

**CHALLENGES TO LEGISLATIVE SCRUTINY OF BILLS BY COMMITTEES OF THE
10TH PARLIAMENT OF UGANDA**

BY

DENIS HAMSON OBUA

REG. NUMBER 16/MPA/00/KLA/WKD/0003

**A DISSERTATION SUBMITTED TO THE SCHOOL OF MANAGEMENT SCIENCES
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD
OF A MASTERS DEGREE IN PUBLIC ADMINISTRATION OF
UGANDA MANAGEMENT INSTITUTE**

FEBRUARY, 2019

DECLARATION

I Denis Hamson Obua hereby declare that this dissertation is my original piece of work that has never been published or submitted for an award of any diploma or degree in any university or higher institution of learning. Due acknowledgement has been made for the work of others in this report, through quotation, citation and references.

Signature:Date:

DENIS HAMSON OBUA

APPROVAL

This is to certify that this dissertation has been submitted for examination with our approval as supervisors;

Signature;

Dr Michael Kiwanuka

Date:

Signature;

Dr Bruce Kisitu

Date;

DEDICATION.

I dedicate my Dissertation to My dear Wife Mrs Caroline Obua and My wonderful children Precious, Patrobas, Peyton, Pavin and Purity Obua.

ACKNOWLEDGEMENT

With sincere gratitude, I wish to thank the Almighty God who always blessed me with the knowledge, wisdom, strength and determination to complete this study.

I would also like to acknowledge and express my heartfelt appreciation to my Research supervisors Dr Michael Kiwanuka and Dr Bruce Kisitu for their invaluable support in providing proper guidance, assistance and expertise throughout the entire research process.

To my course mates who always created environment of support, encouragement and teamwork as we dived in tranches of Jinja road to connect dots of Academic excellence. My Sincere thanks also go to the Leadership and Top Management of Parliament for granting me an opportunity to carry out this study. And to my respondents, I thank you greatly for the contributions you made significantly by participating in the study as you responded to the Interviews. Many thanks to the several reviewers who gave comments that led to the improvement of the manuscript.

And finally, I extend my gratitude to my facilitators for their continuous counselling, advice and academic support that you extended to me throughout this study. Without you, this could remain an imagination, May the Almighty God Bless You All.

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LIST OF ABBREVIATIONS

CCM:	Chama Cha Mapenduzi
MDA:	Ministries, Departments and Agencies
MP:	Member of Parliament
NRM:	National Resistance Movement
PAC:	Public Accounts Committees
PC:	Parliamentary Commission
NGO:	Non-Governmental Organization
UK:	United Kingdom

ABSTRACT

This study investigated the challenges to Legislation and the Scrutiny of Bills by the 10th Parliament of the republic of Uganda. The study specifically examined the influence of absenteeism, Bill backlog and political party influence on the Scrutiny of Bills by the 10th Parliament of Uganda. The study employed a case study survey design and adopted purely qualitative approaches. The study population included the Clerks to Parliament, the Speakers of Parliament, Committee Chairpersons, Committee members, economists and the researchers. The study adopted a qualitative approach by which qualitative data was collected and analyzed. Primary data was collected from respondents by the use of interview guide through face to face interaction and the focus group discussion guides. This helped to collect data on the challenges to Legislation and the Scrutiny of Bills. The qualitative data obtained was analyzed using the thematic data analysis technique. The study revealed that the challenges to Legislation in the form of absenteeism, Bill backlog and political party affiliation significantly influence the scrutiny of Bills in the 10th Parliament of Uganda. The study concluded that absenteeism, Bill backlog and political party affiliation significantly influence the Scrutiny of Bills by the Committees of the 10th Parliament of Uganda. The study recommended that Parliament should make absenteeism very costly to the members in a way that a fine is attached to each day that they miss and their payments are effected depending on their attendance both in plenary and committees. Parliament should install and implementing an electronic Bill tracking system which can definitely help curb the vice of backlog as a Bill will be tracked at all stages throughout the Scrutiny till the time a full report is made and presented for hearing on the floor of Parliament. The distribution of members to Committees should be voluntary and based on their expertise and academic qualifications and not just their association or membership to a particular party in Parliament.

CHAPTER ONE

INTRODUCTION

1.1 Introduction

The institution of Parliaments is a very important arm of government systems as it's primarily responsible for the Legislative functions within democratic systems. However, Legislative Scrutiny of Bills can be realized through increased Parliament oversight on policy delivery, revised Parliament Rules of Procedures to clarify its role on Legislative Scrutiny and identifying the relevant structures and resources needed to establish Legislative capacity in Parliament (Franklin, 2018). This research examined challenges to Legislative Scrutiny of Bills by Committees of the 10th Parliament of Uganda. Challenges to Legislation were constructed as independent variable of this research (study) while Legislative Scrutiny of Bills by Parliament as the Dependent Variable. This chapter presents the background of the study, problem statement, general objective of the study, specific objectives, research questions of the study, conceptual frame work, justification of the study, scope of the study and operational definitions.

1.2. Background of the study

This section of the study presented the insight, highlight and comprehended the background of the topic under research examination (investigation). It examined the historical, theoretical, conceptual background of the investigation.

1.2.1. Historical Background

According to Hudson, (2007), Parliaments have become an important component of national governance systems in the recent past parliaments are primarily responsible for legislation, oversight, public participation and representation. Hudson (2007) further explains that 'legislation' entails passing the laws which form a country's legal framework, while 'oversight' refers to keeping an eye on the activities of the executive and holding the executive to account

particularly focusing on budget and checking that spending decisions are in line with government's priorities, and finally 'representation' is about collecting, aggregating and expressing the concerns, opinions and preferences of citizen.

Traditionally, Tsekpo and Hudson (2009) observe that parliaments have three primary roles; legislation, representation and oversight. According to Tsekpo and Hudson (2009) Legislation deals with passing laws which make up a country's legal framework. Representation is about collecting, aggregating and expressing the concerns, opinions and preferences of the country's citizens. Oversight is about keeping an eye on the activities of the executive and holding the executive to account on behalf of the country's citizens.

Recent scholars such as Molonko, (2013) argue that Legislation is the framework through which the government converts policy into legally enforceable obligations. Cliffnotes (2017) argues that today, for a bill to become a law, it has to be sent to the appropriate committees by the Speaker of the House, the committee holds hearings on the bill, taking testimonies from its supporters and opponents and after the hearing, it usually issues a report that is either favorable or unfavorable to the bill or it may report out an amended or as a committee print/report.

Globally, Thompson (2015) avers that Bill Committees play a crucial role in the Scrutiny of government legislation, yet they have traditionally been overlooked by legislators, academics and journalists inform of the Scrutiny on the floor of the House. Goraya, (2012), asserts that the Parliament of Pakistan could not evolve into an institutionalized system of supporting legislative scrutiny and providing technical assistance in the performance of their law-making, public participation and oversight functions because of a checkered history of democracy marred by decades of dictatorship. Mark (2003) reports that sometimes these committees do good work, but sometimes there are little more than a ritualistic rubber-stamping exercise and

sometimes they do not even complete their Scrutiny, before the bill returns to the commissions. Omal (2012) further asserts that in committees such as the United Kingdom and Austria, even after the law has been enacted, it can be evaluated to see the effect of the laws hence pre-legislative and post legislative Scrutiny are thus important tools to ensure quality in legislation.

Regionally, African countries such as Mozambique, Nigeria, Ghana, Kenya and Uganda have patiently started establishing their parliamentary institutes in an attempt to improve legislative scrutiny and strengthen their parliaments and relatively young democracies (Stapenhurst, 2004). However, despite these trends, there is no documented evidence of best practices regarding the establishment and functioning of parliamentary institutes (Okumu, 2012). On the other hand, (Mwambua, 2012) noted that there is also a trend where Parliaments benchmark through visits from other parliaments and customize good practices in scrutiny of bills. This is the approach countries such as Kenya and Uganda have adopted, in establishing the Centre for Parliamentary Studies and Training (CPST) and Institute for Parliamentary Studies (IPS) respectively. Upon finishing these visits to other parliaments, they have concluded that “there are no best practices” regarding the establishment and management of parliamentary institutes (Mwambua, 2012).

Nationally, the process of passing a government bill into law in Uganda is well elaborate and the procedure is clear as a bill first goes through plenary for first reading, then it is after plenary that a bill is sent to the parliamentary committee for scrutiny then after that, it is sent back for second hearing in Parliament and after it has been approved by parliament, copies are made by the clerk and forwarded to the president for signing to make it an act or law (Parliament, 2017). Bills Scrutiny by Committees of Parliament has become the heart of Legislation in the Ugandan parliament. Historically there was no Scrutiny of proposed legislation (Bills) by Parliament but

today there is the first, second and third readings which looks at Bills critically in the plenary (Oulanya, 2017)

1.2.2. Theoretical Background

This study was underpinned by the Public Choice Theory authored by James Buchanan and Gordon Tullock (1962). The theory looks at governments from the perspective of the bureaucrats and politicians and uses modern economic tools to address problems in the field of political science (Beetham, 2006). The theory distinguished between ordinary politics, consisting of decisions made in legislative assemblies, and constitutional politics, consisting of decisions made about the rules for ordinary politics. The Public Choice Theory describes the actions of politicians, government officials and voters as behavior of mostly self-interested agents who use rational choice (the cost-benefit analysis) and have scarce resources to achieve their goals. The issue of how individual political decision-making results in policies that conflict with the overall desires of the general public is one of the problems addressed by the theory. The study of how legislatures make decisions and how various constitutional rules can constrain legislative decisions is a major sub-field in Public Choice.

