembe lya bakyala, abaana, abalema ababa babeera ku kibanja ekyo. Laba ennyingo 27 ne 37 mu tteeka ly'ettaka.

### **Eddembe n'obuvunaanyizibwa bw'omusenze ku ttaka**

96. Omusenze omutuufu mu mateeka oba kyesenza ali ku ttaka lya nnannyini eyeewandiisa alina eddembe n'obuvunaanyizibwa buno:
  - a. Okumanya nnannyini ttaka
  - b. Okusaba nnannyini ttaka okumuwa ebbaluwa eraga nti musenze ku ttaka lye.
  - c. Okusasula obusuulu bwa buli mwaka nga bwe kyasalibwawo Obukiiko bw'Ettaka ne Minisita avunaanyizibwa ku byettaka mu ggwanga.
  - d. Okulimirako n'okulundirako mu ngeri ennungi

### **Eddembe lya nnannyini ttaka n'abeebibanja ery'okuteeseganya**

97. Ebitundu ebiragiddwa waggulu biraze eddembe n'obuvunanyizibwa bya bannanyini

ttaka n'abeebibanja nga bwe kirambikiddwa mu Tteeka.

Newaakubadde ng'ekyo kiri bwe kityo, tekikugira nnannyini ttaka n'abeebibanja kutesaganya n'okukkaanya.

Etteeka liragira ebisaanyizo by'omusenze ow'ekibanja ku ttaka era n'omuwendo gw'ensimbi ogulina okusasulwa ow'ekibanja eri nnannyini ttaka. Etteeka terikirambika mu lwatu ku bunene bw'ettaka eririna okuba mu mikono gy'owettaka eririna okuba mu mikono gy'owekibanja. Nnannyini ttaka asobola okuteesa n'ow'ekibanja ne bagonjoola ensonga eno. Enjuuyi zombi zisobola okutesaganya n'okukkaanya ku by'ensasula y'obusuulu obwa buli mwaka okkusenziira ku nkulaakulana ebeera ekoledwa ku ttaka;

Omuwendo gw'obusulu guyinza okwongezebwa oba okusalibwako okusinga ku ogwo ogwassibwa mu tteeka (ly'obusuulu).

98. Nazzikuno ng'ettaka teritwalibwa ng'ekintu eky'omuwendo ennyo. Nnannyini ttaka era nga ye yakola ng'omwami afuga ESSUULA yasenzanga abakopi ku ttaka lye kasita baamuwanga ekkanzu n'oluvannyuma empooza ku bintu ebyavanga mu mirimu egyakolebwanga ku ttaka.

Emirimu n'empooza ebyabanjibwa ku bakopi, bwalinga buvunanyizibwa obukkaanyiziddwako omwami n'abantu be, era singa bwatuukirizibwanga, tewabangawo kutaataaganya mukopi kubwannannyini bw'ekibanja kye.

Ennimitiro y'omukopi yabanga eweza yabanga eweza yiika ng'emu oba bbiri.

Ennima y'ebirime ebitundibwa bw'yajja, olwo abakopi baagaziya ennimitiro zaabwe ng'abamu balimira ku yiika munaana oba mwenda okusenziira ku busobozi bwebalina. Olukusa lwe baalina okuva ku nnannyini ttaka n'obwangu bw'okufuna ettaka.

99. Enkola y'okulima ebirime ebitundibwa yaleettera, bannannyini ttaka okussaawo obusuulu ng'enkola ennyangu ey'eokusasulira emirimu egyandikoledwa omukopi ew'omwami era nnannyini ttaka. Etteeka ly'obusuulu n'Envujjo ery'omwaka 1928 lyayisibwa ne lissaawo obukwakkulizo obulina okugobererwa era n'ekirala lyassaawo amateeka agakuuma eddembe ly'abasenze ab'ebibanja.

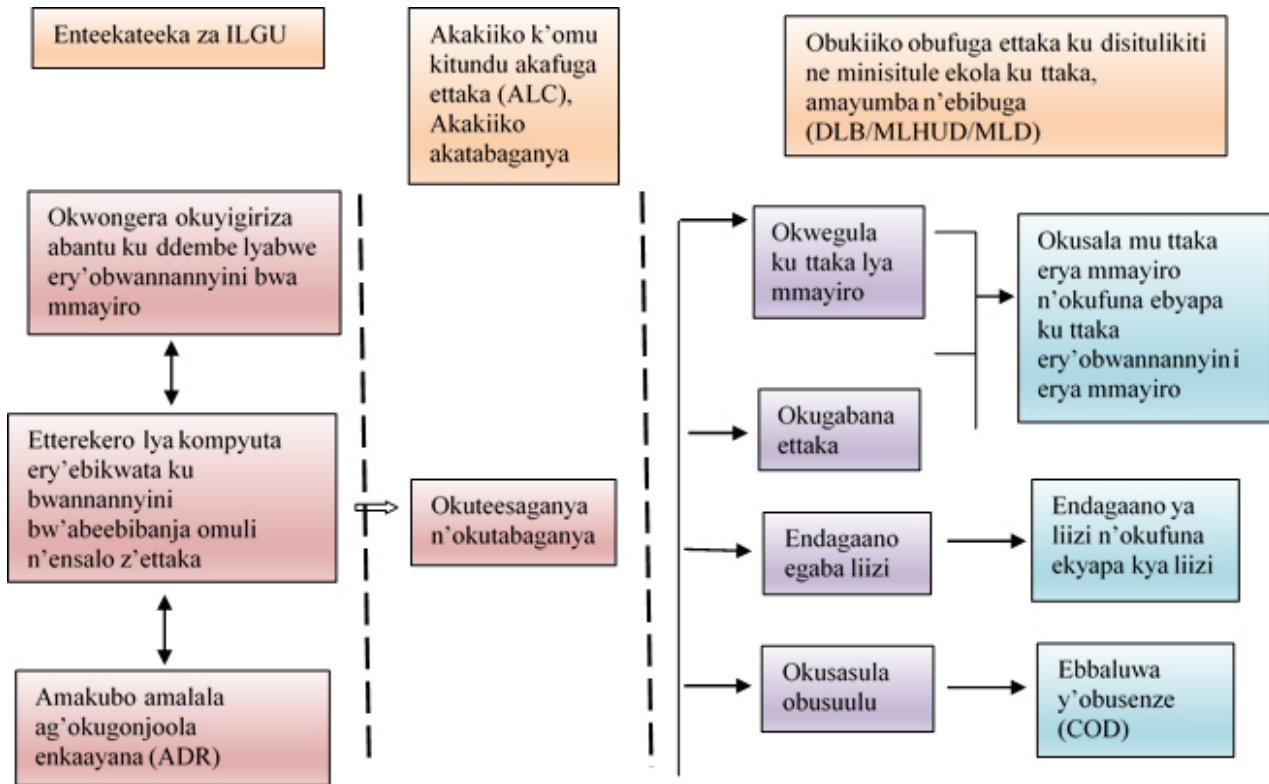
100. Tewali kikugira nnannyini ttaka n'ow' ekibanja ku ky'okuteeseganya n'okubeerawo mu mirembe nga bagoberera obukkwakkulizo obwabwe ,obulala bwonna, ng'oggyeeko obwo obulambikiddwa mu tteeka. Obukwakkulizo obulala ng'obwo buyinza okuba ku kwawuzaayawuza mu kibanja n'okufuna Obwannannyini obuwandiise, ku ekimu ku bitundu, okwongera ku muwendo gw'ensimbi ezisasulwa buli mwaka abo ababa bakolera ku kibanja emirimu gy'ebyobusubuzi. Bannannyini ttaka abamu bateeseganya n'abeebibanja ku nkola ey'okugabana.

Oweekibanja akkiriza okuwaayo ESSUULA ky'ekibanja kye n'aweebwa ekyapa ky'ettaka ku kitundu ky'ekibanja ekiba kikubiddwa omupunta. Enteeseganya z'engeri eno zisaana okwongerwamu amaanyi n'obutazikugira.

101. Enkola ya gavumenti eyatongozebwa ku kuddukanya ettaka ewa amakubo agalina okugobererwa bannannyini ttaka erya mmayiro n'ab'ebibanja nga bayita mu kuteesaganya era ge gano:

Okwegula, okugabana ettaka, okussaawo liizi n'okufuna ebbaluwa z'obusenze, ebifa ku makubo ago bye bino;

## Ekifaananyi ekiraga engeri z'okuteeseganyamu



### 101. Okugabana ettaka

Mu ndaagano ezikwata ku by'okugabana ettaka, abeebibanja bakkirizibwa okuwayo ekitundu ky'ekibanja basobole okuweebwa obwananyini bw'ettaka mu kyapa. Ow'ekibanja ne nannyini ttaka bayinza okulonda omutabaganya okubalunghanya mu nteesaganya z'okugabana ettaka. Mu nteesaganya, ettaka lisalibwamu ne likubibwa ng'amateeka bwe gakirambika. Endagaano y'enteseganya oba ey'okugabanya mu ttaka ekolebwa n'essibwako omukono enjuyi zombi nga waliwo omujuluzi. Endagaano esobola okuteekebwako omukono omuntu ataliiko kyekubiira, bw'aba ng'amanyi ebikwata ku nsonga z'ettaka; okwewala okukola ensobi ku mateeka agakwata ku ddembe n'obuvunaanyizibwa bw'abakozesa ettaka eziyinza okubaawo oluvanyuma lw'endagaano okukolebwa.



102. Okugabana ettaka kiyinzika okukolebwa nga kiyitira mu nteesaganya ezigenderera okumanya ebifa ku ttaka. Obunene bw’ettaka, ekifo ettaka gye lisangibwa n’emirimu egikolebwako, bisoboka okumanyibwa nga waliwo okukunnya ebifa ku ttaka mu ngeri etali ya buseere ku njuyi zombi. Okugabana gwe gumu ku miramwa gy’enteekateeka z’ekitongole kya GIZ ezikwajjira kati e Mityana ne Mubende.