One interesting postulation of Public Choice Theory is that people lack incentives to vote and are largely ignorant of political issues. Such ignorance is rational since an individual's vote rarely decides the outcome of an election, but the process of gathering relevant information necessary for a well-informed decision takes a great time and effort. Consequentially, spending considerable effort is not personally worthwhile for an average voter. this theory is not only an interesting and innovative approach to the government and personal decision-making regarding politics, but also a theory which uses a number of the tools developed by neoclassical economists that can describe, explain and guide this study.

This theory is therefore applicable to the topic under study (investigation) because it guided the study on how the legislature and government operate amidst their own interests and

interests of the public basing on the decisions that they make while scrutinizing and passing Bills

1.2.3 Conceptual Background

According to Jarral (2016) Legislative Scrutiny is the methodical examination of the power of legislating or making laws in which the said power is rested in committees of Parliaments and Parliament themselves or it refers to the system of assessing the effectiveness of a statute. Jarral further categorizes Legislative Scrutiny into Pre and Post Legislative Scrutiny and contends that the process of law making has to pass through different stages such as Pre-Legislative Scrutiny made when the Bill is being considered or read in Parliament thus defining Pre legislative Scrutiny as the process of allowing members of Parliament (MPs) who have special knowledge on the subject of a bill to make at an early stage, in a departmental select committee before a bill is introduced into Parliament.

Tuhumwire and Okello Obura (2010) define a Bill as proposed legislation under consideration by a legislative which does not become law until it is passed by the legislature and in most cases or jurisdictions approved by the executive. Accordingly Tuhumwire and Okello Obura categorize a Bill into Government and Private Members Bill.

However, while focusing on legislative Scrutiny of bills by committees of Parliament of Uganda in a more specific way, Omal (2012) submits that best practices and emerging trends in legislative Scrutiny be drawn from the United Kingdom and Austria which have put in place elaborate procedures and mechanism to ensure that all the legislative proposal thoroughly Scrutinized before they are passed into law as opposed to Uganda where major decisions on a bill are taken in the Caucus of the ruling party-NRM.

1.2.4 Contextual Background

Parliament of Uganda is administered by the Parliamentary Service Commission, headed by the Clerk and comprising three managerial arms. These are: Parliamentary Affairs Directorate, Corporate Affairs Directorate, and Offices/Secretariats. Each of these divisions contains several departments. (Uganda, 2018)

Accordingly, Parliament is mandated under Article 90 of the 1995 Constitution of Uganda to appoint committees necessary for the efficient discharge of its functions such as discussing and making recommendations on Bills before Parliament and initiating them before they are passed into law (Uganda, 1995).

Furthermore, Article 91 on Exercise of legislative powers informs Parliament of Uganda to the effect that the power of parliament to make laws shall be exercised through Bills passed by Parliament and ascended to by the President. As a result, committees on different disciplines scrutinize bills after first reading on the floor of parliament and later the bill is sent back for second hearing and approval in Parliament, then after all the above, the bill is sent to executive for the president to ascent. Despite all these efforts, Parliamentary reports reveal that Parliament of Uganda through its committees continues to grapple with the challenge of Legislative Scrutiny of Bills (Uganda, Constitution as Amended, 2005).

In the case of Parliament of the Republic of Uganda, Rule 118 (2) of the Rules of Procedure of the 9th Parliament stipulates that the committee shall examine the Bill in details and make such inquiries in relation to it as the committee considers expedient or necessary and report to the house within forty five days from the date the Bill is referred to the committee.

1.3 Statement of the problem

For National Parliaments mandated to make laws on any matter of the country, scrutinize government policies, as well as deliberating and deciding topical issues of national concern,

Legislative Scrutiny is a very significant practice in the Legislative processes (Bagonza & Kintu , 2015).

Accordingly, in an effort to support meaningful Legislative Scrutiny of Bills by committees, the Parliament of Uganda has over the years adopted the Rules of procedure to regulate the conduct of members of Parliament both in the Chamber and Committees of Parliament (Parliament, 2016). The Parliament has established standard operating procedures for assessing the quality of bills passed by the Committees and also accorded a mandatory period of 3 weeks within which a bill should be Scrutinized and submitted for reading. Such Legislative Scrutiny framework are intended to ensure that Bills are in consonance with sets of accountability standards that may focus on effects of the proposed Legislations on such issues like individual human liberties and rights, obligations, the rule of law and among others.

Despite the availability of the said framework, committees of parliament in Uganda still face a number of challenges as far as Legislative Scrutiny of Bills is concerned from 2013 to 2014 for example, there was a 65% decline in the number of Bills passed by Parliament (Mulyagonza & Olum, 2014). Out of over 10 Committees of Parliament that sat on different days throughout the first two weeks of Committee business, none apart from the Committee on Budget had all its members show up as Imaka (2011) points out. Further, a midterm performance report of Uganda's 10th Parliament by Civil Society Organizations as cited by Shikhongole, (2014) revealed that some of the challenges can be attributed to members of parliament neglecting their major role and resorted to other roles like mourning all the dead, paying schools fees for voters, organizing football tournaments in their constituencies among other self-created responsibilities.

Therefore, several reports pounced gaps in the Legislative Scrutiny of Bills characterized by quality of the Bills passed, number of Bills passed and time taken to pass a Bill. This

discrepancy between the efforts and the actual performance created a gap which prompted the researcher to carry out a study on challenges to Legislative Scrutiny of Bills by Committees of the 10th Parliament of Uganda.

1.4 Purpose of the study

The purpose of the study was to assess the Challenges of Committees of Parliament to Legislative Scrutiny of Bills in the 10th Parliament of Uganda

1.5 Objectives of the study

The study was be guided by the following specific objectives;

1. To examine how absenteeism influences Legislative Scrutiny of Bills in the 10th Parliament of Uganda.
2. To establish how Bill backlog influences the legislative Scrutiny of Bills in the 10th Parliament of Uganda.
3. To analyze how political party influence affects the Legislative Scrutiny of Bills in the 10th Parliament of Uganda.

1.6 Research Questions

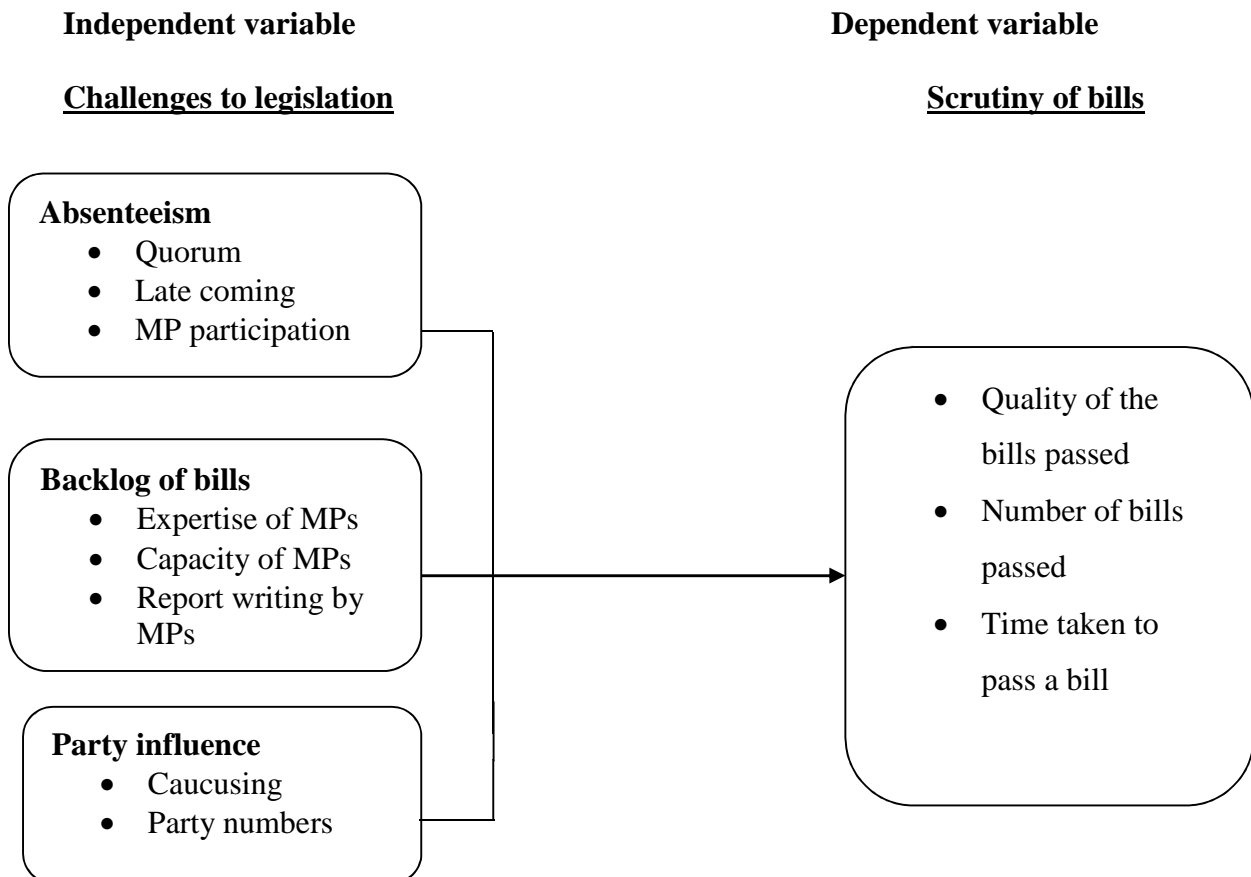
The following research questions were be used in the study.

1. How does absenteeism affect Legislative Scrutiny of Bills by Committees of the 10th Parliament of Uganda?
2. How does Bill backlog influence the Legislative Scrutiny of Bills by Committees of the 10th Parliament of Uganda?
3. How does political party influence affect the Legislative Scrutiny of Bills by Committees of the 10th Parliament of Uganda?

1.7 Conceptual Framework showing the Relationship between variables.

The conceptual framework showing the hypothetical relationship between the Challenges to Legislation and Scrutiny of Bills as presented in the figure bellow.

Fig 1; Conceptual Framework



Source: Modified from Buchanan & Tullock in (1962)

The conceptual framework presented the two variables under investigation, the independent and the dependent variables. Challenges to Legislation are depicted as the independent whereas Scrutiny of Bills was presented as the dependent variable. In this framework, challenges to Legislation was conceptualized as; Absenteeism which had dimensions such as; Quorum, Late coming and MP participation, Backlog of bills with dimensions like; expertise of MPs, Capacity of MPs and Report writing by MPs and party affiliation with dimensions like; Caucusing and Party numbers. Scrutiny of Bills was conceptualized as Quality of Bills passed, Number of Bills passed and the Time taken to pass a Bill

1.8 Scope of the study

This section described the geographical, time and content scope as was followed in this study.

1.8.1 Geographical Scope

This study was carried out within Parliament (The legislative) of Uganda which is an Arm of Government established under Chapter Six of the Constitution of the Republic of Uganda 1995 (as amended) with the mandate of making laws on any matter for the peace, order, development and good governance of Uganda. This is because it's where majority of the Legislative Scrutiny of Bills takes place has.

1.8.2. Content scope

The study content was restricted to the challenges to Legislative Scrutiny of Bills by Committees of the 10th Parliament. These challenges shall include; Absenteeism, Bill Backlog and Party influence.

1.8.3. Time Scope

The time scope of the study was concentrated on the period 2011-2016. This is because it is was the period within which Legislative work of committees of Parliament of Uganda in Bills Scrutiny reportedly dropped (Parliament, 2016).

1.9. Significance of the study

This study is valuable to the Parliament of Uganda in understanding the Challenges to Legislative Scrutiny of Bills in Parliament. It may also facilitate the administrators and managers with the knowledge to identify various Challenges to Legislative Scrutiny of Bills in Parliament and how best to address them as it's indicated in the study recommendations.

Given the growing demand for timely and quality Legislative Scrutiny of Bills by committees of Parliament of Uganda, this study is relevant to Government (Executive) because majority of Bills scrutinized originate from the Executive.

To the Legislature/Parliament, this study may provide vital information on the Scrutiny of Bills and help committees of parliament improve the quality of the bills that are passed into Acts and Laws.

To the academia, the study may add to the existing literature and study material in library for other researchers who may be interested in the subject matter and for future research

1.10 Justification of the study

Whereas existing literature showed how absenteeism, bill backlog and Political party influence as challenges to Legislative scrutiny of bills in committees of Parliament, none of the scholars gave evidence in the context of committees of the 10th Parliament of Uganda. The scrutiny of bills was a big challenge for the parliament of Uganda where it is estimated that only 23 out of 49 bills that were presented have been passed (Parliament, 2016). This is a demonstrates that the 10th parliament experienced challenges in the scrutiny of bills. Thus the findings of this study provide information about the Challenges (Absenteeism, Bill backlog and Political Party Influence) to Legislative Scrutiny of Bills in Committees of the 10th Parliament of Uganda.

1.11 Operational Definition of key terms

Parliament- This is the Legislative organ of government charged with the duty of making laws and overseeing the activities of the executive.

Legislation – This is the process of making or enacting laws (turning bills into laws).

Bills –A Bill is a draft of a proposed law presented to Parliament for discussion.

Scrutiny of bills-The process of analyzing a draft of a proposed law by committees of Parliament and Parliament generally

Committees of parliament-A group of Members of Parliament appointed or designated by the Parties or Parliament to perform certain specific tasks.

Members of parliament-These are representatives elected by voters to speak on their behalf in parliament and link the government to the people.

CHAPTER TWO

LITERATURE REVIEW

2.0. Introduction

This chapter comprises of the theoretical review, related literature according to the objectives of the study and the research gap in the reviewed literature. It's significant as it provided the required support to the researcher's rationale for undertaking research study in a certain area. According to Mugenda and Mugenda (2003), "a literature review is the researcher's critique of findings from other studies done in related areas".

2.1 Theoretical Review

This study was guided by the Public Choice Theory by James Buchanan and Gordon Tullock (1962). The theory distinguishes between 'ordinary politics', consisting of decisions made in legislative assemblies, and 'constitutional politics', consisting of decisions made about the rules for ordinary politics." The Public Choice Theory postulates the actions of politicians, government officials and voters as behavior of mostly self-interested agents who use rational choice (the cost-benefit analysis) and have scarce resources to achieve their goals. The issue of how individual political decision-making results in policies that conflict with the overall desires of the general public is one of the problems addressed by the theory. The study of how legislatures make decisions and how various constitutional rules can constrain legislative decisions is a major sub-field in Public Choice.

Although Public Choice recognizes that it is mainly self-interest that guides the actions of policymakers, it also takes into the account that common interests are not always served. The interests of various groups need to be addressed in order for politicians to win the votes and support of those groups, and those interests may not correspond to the interests of general

public. Government officials can also act in their own interests of wealth and power, which do not lead to the development of common public interests.

According to Buchanan and Tullock, (1962), one interesting submission of Public Choice Theory is that people lack incentives to vote and are largely ignorant of political issues. Such ignorance is rational since an individual's vote rarely decides the outcome of an election, but the process of gathering relevant information necessary for a well-informed decision takes a great time and effort. Consequentially, spending considerable effort is not personally worthwhile for an average voter. this theory is not only an interesting and innovative approach to the government and personal decision-making regarding politics, but also a theory which uses a number of the tools developed by neoclassical economists. This theory is therefore applicable to the topic under study (investigation) because it touches and focuses on how the legislature and government operate amidst their own interests and interests of the public basing on the decisions that they make while scrutinizing and passing Bills

2.2 Absenteeism and Legislative Scrutiny of Bills

Committees of parliament are the main arm of parliament that are charged with duty of scrutinizing bills before they are brought to parliament, however, many challenges hinder the performance of these activities and they include absenteeism, backlog and party influence among others. Absenteeism under this study is constructed as MP participation, quorum and late coming by committee members;

An important aspect of the service of an MP, although certainly not the only one, is attending meetings and voting in the Chamber. The work of an MP certainly goes beyond their work in Chambers but it would be hard to argue that representing their constituents in Parliament by attending parliamentary meetings and voting on bills does not constitute the central task of elected legislators Besley & Valentino, (2010). Black's (2008) stresses that there is need to

consider the impact of MPs outside of their workplace because their work extends beyond the Chambers and committee meetings.

According to (Rybicki, 2013), for any business to go on in the senate requires the quorum a simple majority of Senators to be met as stipulated by the Constitution of the United States of America or a minimum of 51 if there are no vacancies in the body, to be present on the floor whenever the Senate conducts business. As any observer of the Senate soon notices, typically only a handful of Senators are present during floor debates. It is unusual for as many as 51 Senators to be present on the floor at the same time unless a roll call vote is in progress.