### Okwegula

103. Ab’ebibanja abalina obusobozi basobola okuyambibwa ne bagula obwannannyini bw’ettakaly’ekibanjakunnannyinittakaeryaMayiro.Gavumentinayo esobola okugulira abasenze oba ab’ebibanja ettaka ng’eriggya ku nannyini ttaka ow’ekyapa ; esobola okukozesa ensawo ekola lu by’ettaka.
104. Gavumenti nayo esobola okukozesa ensawo yayo ekolaku by’ettaka n’egula obwannannyini ku nnannyini ttaka okuli abasenze abatuufu oba abeebibanja era esobola okuliguza abasenze oba mu ngeri y’okuteekawo obwenkanya.
105. Omusenze ayagala okufuna obwanannyini bw’ettaka okuva ku nnanyini ttaka alina okwebuza ku ngeri y’okuteesaganya ne nannyini ttaka ku muwendo gw’ettaka n’obukwakkulizo obulala.

Nannyini Mayiro okugula ow’ekibanja nakyo kyetagisa okumanya obunene bw’ekibanja, ekifo ekibanja we kisangibwa ; n’omuwendu ogugya mu ttaka okuli ekibanja. Okwebula bwe kubeera ku kitundu kya Mayiro, abeebibanja bakubirizibwa okugenda mu woofiisi z’ettaka basobole okukubisa ettaka eryo. Ekitongole kya GIZ kiri mu kuyamba abantu abaagala okwegula mu Mubende ne Mityana.

104. Obukwakkulizo obunaafuga okwegula bwe bumala okuteeseebwako n’okukuba ettaka, kiba kyetaagisa nga kiwedde, enjuyi zombi zikolawo endagaano eri mu buwandiike ne nnannyini ttaka era n’essibwako emikono nga waliwo n’abajulizi. Nnannyini ttaka assa omukono ku mpapula ezikyusa ekyapa, kisobozese oweekibanjaokukola ku by’okufuna ekyapa.

## Okusasula obusuulu

### Engeri z'okwawula mu ttaka erya mmayiro (Emitendera gy'okugulana egya Minisitule y'Ettaka, Amayumba- MLHUD)

- i. Asaba, atekwa okuba n'ekyapa ne ffoomu ezikyusa ekyapa, n'obufaananyi bw'omutunzi w'ettaka bubiri. Foomu ekyusa ettaka erina okubeerako ssitampu y'omukubi w'ettaka omuwandiise, eteekeddwa okubaako omukono gwa nnannyini kyapa ky'ettaka; nga kuliko ennaku z'omwezi era ng'emikono gy'omuguzi w'ettaka kwe giri.

Emitendera egigobererwa mulimu okulambika ensalo nga zikubibwa omupunta, okuteesa ku magoba aganaasasulwanga buli mwaka n'omusolo ogunaaweebwanga buli mwaka; okukola endagaano bbiri n'okuzissaako omukono nga waliwo abajulizi, okusasulira omusolo gwa ssitampu n'ebisale by'okuwandiisa liizi, okuwandiisa liizi mu woofiisi y'ebiyapa n'okufuna ekyapa kya liizi. Ensimbi ez'amagoba ezigerekebwa n'omusolo ogunaasasulwanga buli mwaka n'omusolo ogunaaweebwanga buli mwaka okukola endagaano n'okuzissaako omukono nga waliwo abajulizi, okusasulira omusolo gwa ssitampu n'ebisale by'okuwandiisa liizi mu woofiisi y'ebiyapa n'okufuna ekyapa kya liizi.

Ensimbi ez'amagoba ezigerekebwa n'omusolo ogunaasasulwa buli mwaka, birina okugerekebwa oluvannyuma lw'okwetegereza ebifa ku ttaka ly'obusenze gamba obunene bw'ettaka, n'ekifo gye lisangibwa.

- ii. Asaba, awaayo ebiwandiiko byennyini n'ebiwandiiko eby'okeddwamu eri Eggwandiisizo ly'epyapa bya mmayiro ne bikeberegwa, era okwawuza mu ttaka nekikakasibwa; olwo asabye n'alyoka yeeyongorayo. Woofiisi y'ettaka efuna ebiwandiiko ebyo n'essa ssitampu ku biwandiiko ebyokeddwamu okulaga nti, "ebiwandiiko tubifunye" era bino biddizibwa asabye.
- iii. Asabye, akebera ku biwandiiko bye yassaayo oluvannyuma lwe nnaku ttaano. Asabye awaayo ebiwandiiko ebyokeddwamu okuli ssitampu eraga nti ebiwandiiko biddiziddwa eyabireeta.
- iv. Asabye, awaayo ffoomu okuli omukono gw'omupunta wa district nga kuliko ekifo ettaka gye lisangibwa; lisiiti eziraga nti ebisale by'okukebera, okukuba ppulaani y'ettaka okuliwandiisa byasasulwa; kkopi y'ekyapa ekiraga obwannannyini, obufaananyi; n'ebiwandiiko ebyokeddwamu; bino byonna bitwalibwa mu woofiisi y'okuwandiisa ettaka lya mmayiro. Ffoomu esaba okukyusa ekyapa eyokeddwamu essibwako ssitampu eraga nti ebiwandiiko bifuniddwa era n'eddizibwa asabye.
- v. Asabye, asabibibwa okuddayo okukebera oluvannyuma lw'ennaku eziri wakati we 10 ne 25.

105. Obwerufu bwetaagisa nnyo ku ddembe ly'okukozesa ettaka ery'obwanannyini erya mmayiro. Bannannyini ttakabalana ebyapa naye ate abamu tebakozesa ttaka eryo, oba bakolera ku katundu k'ettaka ery'ekyapa. Ettaka ery'obwanannyini erya mmayiro lifumbekeddeko abasenze ng'abamu ku bo tebamanyi na nnannyini ttaka. Nnannyini ttaka naye oluusi tamanyi bunene na bugazi bwa ttaka erya buli musenze.
106. Oweekibanja kimukakaatikako okusasula obusuulu eri nnannyini ttaka olw'ekibanja kye yassaako. Nnannyini ttaka taye ateeddwa okulaga nti اساسulwa obusuulu ng'afulumya lisiiti z'obosuulu. Bino bwe bigobererwa, kisobozesa oweekibanja okusaba okuweebwa ebbaluwa y'obusenze ewandiisibwa ku kyapa ky'obwanannyini ttaka erya mmayiro ng'obwogerero ku ttaka eryo.
107. Ekigendererwa ky'enteekateeka ya GIZ ky'ekyo: okuyamaba bannannyini ttaka n'abeebinja okuwandiisa n'okukuuma ebikwata ku ddembe ly'okukozesa ettaka, nga kino kijja kuleetawo obwerufu mu ddembe ly'okukozesa ettaka lya mmayiro ; okukendeeza enkaayana wakati wa bannannyini ttaka n'abeebibanja, ne wakati w'abeebibanja ne bannaabwe abalala.

### **Oweekibanja okufuna liizi**

108. Oweekibanja asobola okuteesa ne nnannyini ttaka erya mmayiro ku bikwata ku kufuna liizi ku kibanja kye.

### **Emitendera egigobererwa bwe wabaawo omuntu eyeewanjamyanya ku ttaka.**

109. Abeewanjamyanya oba abasalimbira ku ttaka tebalina buyinza mu mateeka. Singa omuntu akizuula nti si musenze mutuufu oba kyesenza, olwo aba yeewanjamyanya ku ttaka. Etteeka likkiriza omuntu ng'oyo okunoonya nnannyini ttaka ow'ekyapa okusobola okutesaganya naye oba olyawo n'akkirizibwa okusigala ku ttaka.

## EBYA LIIZI KU TTAKA LY'OBWANNANNYINI ERYA LIIZI

### Amakulu ga Liizi

110. Liizi buba bwannannyini ku ttaka ng'amakulu gaakyo bwe galagibwa mu nyingo 3(5) ey'ebyetteeka ly'ettaka, nnannyini ttaka (agaba Liizi) agabira omuntu omulala (ayitibwa nnannyini liizi ku ttaka lya mmayiro) obuyinza bw'okubeera ku ttaka okumala ekiseera ekitandikira ku lunaku olumannyyiddwa, nga kino kikolebwa oluvannyuma lw'okusasula omutemwa gw'ensimbi ezisookerwako.
111. Enkola ya liizi etera kuteekebwawo bannannyini ttaka ku ttaka lyabwe, naye nga kino tekitwaliramumu ttaka okuli abasenze abawa obusuulu. Wabula omusenze w'ekibanja akkirizibwa, bw'afuna olukusa okuva ku nnannyini ttaka, okwazika ekibanja kye ng'asenziira ku biseera by'embeera y'obudde ebeerawo. Obukwakkulizo bw'okwazika ettaka buba bwakutegeeragana.

### Engeri Liizi gy'etondebwamu

112. Liizi esobola okugabibwa ng'omuntu akozesa amateeka oba ng'ayita mu kukola endagaano. Ebikwata ku kugabibwa okwa Liizi ku ttaka lya mmayiro, nnannyini ttaka erya mmayiro, akikola ng'agoberera ebiri mu nyingo 101 ey'amateeka g'Etteeka Erifuga Okuwandiisa Ebyapa, ajjuza ffoomu egaba Liizi eri mu kitundu ekyomunaana eky'etteeka. Endagaano eno eba erambika ebikwata ku ttaka, emirimu egigenda okukolebwa ku ttaka lya Liizi n'obukwakkulizo obulina okugobererwa ku Liizi.
113. Okusobozesa okumanyisa ensi yonna nti waliwo Liizi eyagabiddwa ku ttaka, Liizi erina okuwandiisibwa ew'omuwandiisi w'ebyapa.

Oluvannyuma lw'okuwandiisa, ekyapa ky'ettaka erya Liizi kiweebwa nnannyini Liizi ku ttaka. Ekyapa kya Liizi kisobola okukyusibwa, okukola ng'omusingo gw'ettaka n'okukikozesa mu ngeri zonna nnannyini Liizi z'ayagala kasita ng'afunye olukusa lw'okukolerako okuva eri nnannyini ttaka eyagaba Liizi.

### **Eddembe n'obuvunaanyizibwa bw'abantu ku ttaka lya Liizi.**

#### **Obukkwakkulizo ku bigwawo nga tebiraze**

114. Olwokubanga Liizi ebeera ndagaano ekoledwa wakati wa nnannyini ttaka n'omuntu omulala aweebwa Liizi, enjuuyi zombi ziba n'eddembe okukkiriziganya ku bukkwakkulizo obufuga Liizi kasita buba nga tebukontana n'amateeka ,oba nkola ya Gavumenti. Nawaakubadde ng'ebyo biri bwe bityo, waliwo enjuuyi zombi lwe ziyinza obutakkiriziganya.

Mu ngeri eyo, Liizi eba erina kugoberera mateeka agaliwo mu ggwanga. Singa Liizi tekiraga nti eby'obukkwakkulizo by'ebigwa tebiraga tebijja kugobererwa, etteeka ly'ebigwa tebiraga olwo libeera nga likwata ku njuuyi zombi.

### **Amakulu g'amateeka agafuga okuwandiisa Ebyapa**

115. Mu nnyingo nnamba 102 ey'Etteeka Erifuga Okuwandiisa Ebyapa, mulimu endagaano ezikugira aweereddwa Liizi, kyokka nga ziyamba agabye Liizi era ze zino:
- i. Aweereddwa Liizi, atekwa okusasula obusuulu mu myaka egiragiddwa mu ndagaano.
  - ii. Aweereddwa Liizi atekwa okulabirira ettaka nga liri mu mbeera nnungi, ng'afaayo okuliddaabiriza mu bbanga lyonna Liizi ly'emala okuggyako ebyo ebiba byooneddwa Musisi aba ayise, kibuyaga, n'enkuba erimu omuzira.
  - iii. Waliwo endagaano endala eziri mu nnyingo 103 ey'Etteeka Erifuga Okuwandiisa Ebyapa (RTA), nga zino ziyamba omugabi wa liizi ku ttaka, era ze zino:-  
Omuntu agabye Liizi, ajjanga kulambula ettaka ng'ali yekka n'abapunta, oba n'abakozi, oba okwetegereza ebyetaaga okuddaabiriza ku ttaka, kino akikola misana omulundi gumu mu mwaka.

Singa obusuulu ku ttaka lya Liizi tebusasulwa okumala ebbanga lya nnaku asatu

nga babubanja, oba nga tebabusabye, oba singa wabaawo engeri yonna emenya obukkwakkulizo bwa Liizi okumala ebbanga lya nnaku amakumi asatu, eyagaba Liizi akkirizibwa okweddiza ettaka lye.

Singa wabaawo okukyusa Liizi, obukkwakkulizo obufuga Liizi buba bukwata ku muguzi w'ettaka eririko Liizi, nga bwe kiragibwa mu kukyusa ettaka mu nnyingo 105 ey'Etteeka Erifuga Okuwandiisa Ebyapa.

### **Endagaano eziri mu mateeka agafuga enkolagana y'abantu ababeera awamu nga si mawandiike**

116. Mu mateeka g'Abangereza era ge tugoberera wano mu Uganda, agafuga enkolagana y'abantu ababeera awamu nga si mawandiike, okuggyako ng'eriyo amateeka amawandiike agakontana n'ago, endagaano eziyamba aweereddwa Liizi ku ttaka ze zino:
  - a. Aweereddwa Liizi ku ttaka nga'akola bulungi emirimu gye, ajja kulikolerako era aliganyulwemu mu mirembe.
  - b. Agabye Liizi ku ttaka tajolongenga ndagaano gye yakola, ng'alemesa gwe yawa Liizi okukolera ku ttaka mu mirembe.
  - c. Singa ettaka erigabiddwako Liizi libaako ebizimbe, ebizimbe ebyo birina okuba nga biri mu mbeera nnungi era nga bisaana okussibwa mu ndagaano ya Liizi.
117. Mu ngeri y'okukugira aweereddwa Liizi n'okuyamba agabye Liizi (nnannyini ttaka), etteeka eritali liwandiike libaamu amakulu gano:
  - a. Afunye Liizi alina okusasula obusuulu
  - b. Afunye Liizi alina okusasulanga omusolo.
  - c. Afunye Liizi taakozesanga bubi ttaka lye bamuwaddeko Liizi mu ngeri eryonoona.

### **Okusazaamu Liizi**

118. Liizi ku ttaka nga bwe kyalagiddwa mu makulu g'ebigambo, kitegeeza ndagaano emala ekiseera ekigere. Naye newaakubadde ng'ekyo kiri bwe kityo, Liizi esobola okumenyebwawo ng'ekiseera kyayo tekinnagwako. Engeri z'okumenyawo Liizi ze zino:

### Okuggwaako kw'ekiseera kya liizi

119. Ekiseera kya Liizi bwe kiggwaako, okugeza emyaka 49 bwe giwera, olwo Liizi emenyebwawo. Tekyetaagisa nnannyini ttaka kuwandiikira gwe yawa Liizi nti Liizi ye yaggwaako. Singa eyaweebwa Liizi asigala akolera ku ttaka nga Liizi yaggwaako, omuntu oyo aba afuuse omusenze ng'ekiti mw'agwa kijja kusalibwawo ekiseera kyonna. Singa nnannyini ttaka eyagaba Liizi awandiikira omusenze oyo okuva ku ttaka kyokka ekiwandiiko ekyo n'akiziimuula, Omusenze oyo aba afuuse mulumbaganyi, oba omuntu asaalimbira awantu awatali wuwe. Nnannyini ttaka asobola okukozesa abamaanyi n'asengula omuntu oyo aba asaalimbira ku ttaka lye.

### Okuwaayo liizi

120. Omuntu eyaweebwa Liizi, asobola okumenyawo Liizi ng'ekiseera tekinnaggwayo ng'awaayo ettaka eri nnannyini ttaka. Engeri etera okukozesebwa ya kukolawo ndagaano ey'okuwaayo liizi eri nnannyini ttaka. Endagaano eno ebeera eraga nti ettaka lizziddwayo ,esobola okuwandiisibwa, era olumala ekyo ng'ekyapa kya Liizi nakyo kisazibwamu.

### Okufiirwa Liizi

121. Singa eyaweebwa Liizi amenya ebiri mu mateeka agafuga Liizi, okugeza singa alemererwa okusasula obusuulu, oba okukozesa ettaka ng'atagoberedde nsonga yamuweesesa Liizi, eyamuwa Liizi asobola okumenyawo Liizi ng'agisazaamu. Waliwo engeri bbiri ez'okusazamu Liizi.
122. Eyagaba Liizi, asobola okweddiza ettaka n'atandika okulikolerako ,oba okukolera ku kitundu ky'ettaka eryo. Oluvannyuma nnannyini ttaka asaba omuwandiisi w'ebiyapa ng'ayitira mu nnyingo 114 ey'Amateeka Agafuga Okuwandiisa Ebiyapa, ng'amusaba ayingize mu biwandiiko by'olukalala lw'ebiyapa erinnya lye, era asazeemu Liizi gye yali agabye, azzeeko erinnya lya nnannyini ttaka.
123. Emirundi mingi eyaweebwa Liizi ayinza obutakkiriza eyamuwa Liizi kujja ku ttaka lye mu mirembe. Mu ngeri eyo, eyagaba Liizi asobola okweggyako gwe yawa Liizi

ng'ayitira mu kkooti. Eyagaba Liizi awaaba omusango mu kkooti ng'awaabira gwe yawa Liizi ng'alaga engeri amateeka ga Liizi bwe gamenyeddwa , era ng'asaba kkooti emuwe obuyinza obusazaamu Liizi, n'obwannannyini bw'ettaka buddire eyagaba Liizi. Kkooti etuula n'etunula mu nsonga oluvannyuma lw'okuwuliriza obujulizi okuva ku njuuyi zombi, eyagaba n'eyaweebwa Liizi; kkooti bw'esalawo okufulumya ekiragiro ky'okusaza mu Liizi, olwo ekyapa ky'ettaka lya Liizi nga kisazibwamu.

### Okugatta obwannannyini

124. Okubeerawo kw'omuntu eyaweebwa Liizi kitegeeza nti waliwo abantu babiri, agaba n'aweebwa Liizi, ng'abantu bano buli omu alina eky'enjawulo ky'akolera ku ttaka lye limu. Agaba Liizi, nga nnannyini ttaka erya mmayiro yeesigaliza obuyinza obw'okweddiza ettaka n'okulikolerako oluvannyuma lwa Liizi okuggwako.
125. Waliwo obwannannyini ttaka lya mmayiro, n'obwannannyini ku ttaka lya Liizi we buyinza okuteekebwa mu mukono gw'omuntu omu. Kino kibeerawo singa omuntu aweereddwa Liizi ,aweebwa omukisa n'agula ettaka lye limu n'afuna obwannannyini bw'ettaka lya mmayiro ku ttaka kwe yaweebwa Liizi. Mu ngeri eyo, obwannannyini bwa Liizi n'obwannannyini bw'ettaka lya mmayiro buba bugattiddwa ,obwannannyini ne bufuuka bumu.Oluusi nnannyini ttaka ayinza okugula nnannyini Liizi ku ttaka lye. Owaliizi asobola okwegula n'afuna obwannannyini obugattiddwa awamu. Omuntu oyo asaba ekyapa kya Liizi ne kisazibwamu omuwandiisi w'Ebyapa.

### Okuzza liizi obuggya

126. Liizi emala ekiseera nga kigere nga bwe kiragiddwa,ate era eggwako. Ebintu byonna ebikoleddwa nga byalubeerera ,okugeza ebizimbe ebizimbiddwa byonna biddizibwa nnannyini ttaka, okuggyako nga waliwo endagaano ey'enjawulo erobera kino, eyaweebwa liizi tateekwa kuliyirirwa oba kusalwa ku bye yakolerako. Mpozzi ekiyinda okukolebwa enjuuyi zombi ziyinda okukkiriziganya, ne bakiraga nti eyaweebwa liizi, alina omukisa okuzza obuggya liizi. Omukisa ogwo bwe gubaawo, olwo eyaweebwa liizi alina eddembe okuzza obuggya liizi. Bulijjo watera okubaawo akawaayiro akalaga nti eyaweebwa liizi alitegeeza nnannyini ttaka nti ayagala kweyambisa omukisa ogw'okuzza obuggya liizi. Singa endagaano eyakaggwako eraga obukwakkulizo obunaagobererwa mu liizi empya, okugeza okusasula obusuulu,



obukwakkulizo obwo bwe buba bujja okugobererwa. Singa tewaba kakkwakkulizo konna mu liizi eyakaggwako, eyaweebwa liizi ne nnannyini ttaka baddamu ne bateesaganya ku mateeka ga liizi empya.