Lolan et.al., (2016) carried out a study on the parliament of Ghana and revealed that the number of opportunities a Member of Parliament gets to participate in the debates will depend on the member's ability to "catch the eye" of the Speaker and on the Speaker's decision to recognize such a member. A Speaker may decide not to recognize an MP senior MP also seeks to be recognized and a range of other factors, including, possibly, the Speaker's own biases. A firm determination of the Speaker's bias or otherwise is beyond the scope of our data. This means that for MPs to constantly participate in the deliberations in the house, they ought to be recognized by the speaker and this effectively impacts on their contribution to the scrutiny of bills in parliament.

According to Walker, (2018), the Current arrangements between the parties in the house of commons allows Members of parliament to be absent from attending the House through 'pairing', whereby a Member is matched with a Member from the opposite side of the House, with both Members agreeing not to attend particular votes. These arrangements are considered inadequate for new MPs, because there is no transparency about the reason for a Member's absence. As a result, new MPs who do not attend votes in the House because they are absent

have been subject to unfair and unjust criticism since this derails their capacity to scrutinize bills in the house.

Kapur and Mehta (2006) studied the Indian Parliament as an institution of Accountability. The researchers observed a decline in the effectiveness of the Indian Parliament as an oversight and accountability institution. They further argued that the very instruments of accountability such as the committee system, oversight powers and motions on the floor, were increasingly becoming dysfunctional and they pointed out absenteeism and absence of zeal to carefully analyze bills before they are passed.

The Parliament has a fundamental role it plays both in passing legislation and in scrutinizing the bills from the executive (Government of Uganda, 2005, p.8). In practice, Parliament's involvement in developing and monitoring progress against the government programs has been limited (Eberlei and Henn, 2003). According to Seewald, (2007), relatively few MPs have pushed for greater participation in the deliberations on the bills before them and this may be because they feel that their participation will have little impact because they have limited knowledge.

Article 97(1c) of the Ugandan constitution states that MPs must seek permission from the Speaker in order to absent themselves from Parliament during any day of meeting. The Parliamentary Order Papers and Votes and Proceedings record the attendance status of all Members of Parliament for each parliamentary meeting. For each meeting, an MP may be present, absent with permission or absent without permission (Parliament of Uganda, 1995).

Segawa, (2017) argues that regular attendance of MPs to parliament is critical to the functioning of government on at least two important counts. First, it is crucial for the effective representation of citizens during public debates and decision-making - a fundamental tenet of our democracy. Second, it ensures the efficiency of our governance processes. Thus, the lack

of quorum brings to a halt government business and may delay or even rush the consideration or passage of crucial bills. For instance, on Wednesday 25th November, 2015 Parliament was forced to postpone its debate on the 2016 budget because the quorum had not been reached.

According to a report by Uganda National NGO forum, (2014), citizens have decried the poor performance of their MPs which is as a result of increased Absenteeism from the house, increased non-attendance to plenary sessions, increased absence from constituents and the increased fronting of party interests in Party caucuses as against the voters' interests. In conclusion, the citizens appealed to the Speaker of Parliament to regularly raise the issue of participation and representation on the floor of Parliament and ensure that disciplinary measures are taken for absenteeism.

Imaka, (2011) reports that the ninth Parliament kicked off with the harbinger of doom that led to the unpopularity of the eighth Parliament which include but not limited to; MPs dodging committee meetings and plenary among others. Imaka further points out that of over 10 committees that sat on different days throughout the first two weeks of committee business, none apart from the committee on Budget had all its members show up. Not even on committee induction days in parliament and this is proof of the serious problem of absenteeism.

According to Walusimbi, (2015) many times committees and Parliament could not complete their business due to lack of quorum as only 40% of MPs could be present during scrutiny of bills in parliament. Because of this challenge, the speaker was concerned and proposed to start coming to committees without notice in order to confirm the attendance of the committee members and promised to be personally taking a census in the committees.

2.3 Bill Backlog and Scrutiny of Bills

Bill backlog is one of the main challenges that committees of parliament face in scrutinizing bills (Parliament, 2016). For this study bill backlog is discussed in the dimensions of expertise of MPs, capacity of MPs and the report writing by MPs;

Norton, (2011: 7) argues that physical resources and support staff do not necessarily ensure a function is executed if the parliamentarians lack the capacity, expertise and the will to question and challenge the bills for the executive especially if their party is in power. Members of committees have to possess the determination to carry out the task of maintaining oversight and accountability so as to avoid piling bills in the shelves and passing half-baked bills or even some controversial bills.

In a report by Kemigisa, (2015), the Vice chairperson Public Accounts Committee (PAC) points out that backlogs are as a result of 3 issues, Capacity of the technical staff, gaps in report writing by committee members and the expertise of committee member which does not only delay the preparation of the passed bills but also affects the quality of the bills passed by the committee.

Fox and Korris (2010) examined the legislative process, drawing on input from a range of practitioners. They noted that there are significant criticisms of the quality of policy preparation and the extent to which expertise of the members of parliament feed into the process. Fox and Korris (2010) further made a number of recommendations for improvement including greater use of pre-legislative scrutiny and the reform of Public Bill Committee procedures in the House of Commons.

ACCA, (2011), reports that politicians in the UK parliament are frank about their lack of understanding and engagement with financial figures. Natasha Engel, UK Labour MP as cited by ACCA, (2011), stated that as a parliament, they do not take that (figures) seriously enough

and therefore they don't look at them carefully, don't understand them and yet they are making very important decisions involving them. On the contrary, Bagenholm, (2008: 25) argues that Capacity is a wide area in which there lie many definitions and varying in conceptualization and thus one member of parliament cannot have capacity in all areas. Bagenholm (2008) put forward that capacity is closely related to performance and capability where effectiveness, efficiency and efficacy are the trio of terms often used to discuss this capacity.

Studies evaluating the institutional capacity of the parliament of Uganda in scrutinizing bills on time and the enhancement of oversight on government programs in Uganda point to deficiencies in institutional capacity to fully scrutinize bills concerning finance, human and material resources whereas other bills and reports concerning accountability of government programs take long to be scrutinized. The Inspector General of Government reports are largely reactive to suspected or actual abuse of authority or misuse of public resources, and rarely relevant to the annual audit of MDAs performance by Parliament (Kakumba, 2012).

Johnson, (2005) conducted his study on the role of parliament in United States of America and documents that assertive parliaments need more expert staff to meet their greater information needs, and faster, more effective, and better-coordinated administrative systems. The need for rapid reform is especially challenging for traditional, hierarchal legislatures that rely on long-established traditions and procedures to guide them in what was formerly a methodical and moderate workflow. Legislatures expanding their roles struggle with increased workloads, growing demands by MPs, and new kinds of requests, even as they are attempting to restructure the institution.

Hudson, (2007), states that a number of parliamentary institutes in the UK are involved in parliamentary strengthening activities in various forms. These are: the Commonwealth Parliamentary Association UK, the Inter-Parliamentary Union UK, and the Westminster

Foundation for Democracy. All these institutes have excellent access to UK Parliamentarians and organize numerous conferences, seminars and study visits, which enable Parliamentarians and parliamentary staff to exchange information and ideas about the work of their parliaments, including the roles they play in scrutiny of bills and promoting good governance.

Yong & Hazell, (2010) Revealed that the new Members of Parliament and those who remained in Parliament are perceived to have a narrow range of skills to ably scrutinize the bills that are presented before them. This followed (though not inevitably) that those appointed from the legislature to become committee members would also have limited skills, it is not clear that the skills needed to be a successful politician were the same skills needed to be in different committees. This implies a gap in skills and experience needed to successfully scrutinize the bills.

Johnson & Nakamura, (2006) further state that Effective committees have developed a degree of expertise in a given policy area, often through continuing involvement, and stable memberships. This expertise is both recognized and valued by their colleagues and this becomes relevant in the process of scrutinizing bills.

2.4 Political Party Influence and Scrutiny of Bills

According to the parliamentary rules of procedure, Members of parliament are elected into different committees basing on their party affiliation and this influences how they deliberate in committees as presented below; party influence is presented in the dimensions of caucusing and party membership.

Besley and Valentino, (2010) in their study examined whether the differences in political circumstances are correlated with political party influence claims and whether it is necessary to control for these observable characteristics of constituencies. These include party affiliation

and the marginality of the constituency and their findings revealed that there is no relationship between political party affiliation and performance of MPs in parliament.

Padroet. al., (2006) point out the role of seniority and party affiliation as important explanatory variables of effectiveness: more senior members and members of the majority party tend to be more effective legislators. In their analysis of the North Carolina House of Representatives, Padroet. al., (2006) show that the impact of expertise can be due to both selection and learning by doing. The results on the UK parliament confirm the importance of party affiliation and seniority, although in this case more experienced MPs turn out to be less cost effective for citizens.

Doyle, (2016) states that given the fact that since 1994, the South African parliament has been dominated, in terms of numbers of seats by the ruling party, the African National Congress (ANC), it has become common opinion that the party has used its numerical strength to push through legislation, ratify executive decisions and generally quash opposition dissent. Pinpointing certain instances, for example, the endorsement of the Arms Deal, the passing of the Protection of State Information Bill and the President failing to answer questions orally in the House in 2014, easily explains the conventional thought of Parliament failing to use its teeth.

According to Oketcho, et. al., (2015), the political influence achieved by Dr. Ondoa and colleagues in the Parliament significantly improved health workforce funding and enabled salaries that attracted more health workers to rural areas. In 2012, the Minister of Health, Christine Ondoa, worked closely with several NRM Members of Parliament, who collectively refused to pass the overall budget until resources for the Ministry were brought up to a level where funding would be available to fill 65% of all health worker positions. Oketcho, et. al., (2015) adds that at the time, only 45% of approved positions were filled, leaving large

vacancies and shortages for key provider cadres, including midwives, anesthesiologists, laboratory technologists, and pharmacists. These vacancies, particularly acute in rural and remote areas, were primarily due to insufficient resources for additional health worker salaries.

Phadnis, (2015) points out that participation in Parliamentary debates in the Indian parliament usually occur under two situations: during consideration of a Bill and, for discussions on an issue of public interest. Procedurally, it is the party that chooses which MP will speak on debates, so parties are more likely to give chance to MPs who are perceived to be loyal, and who will follow the party stance on a bill/ issue. In light of this, it is expected that higher participation in parliamentary debates would attract more votes from party loyalists in the subsequent

Verma, (2012) attempts to delineate the influence of party affiliation and voter perceptions on performance at all three levels of governance; the legislature, Judiciary and the executive; this includes at national, state level and legislator in order to account for vote choice that they receive from the masses. This is evident when most of the sensitive offices are occupied by the people of the ruling party and the Members of parliament from the ruling party will do everything within their means to pass the bills from government even without carefully scrutinizing them.

Phadnis, (2015) presents the principal of Parliamentary questioning; this is an instrument by which MPs seek to hold the government accountable by carefully scrutinizing the bills from government. As per the parliamentary procedure in the UK parliament, questions to be asked in the House during the laying of a bill are selected from a ballot and political parties play no formal role in the allocation of questioning opportunities thus political party influence is minimal.

Mwombela, (2014) documents that in recent years there have been indications from the Tanzanian parliamentary deliberations, that the Parliament is becoming more assertive in performing its function of scrutinizing carefully the bills before passing them into law. In part this can be attributed to the presence of energetic and young opposition members of parliament (MPs) who have ushered in a new culture of exercising oversight over the executive. This passion has also been embraced by some MPs of the ruling party Chama Cha Mapenduzi (CCM), who do not want the electorate to perceive their CCM representatives as mere party hacks while the opposition captures the public eye by being active representatives.

Pelizzo and Stapenhurst, (2014), state that it is not entirely clear to what extent party strength may affect a parliament's ability to effectively perform their role of scrutinizing bills. Party strength may be measured in votes, seats and party cohesion characteristics that may or may not go together. Beetham (2006) suggest that a high level of partisanship is beneficial to scrutiny because when the opposition parties are mobilized against the ruling party, both they and parliament are more likely to effectively perform their functions.

2.5 Summary of the Literature Reviewed

The literature reviewed above indicates that several scholars have studied the area of Bill Scrutiny however; in their studies they present many differing findings, conclusions and opinions. They differ theoretically, conceptually, contextually and also methodologically. Theoretically, different scholars have used different theories to guide their studies such as the principal agent theory and yet this study has used the public choice theory. Conceptually, the previous scholars have not conceptualized the three variables of absenteeism by members of parliament, backlog and political party influence and this makes this study different. Contextually, majority of these scholars have carried out their studies from other parliaments like the UK parliament, Indian parliament and the Sieraleon parliament among others and yet

this study focuses on the Ugandan parliament. Methodologically, different scholars use different methodology, some have used descriptive, others have used case study while others have employed correlation designs, this study particularly employed the cross-sectional design. The differences highlighted above create a gap in the literature and thus necessitating the study to be carried out so as to bridge this literature gap.

CHAPTER THREE

METHODOLOGY

3.0 Introduction

This chapter is a description of the methods that were used to conduct this research. It presented the research design, the study population, sample size and selection. It also gives the data collection methods, the methods that will be used to test validity and reliability of instruments, data processing, analysis approach and ethical consideration.

3.1 Research Design

The study employed a case study design of the 10th Parliament of Uganda that enabled a careful and complete observation of the study phenomena (Kothari, 2009). The case study therefore provided for an in depth rather than breadth and places more emphasis on the full analysis of a limited number of events or conditions and other interrelations. Case study research design was deemed appropriate for this study because it helped in collection of qualitative data to answer research questions regarding the challenges to legislative scrutiny of bills by the parliament of Uganda, (Yin, 2009).

This case study predominantly employed qualitative methods which involved the in-depth probe, inquiry and application of subjectively and objectively interpreted data. According to Earl-Babbie (2013), qualitative researchers are focused to gather an in-depth familiarity of human behavior and the reasons that govern such behavior.

3.2 Study population.

In this study, the study population entailed the members and staff of the 10th parliament of Uganda including the speakers, committee chairpersons and clerks to parliament. These were focused on because the researcher believed that they had enough knowledge regarding the study.

The accessible population of the study contained 100 respondents who were carefully selected basing on the information provided by the Clerk to parliament. This entailed the key respondents (Speaker, deputy speaker, clerk to parliament, committee chairpersons) because they had key information regarding the scrutiny of bills and the none-key respondents (committee members/MPs) who are participants in the scrutiny of bills. Mugenda and Mugenda (2003) explained that the target population should have observable characteristics to which the researcher intends to generalize the result of the study.

3.3 Sample Selection and Size

A sample size of 80 respondents was determined using a statistical table of Krejcie and Morgan (1970). The sampling procedure is presented in table 3.1

Table 3.1 Population Distribution Table

Population category	Accessible Population	Sample Size	Sampling Techniques
Clerks to parliament	1	01	Purposive Sampling
Deputy Clerk Legislation	1	01	Purposive Sampling
Speakers	2	02	Purposive Sampling
Committee chairpersons	15	15	Purposive Sampling
Committee members	45	30	Simple Random Sampling
Researchers	10	10	Simple Random Sampling
Economists	10	10	Simple Random Sampling
Other MPs	16	11	Simple Random Sampling
Total	100	80	

Source: *Parliamentary Record (2018)*

3.5 Sampling Techniques and procedures

The study used both random and non-random sampling approaches in particular; simple random and purposive sampling techniques shall be used respectively. Simple random sampling will be preferred in the selection of committee Members and other members of parliament because they are many. This was intended to avoid bias by providing an equal and independent chance to all respondents to participate in the study. On the other hand, purposive sampling technique was used to select the key respondents who included; speakers of Parliament, Clerks to Parliament and committee chairpersons

3.6 Data Collection Methods

Data for this study was derived from both primary and secondary sources. To investigate the variables of the study exhaustively, the researcher used a combination of data collection methods by way of methodological triangulation. For the purposes of this study Primary data

was obtained using two methods: the focus group discussions and key informant interviews. Secondary data was be obtained by means of document reviews.

3.6.1 Interviews

Interviews involved the presentation of oral verbal stimuli and reply in terms of oral verbal responses. Interviews, specifically semi-structured interviews, were selected due to their flexibility to explore themes and topics that dig deeper for responses to the research question. This method will allow new emerging ideas to be raised and explored in the due course of the interviews. The choice to conduct interviews was based on practical reasons such as respondents' availability. The interviews were semi-structured, indicating that there was a pre-determined list of questions to be asked to the research respondents. This was both face to face and oral interviews; the questions were the same and were asked in a way that ensured limited biasness in the response. This method was used to collect data from all the key respondents who include; the clerks, the speakers, directors and committee chairpersons.

3.6.2 Focus Group Discussions (FDG)

FGD envisions being more than just a question and answer chat or interaction between participants. The expectation was that with guidance from the facilitator, group members discussed relevant issues among themselves. In this study, focus group discussions were used to gather views and opinions by giving participants a topic with a series of questions to discuss. The researcher's main role in the discussions was to listen and facilitate the interaction by probing and prompting ideas from the participants. The researcher used this method to collect relevant information from relevant respondents by discussing research questions with groups of FDG sampled respondents mainly the committee members, researchers and economists of parliament. The group consisted about 10 carefully selected respondents per group.

3.6.4 Documentary Review

This method was used to collect secondary data and was guided by a documentary review checklist. Documents containing relevant literature from libraries were analyzed as secondary source of data to supplement primary data from FDG and interviews. This was in line with Amin (2005), who argued that secondary sources of data play a significant part in supplementing information from questionnaires and interviews.

3.7 Data Collection Instruments

The Researcher used qualitative data collection tools like Interviews guide, Focus group discussion guide and documentary review checklist.