127. Bwe waba nga tewali kawaayiro kalaga nti waliwo omukisa gw'okuzza obuggya liizi,nnannyini ttaka n'anaaweebwa liizi bakola endagaano ku by'okuzza obuggya liizi. Enjuuyi zombi ziddamu buto okuteesaganya. Enteesaganya zirina okuba nga zikwata ku nsimbi ez'amagoba,obusuulu bw'omwaka, ekiseera liizi kyenaamala; n'obukwakkulizo obulala obusaana okussibwa mu liizi empya obulina okugobererwa enjuuyi zombi.
128. Singa enteesaganya z'okuzza liizi obuggya zikolebwa nga liizi tennaggwako, endagaano eraga nti waliwo enkyukakyuka mu liizi ,esobola okukolebwa n'ewandiikibwa ng'essibwa ku kyapa kya liizi ekyaliko.Singa liizi enkadde eba nga yaweddeko, liizi empya erina okukolebwa,n'ewandiisibwa;era ekyapa ekiggya ekiraga liizi empya olwo nakyo kifulumizibwa.

# OKUSIKIRA EBY'OBUGAGGA BYA BA NNANNYINI TTAKA N'ABEEBIBANJA

## Ennyanjula

129. Obusika n'okusikira eby'obugagga kifugibwa etteeka ly'obusika, Ekitundu 162 eky'amateeka ga Uganda. Ettaka ky'ekyobugagga ekisinga okumanyika mu Uganda naddala mu bantu abaabulijjo. N'olwensonga eyo, ekitabo kino kijja kwogera ebitonotono ku nsonga y'okusikira ettaka. Mu buwangwa obusinga mu Uganda, omuntu bw'afa nga mukulu n'aleka ebintu n'abaana, omuntu oyo alina okusikirwa. Ebyobugagga bikwasibwa omusika n'abaana ne babateerawo “maama” oba “taata”.
130. Kiba kya magezi buli muntu alina obugagga okukola ekiraamo. Ekiraamo kiba kiwandiiko ekikolebwa ng'omuntu akyali mulamu, ng'alagira engeri ebyobugagga bwe, oba ebimubanjibwa( bisobola okuba ensimbi, ebintu ebikalu, emigabo, amabanja ge yeewola oba ge yawola) gye birina okulabirirwamu ng'afudde. Omuntu akola ekiraamo ayitibwa omuntu alesse ekiraamo ekiwandiike. Waliwo embeera y'omuntu okufa nga talesse kiraamo kiwandiike eyitibwa okufa ng'omuntu talaamyee.
131. Singa owandiika ekiraamo obeera osazeewo bulungi ku nkwata y'obugagga bwo. Kino kiyamba mikwano gyo, ab'omu maka go, ssaako okutumbula obwenkanya mu ggwanga. Omuntu alina eddembe okugabira omuntu gw'ayagala ku byobugagga bwe mu ngeri ye gy'alowooza nti ye ntuufu. Oweekiraamo alina okwegendereza n'ataleka bweru muntu yenna gw'abadde avunaanyizibwako, okwewala embeera y'okuwakanya ekiyinja okukolebwa oyo aba aleekeddwa wabweru, kyokka ye n'agenda mu kkooti. Engaba y'obugagga teyeetaagisa kubeera nga yenkanankana, naye buli anaagabana ku byobugagga kirungi okuweebwa omugabo ogutegerekeka. Wabula ebintu

by'awaka ng'ebikopo, ebidomola, ebitanda, n'ebintu ebiriirwamu emmere tebibalwa nga bya bugagga ebirina okugabwa. **Enkola y'Ekiraamo eragiddwa mu kitundu 'B'ekikokeddwako ku nkomerero y'ekitabo.**

132. Ebibeera mu kiraamo ebiteekeddwa okumanyibwa n'okuggumiza bye bino:

- ✓ Amannya g'omuntu alaama.
- ✓ Endagiriro y'ekifo gy'abeera.
- ✓ Amannya ga mukazi we oba omusajja we, ekifo n'olunaku lwe bafumbiriganwa.
- ✓ Amannya g'abaana n'emyaka gyabwe.
- ✓ Ebinnyonola eby'obugagga, eokugeza attaka, ekibanja, emmotoka, emigabo gyalina mu kkampuni ne yinsuwa.
- ✓ Engabanya y'eby'obugagga.
- ✓ Amannya g'abantu abalina obuyinza okugaba ebintu by'Omugenzi n'endagiriro zaabwe.
- ✓ Amannya g'abakuza b'abaana abakyali abato.
- ✓ Omukono oba ekinkumu ky'omuntu alesse ekiramo.
- ✓ Ennaku z'omwezi ekiraamo lwe kyakolebwa.
- ✓ Abajulizi atakka wansi wababiri.
- ✓ Ekiraamo kirina okuba mu buwandiike obw'omukono gw'omuntu oba nga nga kikubiddwa mu kyuma.
- ✓ Omuntu alesse ekiraamo alina okussa omukono gwe ku miko gyonna egy'empapula.

133. Awandiise ekiraamo, ayinza okukookerako ekiwandiiko ekirala, nga kikolebwa oluvannyuma lw'okukola ekiraamo. Ekiwandiiko kino kiba kinnyonyola oba okukyusa mu kiraamo oba okwongereza ku biri mu kiraamo. Kino nno kibalibwa ng'ekitundu ky'ekiraamo.

134. Amaka, omusula omukazi /omusajja w'omuntu n'abaana abalenzi abatanaweza myaka kkumi na munaana, oba abawala abatanaweza myaka abiri mu gumu era tebannafumbirwa, amateeka gabakkirizaokubeera mu maka omwo.

135. Omuntu awandiise ekiraamo, asobola okugabira abantu eby'obugagga bye mu

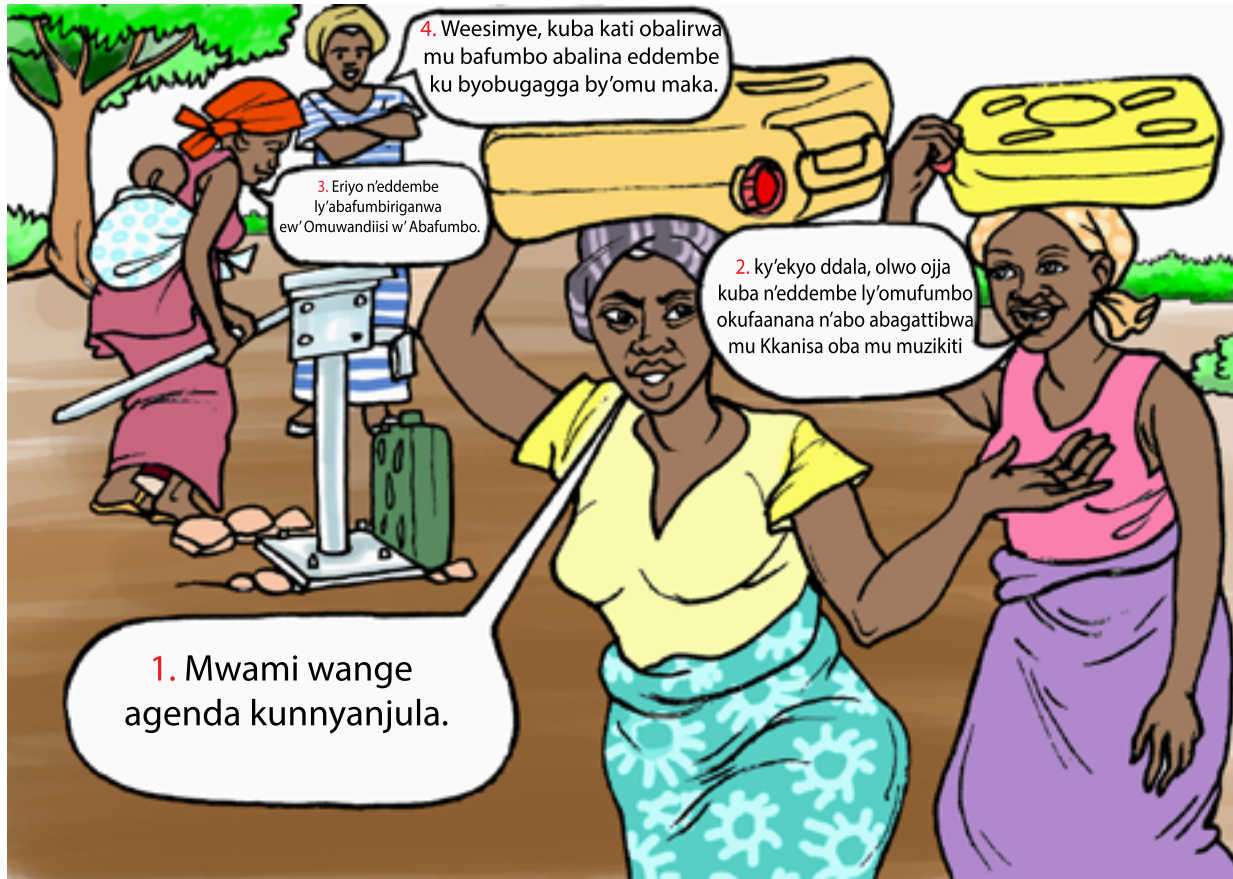
kiraamo. Okugaba eby’obugagga mu kiraamo kikkirizibwa n’okugabirakako abantu abalala, oboolyawo abatandifunye mugabo gwonna singa omuntu afa talesse kiramo; okugabirako abalala kikkirizibwa singa alesse ekiraamo aba tasosodde mu bantu b’abadde alabirira. Aboogerwako mwe muli omukazi/omusajjawe, abaanabe n’abalala b’abadde alabirira.

### **Abantu abaganyulwa mu by’okusika Omubeezi/mukazi we oba musajja we**

136. Ono ye bba oba mukyala w’omuntu. Etteeka ly’obusika likkiriza obufumbo obutongole, obwo obw’ennonno obukkiriza omuntu okuba n’abakyala ababiri; obufumbo obuliko ebbaluwa (okusinziira ku biri mu tteeka ly’obufumbo omukyala alina kuba omu), oba abufumbo nga bagatte bamanyiddwa omuwandiisi w’ensonga z’abafumbo (omukyala omu/omusajja omu) oba omusiraamu akkirizibwa okuba n’abakyala bana oba obufumbo obwa Hindu.