3.7.1 Interview guide

An interview guide was a set of questions that the researcher asked during the interview (McNamara, 2009). The researcher had designed an interview guide to facilitate interviews with the Committee chairpersons, Speaker of parliament and Clerk to parliament. The researcher posed questions intended to lead the respondents towards giving data to meet the study objectives and probe the respondents in order to seek clarification about responses provided. Interviews are chosen because they are regarded as a tool that collects in-depth data about a particular research phenomenon. Mugenda and Mugenda (2003) argued that interviews are beneficial because they provide in depth information which is not possible to obtain by using quantitative tools.

3.7.2 Focus group discussion guide

The Focus group discussion were used in this study since it generally yields the highest level of cooperation, exhibits lowest refusal rate, offers high quality response and it's cost effective. FDG guide is a multi-Method of data collection which involves questioning, cross examining,

and probing techniques (Owen, 2002). In this study the FDG guide was used to solicit information from the members of parliament.

3.7.4 Documentary Review Checklist

The documentary review check list was used for purposes of reviewing documentary data. Documentary data was obtained through the use of published and unpublished documents. Various publications, magazines, state of the Nation Addresses, reports, Rules of Procedure of Parliament of Uganda, historical documents and other sources were reviewed by the researcher. Amin (2005) maintains that secondary data was helpful in the research design of subsequent primary research and provided a baseline with which the collected primary data results was compared to other methods.

3.8 Quality control

The research instruments were piloted in the department and among supervisors that are not included in the sample of the study and modified to improve their confirmability and transferability.

3.9 Quality Management of qualitative tools

3.9.1 Confirmability

According to Baxter and Eyles, (1997), confirmability is the process to which the intermediate result of an investigation can be confirmed by other researchers. Confirmability was aimed at establishing that the gathered information (data) and interpretations of the results are not fabrications of the investigator's thinking but are clearly obtained from the information collected from relevant respondents as argued by Tobin & Begley, (2004, p. 392). To ensure accuracy of the instruments, the researcher used an Audit trail and triangulation of the instruments.

Bowen (2009) argues that this kind of an audit trail provides visible evidence from the systematic procedures and final products that the researcher didn't just easily find what he or she intended to find out.

3.9.2 Transferability

According to scholars Bitsch, (2005), transferability is the process to which the intermediate results of qualitative research would be transferred to other contexts with other research respondents as it is interpretively equivalent of generalizability. According to Bitsch (2005), claims that the researcher shall always facilitate the transferability decisions by a potential user through which critical description and purposive sampling. This indicated that when the researcher provides a detailed description of the enquiry as participants were selected purposively, it shall facilitate transferability of the inquiry. Critical description shall involve the researcher explaining all the research processes, from collection of data, study context to production of the comprehensive final report. The researcher ensured transferability by using thick description and purposively selecting the respondents for the study.

3.10 Procedure for Data Collection

The researcher wrote a proposal which was submitted for approval, after which data collection instruments were developed for use in the study. The researcher obtained an introductory letter from the faculty which introduced him to the respondents. The data collection instruments were then be pre-tested to explore the wording and grammatical content, this was done to establish its validity and reliability to improve the quality of the data collected. The appropriate number of copies of the research instrument was printed and made available to the respondents and after which the data collected was coded and summarized for analysis.

3.11 Data Analysis

Data processing involved two sub processes, namely; editing and coding. These were done to ensure that the collected data would derive logical meaning. This involved careful scrutiny of

completed data collection instruments and schedules. Both field and central editions were carried out.

3.11.1 Qualitative Data Analysis

The study employed both thematic and content analysis techniques to analyze the qualitative data. This was because it enabled the researcher to observe patterns or speech like what the respondents talked about (Berg 1989). Nueman (1997) asserted that content analysis enables the researcher to gather and analyze data in the context of text. Therefore, discrete bit of information was assigned into categories using themes as coding units (Lewin1979, Breakwell, Hammond & Fife-Schaw, 1995). The data was analyzed manually by the researcher and important thematic areas such direct quotations were extracted and reported in line with study variable verbatim.

3.12 Measurement of Variables

Different variables are measured at different levels, (Bell, 1997). Both the nominal and ordinal scales of measurement were used in the questionnaire. According to (Mugenda & Mugenda, 1999), nominal scales are assigned only for purposes of identification but do not allow comparisons of the variables being measured.

3.13 Ethical considerations.

This research took into consideration a number of ethical considerations namely;

Permission was requested and obtained from relevant authorities before the researcher conducted interviews with groups from the respective respondents.

Throughout the research, the researcher sought out informed consent from the respondents for the interviews before administering the tools.

Confidentiality, each respondent was informed of the intention of the study and the researcher promised and guaranteed maximum confidentiality in all matters discussed. The researcher first

interacted with the respondents and gave assurance that the purpose of the study was purely academic and would only be used for that purpose and only by the researcher.

The researcher also ensured that he refrains from all forms of plagiarism like owning someone else' work, presenting a report that has ever been submitted before by another student among other forms (Creswell, 2003).

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION OF FINDINGS

4.1 Introduction

The study sought to assess the challenges to legislation and the scrutiny of bills by the committees of the 10th parliament of Uganda. This chapter presents the analysis of the data collected from the field in relation to the study objectives and research questions. This chapter also presents the findings, analysis and interpretation of the findings drawn from the research questions

4.2 Response Rate.

The response rate of the study is presented in table 4.1 below

4.1 Table showing the response rate.

Category of Respondents	Actual response rate	Response Rate (%)	Code of Respondents
Clerk to parliament	01	100	A
Deputy clerk Legislation	01	100	A
Speakers	01	100	B
Committee chairpersons	15	100	C
Directors	05	100	D
Committee members	25	100	E
Researchers	10	100	F
Economists	10	100	G
Other MPs	11	100	H
Total	79	100	

Source: Primary data, 2018.

According to table 4.1 above, it is shown that out of the target population of 80 respondents that were expected to be part of this research as participants, 79 of the respondents were actually

studies giving a response rate of 98.75%. This response rate was deemed well enough since it was over and above the 50% as recommended by Amin (2005)

4.3 Empirical findings on Challenges to Legislative Scrutiny of Bills in Committees of the 10th Parliament of Uganda.

The data collection guides had a list of issues that measured the challenges to Legislative Scrutiny of Bills in committees of the 10th Parliament of Uganda. The initial conceptualization of Challenges to legislative scrutiny had the dimensions Absenteeism, bill backlog and political party influence as independent variable while scrutiny of bills had dimensions like Quality of the bills passed, Number of bills passed and Time taken to pass a bill.

The results were explored, described and explained using the thematic model in order to show the extent to which the variables influence each other. The results from the documentary review checklist were used to back up the interview and focus group discussion findings.

4.4 Findings on Scrutiny of Bills in committees of the 10th Parliament of Uganda.

Scrutiny of bills in committees of the 10th Parliament was conceptualized into four major issues that were used to seek responses that answered the case under investigation. The issues evolved around how bills are scrutinized in Parliament, performance of committees in the 10th parliament, challenges faced in scrutiny of bills that has affected the Quality of Bills passed, Number of Bills passed and the time taken to pass a Bill and lastly the respondents were asked on the solutions to address the above challenges to ensure Quality of Bills passed, good number of Bills passed and the mandated time taken to pass a Bill. Below are findings generated from documentary review checklist and responses from the respondents after the interviews and Focus group discussions.

4.4.1 How Bills are scrutinized in Committees of the 10th Parliament of Uganda.

“Bills are proposals made by government or private members of parliament to improve on the existing law or make a new law to address certain issues in the country” as defined by Rules of Procedure of Parliament of Uganda, 2017. Bills are presented in parliament and later forwarded to the sector committee of parliament that handles issues in relation to what the bill is about. Below are responses on how bills that forwarded to committees are scrutinized.

The researcher reviewed the provisions of rules of procedure of parliament *“where rule 128 provided that after first reading of the bill on the floor of Parliament, the bill is then referred to the appropriate committee for examination, analysis and scrutiny”*.

In a focus group discussion with the Respondents F, it was revealed that *“Bills forwarded to the committee are critically analysed clause by clause to understand and ascertain the nitty-gritties that are in a bill”*.

According to Respondent B during a face to face interview he remarked that

“a bill goes through three processes i.e. the pre-legislative scrutiny of bills showing how the bill will be integrated in the already existing law, actually legislative scrutiny which involves researching and bench marking and then post legislative scrutiny which assesses how the law operates and what should be improved in the law to ensure its effectiveness in enforcement and operationalization.”

And all this process should be done within the mandated 45 days granted by the statutory instruments.

According to the Respondents E who are designated to this committees during the FDG also revealed that *“after the bill has been forwarded to the sector committee, the leadership of the*

committee now invites several stakeholders whom this bill would benefit or affect if it was passed into law, this stakeholders also make their submissions to the committee either in support or against the bill.

This implied that the process of scrutinizing bills in committees of Parliament is systematic and guided by the rule of procure thus every bill is first presented on the floor of parliament before it is assigned to the sector committee under which the proposed bill lies for further analysis and scrutinizing within 45 working days and later it is brought back to parliament for the first reading, second reading, third reading then discussion and later approved awaiting presidential ascent to make it law.