*Abantu abasinga mu Uganda bali mu bufumbo obutakkirizibwa mu mateeka. Basula wamu kyokka nga ssi bafumbo. Omuwendo gwa gw’abafumbo abatuufu guli 22 ku buli 100, so ng’abantu 65 ku buli 100 basula wamu naye nga tebali mu bufumbo obukkirizibwa mu mateeka. Abantu abali mu nkolagana eyo tebabalirwa ku banaagabana ku byabusika. Noolwekyo kirungi abantu abali mbeera eyo, okulongoosa obufumbo bwabwe busobole okukkirizibwa mu mateeka g’abafumbo*

## Etteeka ly'obusika liwa enkizo ku bafumbo abali mu mateeka



### Abaana

137. Kino kitwaliramu abaana abazaaliddwa mu mateeka g'obufumbo n'abazaalirwa wabweru w'amateeka g'obufumbo n'abalala bonna abaakuzibwa. Etteeka ly'obusika terisolola mwana k'abe ng'azaaliddwa mukyala wa mpeta, k'abe ng'azaaliddwa bweru; k'abe muwala oba mulenzi, k'abe mulema k'abe atya.

### Abantu abalabirirwa

138. Kitegeeza omukyala oba omwami, omutabani oba omuwala ,omuzadde oba muganda wo oba mwannyoko oba jjajja, oba omuzzukulu eyali alabirirwa omugenzi ng'aweebwa ebyetaago by'obulamu obwabulijjo.
139. Omusika ow'ennono y'omu ku baganyulwa mu kufuna ebyobugagga by'omugenzi. Omusika w'ennono ayinza okuba omwana, mugandawe; mwannyina; kitaawe omuto oba ssenga we.

### Emirimu gy'ekika n'ab'omu maka

140. Omuntu bw'afa n'aleka ebyobugagga mu Uganda, alipoota eraga okufa kwe etwalibwa ewa Omukungu wa Gavumenti alabirira eby'obugagga by'abagenzi. Singa omuntu afiira mu ddwaliro, ebbaluwa y'omusawo eraga ekyaviiriddeko okufa kw'omugenzi etera okufulumizibwa eddwaliro. Omuntu bw'afiira awalala ab'omu maka ,oba abooluganda lwe bateekwa okuwa alipoota y'okufa kwe eri omwami ow'eggombolola era ono abawa ebbaluwa entonotono eraga nti omuntu yafa.
141. Singa omugenzi yaleka ekiraamo, ekiraamo ekyo kisomebwa nga tannaziikibwa, oba ng'amaze okuziikibwa. Omugenzi ayinza okuba ng'alesse alonze omusika. Singa aba teyalonda musika, mulimu gw'ab'ennyumba n'ekika okulonda omusika ng'abagoberera ennono n'empisa z'omu maka ago.

### Emitendera egiyitibwamu okusikira eby'obugagga bya nnannyini ttaka

#### Okusikira omuntu alesse ekiraamo

142. Omuntu bw'afa ng'alesse ekiraamo, ekiraamo ekyo kiyinza okusomebwa mu kuziika oba mu kukuma olumbe. Singa ekiraamo kiraga engeri omugenzi gy'ayagala okuziikibwamu, ekyo kirina okussibwa mu nkola.

## Ekiraamo n'engabanya y'ebbugagga by'omugenzi



143. Omuntu eyakola ekiraamo bw'afa, omuntu gwe yalonda okussa mu nkola ekiraamo agenda n'afuna ebbaluwa eraga okufa kw'omugenzi ng'agiggya mu ddwaliro, oba okuva ew'omwami ow'eggombolola. Omuntu alina okussa ekiraamo mu nkola, atwala ebbaluwa ew'omuwandiisi w'ebiyokufa n'okuzaalibwa kw'abantu mu Uganda mu kitongole ekikola ku biwandiiko ebyo ekya NIRA.
144. Omuntu eyalondebwa okussa ekiraamo mu nkola, awandiikira Kkooti etwala ekitundu, omuli ebyobugagga by'omugenzi ng'agisaba emuwe obukakafu obulaga nti ekiraamo kituufu. Okusaba kuno kuba mu lulimi Lungereza. Ekiraamo kissibwa ku

bbaluwa esaba Kkooti. Singa ekiraamo kiba tekyawandiikibwa mu Lungereza, kkopi ekyusiddwa okuva mu lulimi olunnansi eteekebwako wamu n'ekiraamo. Okusaba Kkooti kulina okulaga ekiseera omugenzi we yafiira ,n'obukakafu obulaga nti ddala yafa. Okusaba kkooti kulina okulaga nti ekiwandiiko ekissiddwako ky'ekiraamo ky'omugenzi ekyasemba okuwandiikibwa, era kiraga omuntu eyalondebwa okukissa mu nkola, n'ebuyobugagga ebinaakwasibwa omuntu oyo aba abisabye, era nti omuntu abisabye y'oyo eyalondebwa okukissa mu nkola. Oluvannyuma lw'okwetegereza ekiraamo, Kkooti efulumya ekiwandiiko ekiraga nti ebyogerwako mu kiraamo bituufu, era obukakafu obwo bukwasibwa omuntu eyalondebwa okukissa mu nkola.

145. Bw'amala okufuna obuyinza obussa ekiraamo mu nkola, omuntu alina obuyinza okukissa mu nkola awandiikira omuwandiisi w'ebuyapa ng'amusaba okuyingiza amannya ge ku lukalala lw'amannya . Okusaba kwe akussaako kkopi ya kkooti ekakasa nti ekiraamo ky'alina kituufu, assaako obufaananyi bwe, assaako kkopi y'endagamuntu n'ekyapa ky'ettaka eky'omugenzi. Okusaba okwewandiisa kimalawo ssiringi omutwalo gumu ku buli kyapa. Oluvannyuma lw'okuyingiza amannya ge ku kyapa, omuntu eyaweebwa obuyinza okugaba ebyobugagga ebyogerwako mu kiraamo atandika okubigaba ng'agenda akyusiza mu mannya g'abantu abalina okugabana.

### **Okusikira omuntu afudde nga talesse kiraamo**

146. Omuntu bw'afa nga talesse kiraamo kiwandiike, kiri mu mateeka okubika omuntu afudde ng'alesse ebyobugagga mu Uganda, eri Omukungu wa Gavumenti avunaanyizibwa ku kulabirira ebyobugagga by'abagenzi. Enkola eriwo eri nti oluvannyuma lw'omukolo gw'okuziika ab'omumaka ge n'Abekika batuula ne balonda omusika. Omusika ,oba n'abooluganda lw'omugenzi bagenda mu ddwaliro, oba ku Ggombola ne bafuna ebbaluwa eraga ekyavaako omugenzi okufa; omusika oba abooluganda lw'omugenzi bagitwala ew'omuwandiisi akola ku biwandiiko by'abafu n'abazaalibwa mu Uganda ku kitebe ky'ekitongole ekikola ku ebyo ekiyitibwa URSB mu bufunze, oba abasigire baakyo ababeera ku Disitulukiti oba ku Ggombola.



147. Omusika, oba abooluganda b'omugenzi bassaamu okusaba eri Omukungu wa Gavumenti alabirira ebyobugagga by'omugenzi, abayambe era emitendera egigobererwa gibeera bwe giti:

- i. Okugula ffayiro omubeera ffoomu ejjuzibwamu ebiwandiiko ebikwata ku kufa kw'omugenzi; eno etundibwa mu woofiisi ekola ku by'ensimbi ey'omuyambi wa Gavumenti egula ssiringi 2,000/=*
- ii. Okujjuza ffoomu ekwata ku by'okufa kw'omugenzi, okussaako ebbaluwa eraga ekyaviiriddeko omugenzi okufa, oba okussaamu ebbaluwa ya L.C.I ekakasa okufa kw'omugenzi, ekiraamo kissibwako bwe kiba nga gye kiri, n'ebbaluwa erimu okusaba ,oba okuwanjagira Omukungu wa Gavumenti alabirira ebyobugagga by'abagenzi okubayamba.*
- iii. Oluvannyuma lwa ffayiro okuggulibwawo, ekwasibwa munnamateeka okutandika okunoonyereza.*
- iv. Munnamateeka atuuzza olukiiko nga mulimu Abooluganda n'emikwano gy'omugenzi; Olukiiko luno luba luyitiddwa Omukungu wa Gavumenti alabirira ebyobugagga by'abagenzi, oba abasigire be Newaakubadde ng'abomu maka bayinza okubeera nga batuuka ne bakola olukiiko olwabwe.*
- v. Munnamateeka era ayita olukiiko lw'abooluganda n'emikwano gy'abantu abaganyulwa mu by'obugagga by'omugenzi.*
- vi. Munnamateeka bw'amala okukakasa n'okumatira nti okusaba okwakoleddwa n'abantu abanaaganyulwa byonna bituufu, n'okukitegeera nti abantu abo bonna bakkaanya, ng'olwo asemba ekyokufulumya ebbaluwa eraga nti abaasabye bakkiriziddwa okukola ku nsonga yaabwe; omuntu oba abantu abakkanyiziddwako beeyongerayo ne basaba ebbaluwa ebawa obuyinza okulabirira n'okuddukanya eby'obugagga by'omugenzi.*

148. Omukungu wa Gavumenti alabirira ebyobugagga byabafu ,mu ngeri endala,asobola okusaba ebbaluwa emuwa obuyinza okulabirira eby'obugagga by'omugenzi singa wabeerawo obutakkaanya mu maka. Okusaba ebbaluwa eno kugenda eri Kkooti y'ekitundu omusangibwa ebyobugagga by'omugenzi.
149. Ebbaluwa egaba obuyinza obw'okulabirira ebyobugagga by'omugenzi bw'emala okufunibwa, abo abaweereddwa obuyinza bawandiikira omuwandiisi w'ebiyapa nga bamusaba amannya gaabwe okuyingizibwa ku lukalala lw'abeebyapa.Okusaba kwe bakola balina okussaako bino: Kkopi y'ebbaluwa eriko ssitampu eraga obuyinza bw'okulabirira ebyobugagga, obufaananyi n'endagamuntu by'abantu abasaba, n'ekyapa ky'ettaka eky'omugenzi. Okusaba kuno kulina okugenderako ssiringi omutwalo guno ez'okuwandiisa buli kyapa kyattaka.
150. Amannya g'omuntu alina obuyinza ku by'obugagga by'omugenzi, bwe gamala okussibwa ku kyapa, olwo aba asobola okugabirako abantu abateekwa okuganyulwa ku by'obugagga by'omugenzi, ng'akyusa ebiyapa okubizza mu mannya gaabwe .

## Emitendera gy'okusikira Eddembe ly'omusenze ow'ekibanja



151. Emitendera gy'okusikira nnannyini kibanja gye gimu n'egyo egiyitibwamu okusikira omuntu afudde n'aleka ekiraamo ekiwandiike, oba okusikira omuntu afa nga talesse kiraamo. Singa nnannyini kibanja aba nga yaleka ekiraamo ekiwandiike, ebiri mu kiraamo ekyo bye bigobererwa kasita biba nga tebikosa bakyala, abaana n'abantu abaliko obulemu.
152. Singa nnannyini kibanja afa nga talesse kiraamo, ab'omu maka n'Abekika kye batuula ne balonda omusika ,nga bagoberera ebyobuwangwa n'ennono eby'omugenzi.
153. Emirundi egisinga, ensonga z'obusika bw'abeebibanja tezitera kuggweera mu kkooti olw'okuba ekibanja si kiwandiise. Omuntu yenna aba akoseddwa engabana eba yakoleddwa Abekika asobola okulajaanira woofiisi y'Omukungu wa Gavumenti akola ku by'obusika okumuyamba.

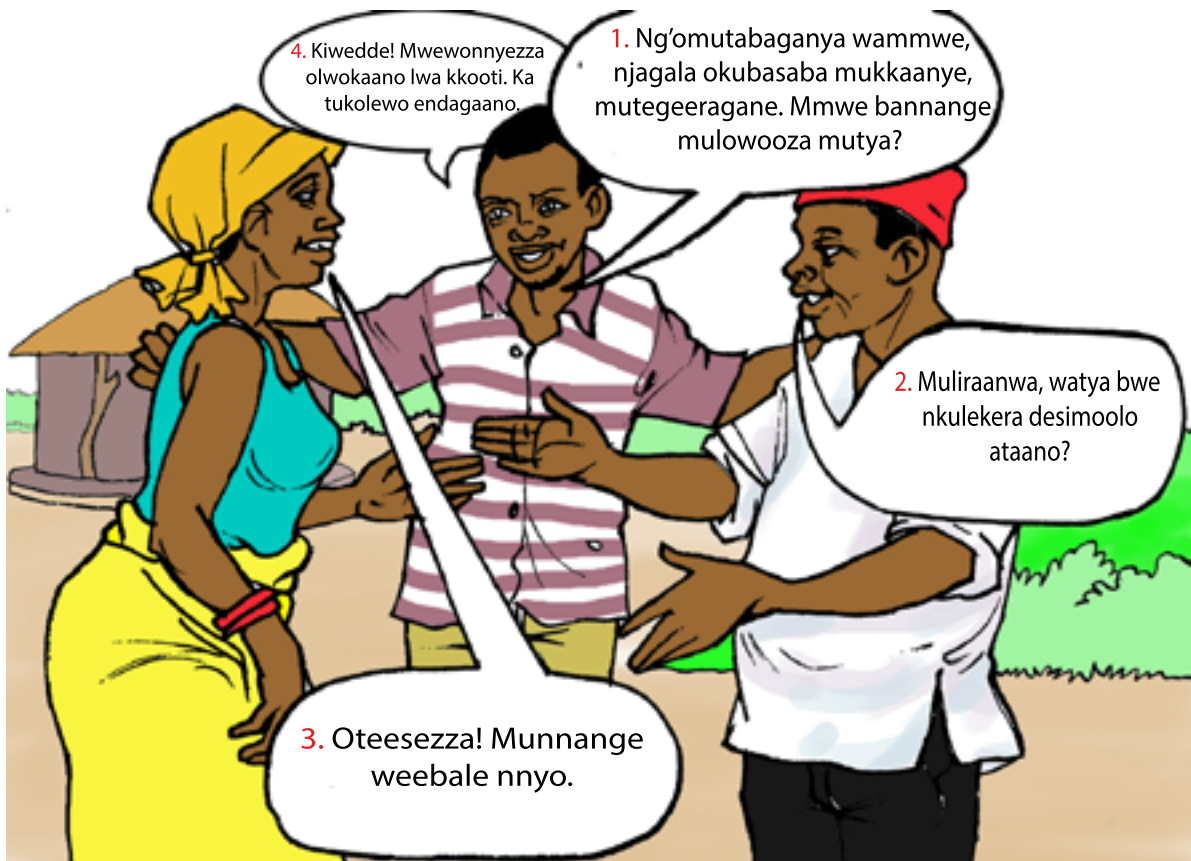
# 8

## ENGERI Y'OKUGONJOOLA ENKAAYANA Z'ETTAKA

**Ennyanjula ku bikwata ku nkaayana ez'enjawulo.**

153. Okufaananako n'ebuyobugagga ebirala, ettaka libaddewo nga livaako enkaayana, oluusi n'entalo mu bannansi, mu mawanga, mu bika, mu maka ne mu bantu bokka na bokka ;bwe kituuka ku ttaka ery'obwannanyini erya mmayiro, enkaayana zigenda zeeyongera olw'abantu okweyongera ku ttaka, omuwendo gw'ettaka okweyongera oba okubeerawo kw'ebintu nkumu ebisobola okukolerwa ku ttaka, ssaako obunafu obuli mu kitongole ky'amateeka n'engeri ez'okumalawo enkaayana. Waliwo engeri z'enkaayana eziwerako wakati wa bannanyini ttaka erya mmayiro bokka na bokka, wakati wa bannannyini ttaka erya mmayiro n'abasenze, wakati w'abasenze bokka na bokka ne Gavumenti.

## Okugonjoola enkayana ku ttaka



154. Enkaayana eziwerako zisobola okubaawo wakati w'abakaayanira ettaka ly'obwannanyini bwa mmayiro ng'omwo mw'otwalidde:

- Enkaayana z'oku nsalo z'ettaka ezaawula bannannyini ttaka lya mmayiro ab'enjawulo.
- Enkaayana ku bwannanyini bw'ettaka ku kitundu ky'ettaka eziva ku kugula oba okuguluna, ng'omwo mw'otwalidde okugulana okw'okugingirira.  
Ekyokulabirako: Mw.Kiggundu yagula ettaka eriweza yiika ttaano, nga ziva ku ttaka lya Musoke eriweza yiika amakumi ana n'asasulako ESSUULA ky'ensimbi, naye ate ayagala kukuba ttaka yiika ttaano, nga bw'asubiza nti ajja kusasula

- ensimbi ezisigaddeyo ng'afunye ekyapa ky'ettaka.
- c. Enkaayana eziva ku kusikira ettaka lya mmayiro ezibeera mu bantu ab'omumaka.

### **Enkaayana wakati wa nnannyini ttaka erya mmayiro n'abeebibanja**

155. Nga bwe kibeera wakati wa nnannyini ttaka erya mmayiro n'oweekibanja, enkaayana zino wammanga zisobola okubalukawo.
- Okwagala okumanya obwannanyini, oba obusenze bw'ekibanja mu mateeka amatuufu, oba oweekibanja alina ebbaluwa.
  - Okwagala okumanya obunene bw'ettaka oweekibanja ly'alina okuweebwa. Okumanya ensalo z'ettaka z'oweekibanja
  - Okumanya oba oweekibanja yagula oba yatunda ekibanja kye ng'alina olukusa lwa nnannyini ttaka owa mmayiro.
  - Okumanya oba oweekibanja abadde اساسula obusuulu obw'omwaka.
  - Okumanya oba nnannyini ttaka agaanye okukkiriza obusuulu.
  - Okumanya oba nnannyini ttaka erya mmayiro atunze nga tawadde wakibanja mukisa gwakwegula.
  - Enkaayana wakati w'okuliyirira ow'ekibanja ku kibanja kye, n'okuliyirira enkulaakulana eba ekoledwa ku kibanja.

### **Enkaayana wakati w'abeebibanja**

156. Nga bwe kiba wakati w'abantu abakaayanira obusenze ku ttaka, oba abasenze abalina ebbaluwa, enkaayana zisobola okubalukawo nga ziva ku nsonga zino:
- Ku ani nnannyini omutuufu ow'ekibanja ekikaayanirwa.
  - Ku nsalo z'ebibanja ez'enjawulo.
  - Ku ani asikira ekibanja ky'omugenzi n'omugabo gwa buli alina okuganyulwa ne w'alina okugabana.
  - Ku nsasula y'ekibanja ekitundiddwa.
  - Wakati w'eddembe lya bannamwandu erikwata ku kibanja ky'omugenzi n'ab'omumaka abalala okugeza omusika n'abakulu abamuzaalira bba Omugenzi.

## Engeri z'okumalawo enkaayana

157. Bwe wabeerawo enkaayana ku ttaka lya mmayiro,abalina obutakkaanya bayinza okumalawo enkaayana mu ngeri nnyingi okusobola okwewala ebikolwa ebimalawo emirembe.Bayinza okugenda mu Kkooti, oba mu bakulembeze ab'enjawulo mu bitundu byabwe ,oba amakubo amalala ag'okugonjoola enkaayana.
158. Waliwo amateeka agayinza okukozesebwa mu kugonjoola enkaayana z'ettaka, era gano:
  - a. Ssemateeka wa Uganda, lino ly'etteeka ekkulu.
  - b. Etteeka ly'abalamuzi ery'okusalawo ku nsonga.
  - c. Etteeka ly'Ettaka
  - d. Etteeka erifuga eby'okuwandiisa ebyapa
  - e. Etteeka erifuga enteekateeka ezinaakolererwa ku ttaka
  - f. Etteeka ly'okufunamu ettaka
  - g. Etteeka ly'okuwaabaomusango mu kkooti
  - h. Etteeka ly'obusika
  - i. Etteeka ery'obulamuzi mu kkooti
  - j. Amateeka amalala agafulumizibwa Palamenti mu buwandiike.
  - k. Etteeka ly'okuyitibwa mu kkooti
  - l. Amateeka g'ebitundu agatali mawandiike ag'obuntu bulamu.