4.4.2 Responses on challenges faced by committees of 10th Parliament in scrutiny of bills that has affected that has affected the Quality of Bills passed, Number of Bills passed and the time taken to pass a Bill.

In an interview interaction with Respondent A, it was revealed that time management is a great challenge in scrutiny of bills as she noted that and this is caused by many meetings as noted by the respondent that;

“To ensure quality scrutiny of bills, parliamentary committees need to hold a number of meetings in engaging various stakeholders that can end up surpassing the mandated period of bill scrutiny which is 45 days and this has affected on committees attaining their set targets on a number of bills to be scrutinized in a term of a committee which is a year”.

In a focus group discussion with Respondents E revealed that “one of the major challenge that has affected their operations is inadequate financial resources which has halted progress of finishing off some bills that before them”. Furthermore, a member of Respondents D also noted

that “at times they schedule for trips abroad to bench mark on certain laws but end facilitating themselves because government delays to release the finances and this makes it appear as if MPs are there to fund parliamentary activities”.

In an interview with Respondent D, it was also revealed that “the challenge that committees of parliament face in scrutiny of bills is due to the designation of MPs to multiple committees which to a greater extent gives opportunity to MPs to dodge meetings and divert focus of MPs on concentrating on one committee business thus affecting the conceptualization of the matters under scrutiny”.

In a face to face interview with the participant of Respondents A,

He noted that one of the major challenges he has observed is about the technicality of the bills before committees of parliament which also has a bearing the designation of committee leadership positions. He remarked that “all bills have technical elements in them depending on the sector under which the bill is presented before parliament. The technicality has affected the critical analysis and scrutiny of bills due to inadequate technical understanding of the nitty-gritties and technical language used in those bills; this has made MPs to just pass bills with minimum contribution”.

According to the member of Respondent A, “this issue of inadequate technical understanding is caused by political party influence on just appointing members to various committees which members have little knowledge about the technical issues in that area”.

This implied that committees of parliament face several challenges that have extensively affected scrutiny of bills in committees of the 10th parliament of Uganda to ensure Quality of Bills passed good number of Bills passed and the mandated time taken to pass a Bill.

4.4.3 Responses on what should be done to ensure improved scrutiny of bills in committees of the 10th Parliament of Uganda.

The respondents proposed a number of solutions that be employed to some extent address the above challenge with hope that it can help improve the scrutiny of bills in committees of the 10th Parliament to ensure Quality of Bills passed, good number of Bills passed and the mandated time taken to pass a Bill. Below are the responses on what should be done to improve scrutiny of bills in committees of the 10thParliament of Uganda.

In a face to face interview with a member of Respondents A, she suggested that *“parliament should adjust on the time given to the committees of parliament to scrutinize a bill indicating that the 45 days rule is to some extent very unrealistic base on the congested parliamentary calendar that has affected Quality of Bills passed and a number of Bills passed within a mandated time frame given to pass a Bill”*.

In the supplementation to the above solution, the researcher also interacted with the member of Respondent G and he suggested that

“members of parliament should be designated to one committee to avoid members being on multiple committees which has affected their performance and diverted their focus”. “He further proposed that members of parliament should be given a green light to voluntarily select which committee every member is comfortable to be on basing on his technical capacity, expertise and professional background as this will ensure theQuality of Bills passed and a good number of Bills passed within a mandated time frame given to pass a Bill”.

In an interview with a participant in respondent B, He noted that

“almost all committees of parliament have adopted a new culture of bench marking which has to a greater extent affected and delayed the committees to scrutinize bills within the 45 days rule, so to address this he suggested that committees should desist from bench marking from countries in Europe, Asia, Middle East among others because the bills they scrutinize are not for those populace thus the circumstances, situation and issues to address using that bill are so different from Uganda”. “He advised that Committees of parliament should make use researchers to carry out desk research to avail them with which ever information they need about the bill and how it has worked elsewhere”.

On the issue of inadequate and delay in release of financial resources to committees of Parliament to conduct their activities, Participants in Respondent E suggested

“that parliament and the government of Uganda should improve on the funding of the committees of parliament which will motivate them to perform their tasks effectively”. “They also proposed that parliament should also ensure early release of funds to these committees of parliament if they are to achieve the standards and set targets of parliament in a year that will ensure Quality of Bills passed, and a good number of Bills passed within the mandated timeframe given to pass a Bill”.

This implied that once the above suggestions and proposals are adhered to and implemented by the relevant authorities in governance, then committees of parliament will thrive in performing their tasks and responsibilities to realize their set targets best results of Quality in Bills scrutinized and a good number of Bills passed within a mandated time frame given to pass a Bill.

4.5 Findings on the effect of absenteeism on the Legislative Scrutiny of Bills in committees of the 10th Parliament of Uganda.

Absenteeism is one of the vices that is eating up parliament slowly as revealed by a Participant of Respondent B. *According to the respondent, this is due to a number of factors ranging from the personal responsibilities of MPs, emergencies that just crop up, bench marking which takes time and makes MPs to be away from parliament, membership of MPs on multiple committees also causes absenteeism in committees of Parliament.*

4.5.1 Responses on the extent to which absenteeism has affected the scrutiny of bills in committees of the 10th Parliament of Uganda.

According to the focus group discussion held with the participants of respondent H and

“they revealed that absenteeism greatly affects scrutiny of bills in committees of parliament as business is delayed to be completed on time which has also to a greater extent affected the reputation of the institution of Parliament”. For example absenteeism of members has made committees to fail meeting the targets set by those respective committees and makes MPs to deny ownership of the proceedings of the committee which has led to rise of minority reports on the floor of parliament.

According to the participants of Respondents E revealed that “*absenteeism makes the members to miss a lot deliberations in the committee and this can draw back the discussion on issues that have already been assessed, analysed and scrutinized, so this prolongs the business of the committee in performing their tasks*”.

In agreement with the above was the response from the participants of Respondent G who also acknowledged that indeed absenteeism does affect scrutiny of bills in committees of the 10th Parliament. The participants cited the

“example in their committee when the members didn’t turn up for the meeting within which the committee had invited stakeholders of the bill and agreed on certain issues, so in the next meeting Members who were absent wanted the committee to re-invite the same stakeholders for an engagement with the committee”. They also noted that “absenteeism makes members who were not available during scrutiny to turn against the resolution of the committee more especially if the bill is controversial in the public domain”.

This implied that Absenteeism to a greater extent had affected the scrutiny of bills in committees of the 10th Parliament that has seen bills passed without better scrutiny, well thought about like the OTT and Mobile Money Tax and these caused a lot of controversy and resistance from the public to respect the tax therefore absenteeism has affected the number of bills passed within the mandated timeframe of 45 days rules.

4.5.2 Quorum and the scrutiny of bills in committees of the 10th Parliament of Uganda.

“Quorum is key in all parliamentary business both in committees of parliament and the plenary because without quorum there is no business” as noted by the participant of respondent B. This indicated that quorum indeed affects scrutiny of bills in committees of the 10th Parliament of Uganda.

During the Focus group discussion with Participants of Respondent F remarked that

“Quorum is very vital because there cannot be a committee meeting without numbers of committee members that makes quorum, they revealed that every committee has like 30 members thus committee can’t sit with only two or four members, this makes the chair of the committee to adjourn or postpone the meeting to some other day which delays and prolongs the committees activities”.

Participants of Respondent G also noted that *“Reports and resolutions made without quorum attract legal proceedings and rejection from parliament, thus a committee resolution made with quorum is easily accepted and approved by parliament hence Quorum has the capacity to halt the committee business and render the resolutions and reports acceptable or rejected on the floor of Parliament”*.

In an interviewed conducted with the participant of respondent B, noted that

“Quorum is very important more especially during voting on contentious issues in committees of parliament and floor of Parliament and he cited the example of the constitutional review amendment 2017 and Excise duty amendment 2018 on Mobile Money tax where quorum played a role in effectively passing and approving those laws”. However he also “warned that passing of laws with lack of quorum attracts legal suits citing the example of the anti-homosexuality bill 2012 where a bill was passed without quorum and parliament was sued in courts of law which also made the president not accent on the bill to become law till to date”.

This implied that Quorum greatly affects scrutiny of bills in committees of the 10th Parliament of Uganda as business is delayed to be completed and committees cannot conduct their business due to quorum.

4.5.3 MP participation and the scrutiny of bills in committees of the 10th Parliament of Uganda.

“MPs Participation is very paramount in scrutiny of bills in committees of the 10th Parliament of Uganda” as remarked by a participant in Respondent C. He further noted *that MPs “Participation creates a great working environment where MPs own the resolutions of Parliament and don’t go against them either in the media or on the floor of Parliament”*.

A participant in Respondent A also observed that *“level of MPs Participation also depends on the technicality of the bill before a committee, if the MPs are well versed with the technical bit of it, then participation is very good compared to bills that are so technical than the knowledge and expertise of the MPs”*.