## Okugenda mu Kkooti z'Abalamuzi

### Ebika bya Kkooti

159. Okusenziira ku Ssemateeka wa Uganda ennyingo 129(1) obuyinza bw'okulamula buli mu Kkooti z'Abalamuzi bano wammanga
  - a. Kkooti ya Uganda Ey'enkomeredde
  - b. Kkooti enkulu ejulirwamu eya Uganda
  - c. Kkooti Enkulu eya Uganda
  - d. Kkooti ento nga zigoberera amateeka agayisiddwa Palamenti.
160. Kkooti ezisookerwako za ngeri bbiri okusenziira ku Tteeka eryayisibwa Palamenti erifuga Abalamuzi Magistrate's Courts Act,Akawaayiro 16.Kkooti Ento

ezassibwawo okugonjoola enkaayana. Kkooti zino ezikulirwa Chief Magistrate zirimu ey'Omulamuzi wa Kkooti Ento oweddala erisooka n'Omulamuzi wa Kkooti Ento oweddala eryokubiri. Palamenti yayisa ennyingo S.74 ku Tteeka erifuga Ebyettaka eryalongoosebwamu ne watekebwawo Obukiiko bw'ettaka ku buli Diisitulikiti ya Uganda. Obukiiko bw'Ebyettaka bwakola ku nkaayana z'ettaka ery'omuwendo gwalyo nga tegusussa ssiringi bukadde 50. Kkooti zino wabula tezikiyakola olw'ebbula ly'ensimbi eziddukanya emirimu gyazo. Kampegano enkaayana z'ettaka ziwulirwa Kkooti Enkulu oba Abalamuzi b'ekkooti ento.



### Enkola egebererwa okugenda mu kkooti

161. Enkaayana ezisinga mu byettaka ziyinza okumalibwawo mu mirembe gamba ez'obwannanyini, ensalo z'ettaka n'eddembe ly'obuntu. Abasowaganye beetaaga



Kkooti okubasalirawo n’okukuuma eddembe, oba Kkooti okusalawo ku baani abalina okuliyiririrwa olwokutyoboola eddembe lyabwe. Bino bitera okubaawo mu mbeera z’abantu ezabulijjo. Mu nkola eno, Omuwaabi ng’ayambibwako looya we ,aggulawo omusango mu Kkooti. Omuwawaabirwa aweebwa empapula za kkooti eziraga nti agguddwako omusango, era naye naddamu nga yeewozaako. Abasowaganye baleeta abajulizi mu kkooti ne batandika okuwoza okusinziira ku mateeka. Oluvannyuma Kkooti esalawo, era ensalawo yaayo n’egissa mu buwandiike.

### Okuwoza mu kkooti y’omulamuzi



## Enkola egobererwa nga waliwo azizza emisango

162. Enkaayana oluusi zibeeramu obuzzi bw'emisango naddala bwe wabeerawo okwonoono ebintu n'okukosa obulamu bw'abantu. Obuzzi bw'emisango obulala buyinza okubeera mu kujingirira ebyapa, endagaano oba ebiraamo. Awali obuzzi bw'emisango, omuntu akoseddwa ayinza okuloopa ku Poliisi. Poliisi enoonyereza era singa kizuulibwa nga waliwo obujulizi obumala, Poliisi etwala abazzi b'emisango mu KKooti. Omuwolereza wa Gavumenti atwala ensonga mu maaso, Omuwaabi eyakoseddwa ayitibwa mu kkooti n'awa obujulizi. Awaawabiddwa bwe gumusinga mu ngeri yabulijjo ayinza okuwa engassi oba okusibwa mu kkomera. Oluusi Kkooti eyinza okusalawo, omuwaabi n'aliyirirwa ensimbi.

## Omupunta



### Amakubo g'okukozesa Abakulembeze n'aboobuyinza

163. Enkaayana zisobola okumalibwawo Abakulembeze abawerako mu ngeri nnyingi. Ekyokulabirako omupunta w'ettaka asobola okutuukirirwa ,n'ayerula ensalo singa waabaawo enkaayana ku by'ensalo z'ettaka. Alipoota gy'awa bw'ekkirizibwa ababa basowaganye kiba nga kimalawo enkaayana. Abakulembeze ba L.C, abataka oba Abakulu b'Ebika, Abakuumi b'eddembe okuva mu Poliisi, RDC oba omukulembeze yenna mu kitundu ayinza okumalawo enkaayana. Enkola zino zo teziriiko misoso mitongole

### Amakubo amalala ag'okugonjoola enkaayana

164. Emisoso gya Kkooti emitongole gimala ekiseera kiwanvu era gya bbeeyi. Omuntu wa bulijjo ayagala okuwaaba, naddala bannamwandu, abaana n'abantu abaavu, tebasobola kusasulira balooya okubakiikirira mu kkooti. Noolwekyo kyetaagisa okubaawo n'amakubo amalala ag'okugonjooleramu enkaayana.
165. Okubeera n'Enkola endala ey'okugonjoola enkaayana kitegeeza amakubo amalala gonna agaleeta emirembe ng'omuntu tagenze mu kkooti. Muno mulimu *okutesaganya, okuwooyawooya, okutabaganya n'okutawulula*(ADR). Amakubo gano malungi okusinga enkola ey'okwewuuba mu kkooti, olwokubanga nnyangu ate si yabuseere. Ekirala abantu baweebwa omukisa okunyonyola ensonga zaabwe nga bwe balaba ssaako okukyusakyusa mu ntegeka okusinziira ku byetaago by'abasalawo okugikozesa.

### Okutawulula abasowaganye

166. Okutawulula y'enkola entongole abasowaganye we beerondera omuntu ataliiko kyekubiira, okubatawulula. Abasowaganye batwala obujulizi eri omuntu anaabatawulula, era ekisalibwawo kitwalibwa mu Kkooti, olwo Kkooti n'ekissa mu nkola ng'ensala yaayo. Enkola eno nnungiko okusinga ku mitendera gya Kkooti wabula eriko emisoso egigifuula ey'ebbeeyi. Enger esingira ddala obulungi y'ey'okutabaganya abasowaganye.

## Okutesaganya, okuwooyawooya n'okutabaganya

167. Amakubo g'okutesaganya,okuwooyawooya n'okutabagana geesigamizibwa ku ddembe ly'abasowaganye, okwesalirawo ku engeri ennungi gye bayinza okuyitamu okumalawo obutakkaanya bwabwe,nga tebayise mu makubo matongole. Mu nteeseganya,enjuuyi zombi zisobola okutuula zokka oba n'abooluganda, oba n'abeemikwano ne batuuka ku kukkaanya.

Mukuwooyawooya n'okutabaganya,enjuuyi ezikwatibwako zireetamu omutabaganya, okugeza: omulembeze wa LC,oba Omukulu w'ennyumba, oba munnaddiini ajja n'abayamba okutuuka ku kukkaanya.Tewabeerawo kiwandiiko kyonna kikolebwa, wabula enjuuyi ezisowaganye ziteesa nga ziyambibwako omutabaganya gwe beeronedde, ne batuuka ku kukkiriganya.Ekiba kisaliddwawo kissibbwa mu buwandike nga kuliko ng'obujulizi obulaga nti wabaddewo okukkiriziganya.

168. Enkola eno nnungi eri abantu babulijjo abatalina nsimbi, okugeza bannamwandu, bamulekwa, abakadde ennyo n'abalwadde abatasobola kwereega mu misoso gy'okugenda mu kkooti, oba enkola entongole ez'okutawulula abali mu nkaayana. Abatabaganya batera okuba nga bantu bawuliriza bulungi, era nga basobola okusisinkana enjuuyi zombi mu kiseera n'ekifo bye baagala.

# 8

## OKUKUUMA EDDEMBE LY'ABAKYALA N'ABANTU ABATEEYINZA KU TTAKA LYA MMAYIRO

### Engeri ssemateeka gy'akuuma eddembe ly'abantu abateeyinza.

169. Ennyingo 21(1) eya Ssemateeka wa Uganda ekirambika nti “ abantu bonna benkana mu maaso g'amateeka agafuga ebyobufuzi, ebyenfuna, eby'embeera z'abantu, ebyobufuzi, eby'obuwangwa ne buli ngeri zonna; era bajja kukuumbwa amateeka mu bwenkanya” okusingira ddala abakyala (naddala abaavu abasangibwa mu byalo ne bannamwandu), abaana ( naddala abaana abawala), n'abantu abaliko obulema; balina okuweebwa eddembe ly'obwannannyini bw'ettaka lya mmayiro, oba eddembe ly'abeebibanja.
170. Ennyingo 21(2) eya Ssemateeka yeeyama okukuuma eddembe nti tewateekwa kubaawo kusosola muntu olw'ekikula kye, olw'oluse lw'eggwanga mw'ava, olw'enfaanana ye mu langi olw'eggwanga mw'ava, olw'obuzaale bwe, olw'enzikiriza oba eddiini ye, olw'embeera y'enfuna ye. olw'endowooza y'ebyobufuzi ye oba obulema. Noolwekyo, ku ky'okukuuma eddembe, tewali muntu yenna atekwa kusosolwa ku bikwata ku ddembe ly'obwannannyini ttaka lya mmayiro, oba ery'ekibanja, olw'ekikula ky'obutonde bwe, olw'emyaka gye, olw'ekifo ky'alimu mu nsi oba olw'obulema.
171. Ennyingo 31(i)(a) eya Ssemateeka yeeyama okukuuma omwenkanonkano mu ddembe wakati w'abakyala n'abaami abali mu bufumbo, era omwenkanonkano ogwo gugobererwa bwe wabeerawo okusattulula obufumbo. Okusinziira ku nnyingo eno, abakyala tebateekwa kufiirwa ddembe ly'okuba n'obwannannyini ku ttaka erya Mmayiro oba ery'ekibanja olwokubanga nti bannamwandu, oba obufumbo bwabwe

okusatululwa. Balina okuweebwa ekitiibwa ekijjuvu ekyenkanankana n'ekyo ekiweebwa omusajja (ennyingo ya Ssemateeka 33).

172. Ennyingo 33, 34 ne 35 eza Ssemateeka ziragira nti abakyala, abaana n'abantu abaliko obulema balina okukuumibwa, noolwekyo abakyala ,abaana bamulekwa n'abantu abalala abalina obulema balina eddembe ku bwannannyini bw'ettaka erya mmayiro oba ery'ekibanja. Eky'okulabirako, singa omuntu ayagala okugula oba okusikira ettaka, eddembe ly'abantu aboogeddwako liyina okukuumibwa abo bonna be kikwatako.

### Eddembe ly'abaana ne bannamwandu ery'obwannannyini mu byobusika.



173. Ssemateeka ayongera okukuuma abantu abateeyinza, oba abatono kibasobozese okwenyigira mu kusalawo n'okuwa endowooza zaabwe ku nsonga ezibakwatako

(Ennyingo 36 eya Ssemateeka). Bwe kituuka ku bwannanyini bw'ettaka erya mmayiro n'eryekibanja, abantu abava mu mawanga agalimu omuwendo gw'abantu abatono, bayinza okukosebwa nga batulugunyizibwa abantu abava mu mawanga agalimu abantu abangi mu kitundu. Kino kirina okwewalibwa; ekyokulabirako, Ekitundu kiyinza okubeeramu Baganda nga be basinga obungi, ne bagezaako okuwamba ettaka okuva mu Bakonzho olw'okuba nga bo omuwendo gwabwe mutono.

174. Aboobuyinza aba L.C, RDC, Poliisi, obukiiko bw'ettaka, enkiiko z'ettaka, Bakkaawo n'abalala, bayina okulaba nti abantu abateeyinza gamba ng'abaliko obulema okufaanako n'abakyala, abaana, nabo baweebwa endabirira n'obukuumi obwenjawulo nga Ssemateeka bw'alagira.

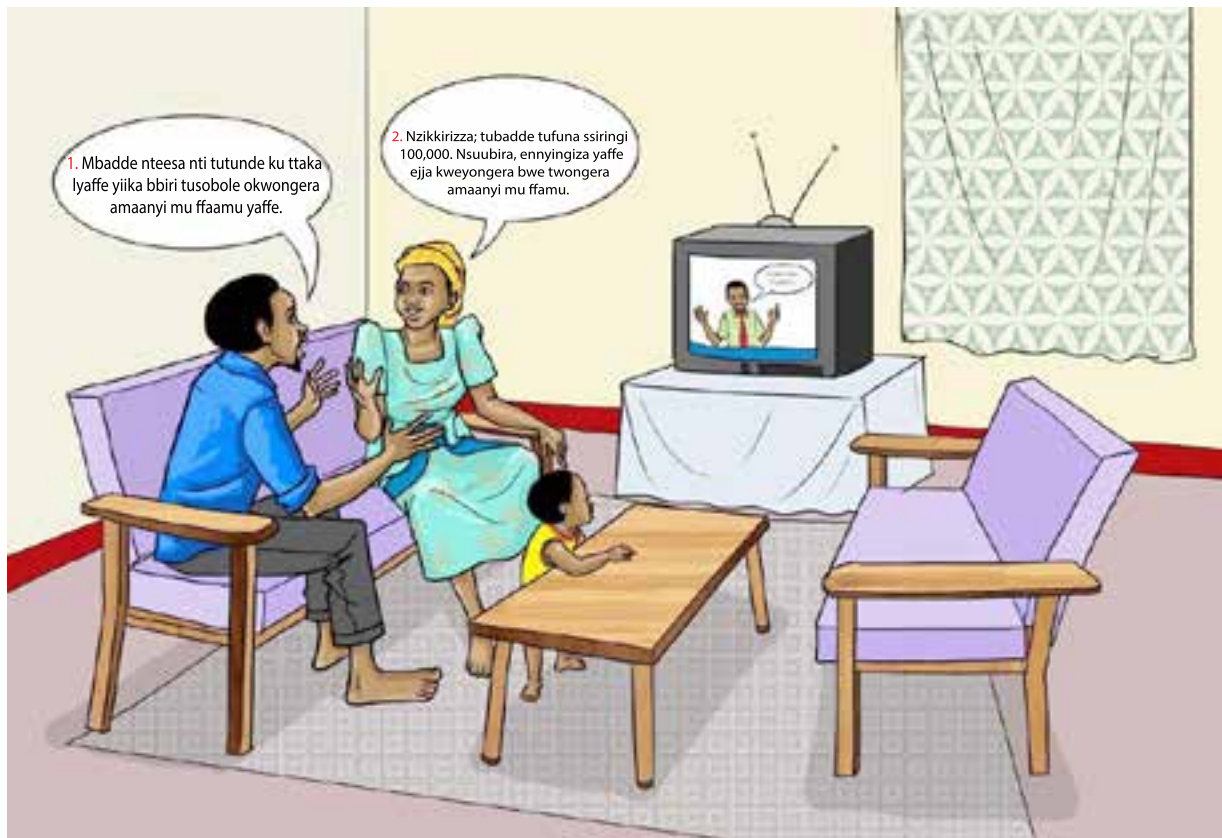
### **Obukuumi bw'abantu abateeyinza obuli mu Tteeka ly'Ettaka**

175. Etteeka lye Ttaka liyina obuwaayiro obwoyera ku by'obukuumi bw'abantu abanafu oba abateeyinza. Ekitundu 27 kyogera ku ddembe ly'abakyala, abaana n'abantu abalina obulema ku by'obwannanyini bw'ettaka ery'ennono. Ekitundu kino kijuliza ennyingo 33, 34 ne 35 eza Ssemateeka. Mu kitundu kye kimu, okusalawo kwonna okukolebwa, kulina okukuuma obwannanyini, oba obusenze bw'abakyala, abaana oba abantu abaliko obulema; kiba kimenya Ssemateeka omuntu okusalawo nga tagoberedde buwaayiro obwo, era ekisaliddwawo kiba kifu bwe fuffululu.
176. Ekitundu 38A, eky'Etteeka lye Ttaka eryalongoosebwamu erya 2014 kirambika amateeka agakuuma oweekibanja nga mukyala oba mwami ku ttaka ly'aliko n'ab'omu maka. Kino kitegeeza nti omukyala oba omwami atekwa okubeera ku kibanja ky'ab'omu maka; atekwa okuba nga mufumbo mu bufumbo obuli mu mateeka. Ensonga ezikwata ku bufumbo zoogeddwaako mu ssuula ey'okutaano.
177. Abasajja oba abakazi abali mu bufumbo bateekwa okuwa olukusa ku kugulagana kwonna okukwata ku ttaka ly'ab'omu maka eryogerwako mu kitundu 39 eky'Etteeka lye Ttaka eryalongoosebwamu; muno mutwalirwamu okutunda, okuliwaanyisaamu, okugulana kw'omusingo, omusingo oba okussa liizi ku ttaka eryo. Kino kitegeeza nti singa ettaka oba ekibanja kiba nga kiwandiisiddwa mu mannya g'omusajja, ng'ate ly'ettaka ly'ab'omu maka, okugulagana kulina okukolebwa nga waliwo olukusa okuva ew'omukyala, ate singa ettaka liba liri mu mannya g'omukyala, omwami we

y'alina okumuwa olukusa.

178. Mu ngeri zonna ezikwata ku Tteeka lye Ttaka, ba L.C, abakulembeze b'obukiiko obukola ku ttaka, enkiiko ezikola ku ttaka, n'abakulembeze abalala a bavunaanyizibwa ku nsonga z'ettaka, balina okulaba nti eddembe ly'abantu abateeyinza nga mw'otwalidde abaana, abakyala n'abantu abaliko obulema, eddembe ly'abantu bano lirina okukuumibwa n'okulissaako omwoyo.

### Omufumbo ng'awa musajja we olukusa lw'okutunda ku ttaka





## Engeri z'okumalawo enkaayana

179. Eddembe ly'abakyala n'abantu abalala abateeyinza teritera kufiibwako mu ngeri z'okumalawo enkaayana. Ekyokulabirako, enkaayana bw'eba kubwa nnannyini bw'ekibanja bw'ettaka abomunju we bakolera, omwami ayinza okutunda n'akola endagaano eraga nti atunze era agenda kuvaawo. Bw'amala, asobola okukozesa ssente z'afunye mu kutunda n'apangisizaamu abomunju omuzigo n'abassa omwo. Agenda mu maaso okukozesa ensimbi ezisigaddewo nga bw'ayagala ,olwo n'aleka mukazi we n'abaana nga basuliddwa awo. Noolwekyo, kisaana okwegendereza okulaba nti obwannannyini bw'abantu abateeyinza bukuumibwa mu ndaagano zonna eziba zikoleddwa.
180. Singa abantu abateeyinza bafuna enkaayana, kaweefube alina okukolebwa okulaba nti engeri z'okumalawo enkaayana, zirimu okuwuliriza enjuuyi zombi, era okusalawo ku bwannannyini ,kirina okukolebwa mu bwenkanya awatali ku nyigiriza mu nteeseganya, oba okutawulula ,oba okutabaganya enjuuyi z'abantu abateeyinza. Mukwano gwabwe,oba omuntu owekinywi kyabwe ayinza okulondebwa n'ayambako mu nteeseganya oba okubatabaganya.
181. Kaweefube alina okukolebwa okuyigiriza abantu bonna abeenyigira mu kugonjoola enkaayana, okufaayo ennyo ku nsonga ey'okukuuma eddembe ly'abantu abateeyinza, oba abanafu.

## EKITABO EKIRUDDAMYA ENKOLAGANA Y'ABANTU KU TTAKA ERYOBWANNANNYINI ERYA MMAYIRO

Obwannannyini ku ttaka lya mmayiro y'enkola esinga okubaako amateeka mu Uganda nga gaviira ddala mu Ndagaano ya Buganda eya 1900. Okulongoosa mu mateeka kubadde kukolebwa okumala emyaka, naye era likyaliko obumulumu mu bitundu ebimu obuva ku nsonga z'abeebibanja ezitannagonjoolwa.

Enkola eno yazzibwawo mu Semateeka wa 1995 n'Etteeka ly'Ettaka, n' okulongoosa amateeka amalala gonna agakoleddwa. Newankubadde ng'enkyukaakyuka ezaakolebwa nga ziva mu Ssemateeka wa 1995 n'Etteeka ly'ettaka, zaali zisuubirwa okuleetawo obutebenkevu ku bwannannyini ku ttaka erya mmayiro, wabula ate kino tekinnabaawo.

Ekitabo kino kifunzizza ebiteekwa okumanyibwa ku ttaka ne kibissa wamu, mu lulimi olutegeerekeka, era kyangu kyakujulizaako abakulembeze abakola ku by'ettaka ku mitendera egy'enjawulo; n'abantu ababeera awamu abeetaaga okumanya ebikwata ku ddembe lyabwe mu nsi. Ekitabo kitegekeddwa mu ngeri ejja okugasa abantu bonna abalina akakwate ku ttaka erya mmayiro. Ekitabo kino kigendereddwamu okunyonyola n'okussa mu nkola etteekaly'ettaka, kisobozese bannannyini ttakan'abeebibanja okukolagana obulungi.



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Registered offices: Bonn and Eschborn Germany  
Rural Development, Agriculture (Department  
G500) Friedrich-Ebert-Allee 36+40  
53113 Bonn, Germany

T +256 (0) 392 004 142  
E [thorsten.huber@giz.de](mailto:thorsten.huber@giz.de)  
W [www.giz.de](http://www.giz.de)

**Responsible**  
Thorsten Huber

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