According to the Participants in Respondent E noted *that*

“MPs Participation in committees by actively contributing on the issues being discussed before the committee results into quality and standard bills scrutinized”. The participants also supplemented that *“this also helps the committee to address all the queries that may raise when the bill is presented before the floor of parliament because it could have gone through thorough analysis and scrutiny by all members that gives small window for mistakes in the bill”*.

This implied that as the researcher postulated in the conceptual framework, MPs Participation greatly affects Scrutiny of bills in committees of the 10th Parliament of Uganda as this participation ensures thorough bill analysis which leads to Quality bills scrutinized by committees of Parliament.

4.5.4 MP’s late coming and the scrutiny of bills in committees of the 10th Parliament of Uganda.

“Late coming among MPs in committees and actually in the plenary is growing day by day and it is proving to be a very serious problem to deal with in the Parliament of Uganda” as recognized by a participant in Respondent A.

According to the Participants in Respondent C noted

“that late coming is becoming a cancer that is eating up committee meeting slowly by slowly and if it is not quickly addressed by the relevant authorities in Parliament and Committee leadership then the committees of parliament will not achieve any set targets on time”. According to this participants who was quoted saying “late coming is caused by lack of motivation and commitment by the members of the various committees of parliament which makes them to walk in at any time they feel and think is convenient for them”.

According to Participants in Respondent D remarked that

“Late coming of MPs affects scrutiny of bills in committees in a way that members can arrive when the committee has moved close to approving the resolutions but because a member has just joined in mid of the meeting, he/she draws back the discussion and this delays scrutiny of bills which fails the committee to beat the mandated time frame of 45 days rule”.

Participants in Respondent E noted *that*

“Late coming of MPs is also partly caused by the multiple membership of MPs to more than one committee, so an MP first attends a meeting of one committee and later joins the other which in most cases arrives when the committee is summing up the business of the day, this affects scrutiny of bills as the member who comes late finds when the subject matter had already been discussed”. One participant was quoted “using an analogy of receiving holy communion in church saying that when a Christian goes to church after holy communion, the reverend does not re-offer holy communion because a member has come, thus this is the same in committees of parliament that when a member comes late misses a lot of the issues discussed”.

This implied that MPs late coming for committee meetings greatly affects scrutiny of bills by Committees of the 10th Parliament of Uganda as this delays business of the committee to accomplish its tasks within the mandated period of time as stipulated in the rules of procedure.

4.5.5 How absenteeism of MPs in committees should be dealt with in scrutiny of bills in committees of the 10th Parliament of Uganda.

Respondents gave ideas on how best to deal with absenteeism in Committees of the 10th Parliament of Uganda in order to ensure the Quality of Bills passed, and a good number of Bills passed within the mandated timeframe given to pass a Bill. Below are some of the solutions to address the dimensions of Absenteeism which includes Quorum, MPs Participation and MPs Late coming to parliamentary committee meetings.

On the issue of Quorum, the participant in respondent B suggested

“that the parliament should improve on the motivation of the MPs and also make it very expensive for a member to miss a committee meeting or plenary by attaching a charge in form of deductions from allowances of MPs that absent themselves in parliamentary committees or Plenary as this will trigger the MPs to always be available in Committees to carry on with parliamentary business”.

On the issue of MPs Participation in both parliamentary and committee business, a participant in Respondent A suggested that *“Parliament should always organize continuous capacity building programs for MPs so that they can get to learn and be familiar with technical issues so that by the bill is in the committee for scrutiny, they will have the moral authority and much confidence to actively contribute and participate in all discussions of the issues before the committee of Parliament”*.

About the issue of MPs Late coming for committee meetings, a Participant in Respondent C

“Proposed that there are two major ways of addressing late coming of MPs for committee meetings and one is Party whips together with their respective political parties should ensure that when designating MPs to various committees, each MP should appear on a single committee”. He further added that the next way to address late coming is “through naming and shaming of MPs who come late for meetings in committees of Parliament, and this naming and shaming should be done on the floor of parliament by the Speaker”.

On absenteeism as a major factor that has affected scrutiny of bills in committees of the 10th Parliament, Participants in Respondent B,

“Proposed that the MPs should improve on their commitment and improve on their time management skills in order to ably perform the responsibilities of the MP well”. He however noted that Parliament as an institution, “should come up with strong conditions that makes absenteeism a risk for a member of parliament in both committees or plenary by attaching a cost that is deducted automatically from the MPs emoluments”.

This implied that all respondents in the study recognized absenteeism as a great challenge that has affected scrutiny of bills by committees of the 10th Parliament as they agreed that this should be dealt with by suggesting the above solutions, this indicates that once the above solutions are implemented or put into practice, then the cases of absenteeism will reduce or even be totally eliminated in the 10th parliament of Uganda which will grantee Quality of Bills passed, and a good number of Bills passed within the mandated timeframe given to pass a Bill.

4.6 Bills' Backlog and the Legislative Scrutiny of Bills in committees of the 10th

Parliament of Uganda.

Backlog is one of the major problems that are curtailing the performance of parliament slowly as revealed by a Respondent A. *According to her, parliament is living in a cycle of backlog from the previous parliaments and parliamentary sessions and many factors account for that including “automatic adoption bills from previous parliament and committees, loss of interest in some bills by the sponsors of the bills and delays by the initiators of the bills.*

4.6.1 What causes backlog in committees of parliament during scrutinizing of bills in committees of the 10th parliament of Uganda

The researcher had interest knowing the main causes of backlog in the scrutiny of bills and therefore sought responses from a number of respondents and during an interaction with respondent A,

“it was revealed that the many activities carried out by committee members such as; attending burial ceremonies, wedding functions and making unnecessary travels curtails the scrutiny of bills by committees, she further pointed out that the changes in the leadership of committees grossly affects the number of bills passed as some of the members of the committee resist the new leadership, the new leaders come with their own targets and all these delay the scrutiny of bills.”

From the focus group discussion held with the researchers attached to committees,

“they revealed that backlog is majorly caused by the committee members who always ask for facilitation so that they may go through the bills and when the initiators of the bills mostly the line ministries fail to provide the required money, the members do not attend meetings leading postponement of the scrutiny of bills. They further revealed

that some of the bills are so controversial that members decide to disassociate themselves with the bills, the researchers also cited loss of interest in the bill by the sponsors especially government ministries which were later abandoned by government.”

In a focus group discussion with the economists and committee members on the main causes of backlog of bills,

“they jointly agreed that the statutory 45days mandated by the parliamentary rules of procedure is too short to effectively scrutinize the bill and come to the bottom of it amidst the many activities that members engage in including attending parliamentary sessions and visiting their constituencies and this delays the scrutiny of bills and reduces the number of bills passed and also affects the quality of bills since they are passed in a rush.”

This implied that backlog is existent in the committees of parliament and to a greater extent had affected the scrutiny of bills in committees of the 10th Parliament that has seen bills passed without better scrutiny well thought about, like the OTT and Mobile Money Tax which caused a lot of controversy and resistance from the public to respect the tax therefore backlog has affected the number of bills passed within the mandated timeframe of 45 days rules.

4.6.2 Responses on how expertise by committee members affects scrutiny of bills

The researcher also sought information on how expertise by committee members affects the scrutiny of bills and the respondents gave their views and particularly during a one on one interview the researcher had with respondent A,

“it was revealed that the expertise of the committee members has no effect on the scrutiny of bills because the committees have researchers and budget officers as well as legal officers who offer expertise in an attempt to boost the expertise of the members.

He further pointed out that committees can also source for expertise opinion from consultants in a specific area of interest.”

This implies that the expertise of committee members does not necessarily have an effect of the quality of bills passed.

However, the respondent put forward some suggestions on how to improve the members’ engagement and involvement;

“he suggested that political parties should be sensitive in selecting membership to the committees basing on the expertise and qualifications of the members. The respondent also suggested that previously, membership was voluntary and this improved the scrutiny of bills since members joined committees basing on their expertise and therefore to improve the quality of bills, parliament should allow voluntary membership to committees rather than rewards for loyalty by political parties.”

4.6.3 Responses on how bill backlog affects scrutiny of bills by committees of the 10th parliament of Uganda

For this study, the researcher sought researcher sought views from the respondents on how bill backlog affects scrutiny of bills in the 10th parliament, and during a face to face interview with respondent B,

“it was revealed that backlog grossly affects the scrutiny of bills as it hinders the committee from hitting the set targets regarding their work of passing bills, he further revealed that backlog renders some bills completely irrelevant since they are shelved for so long and also leads to loss of institutional memory of some bills that are overshadowed by more current bills of greater interest and in the end, he concluded by

stating that backlog affects service delivery by the institution since it curtails the core business of parliament which is legislative scrutiny.”

In relation to the above, the researcher reviewed the state of the nation address 2018, it discovered that

“there are many bills proposed by the president during the state of the nation address every year and before introducing, scrutinizing and passing those bills others are proposed in the subsequent year thus causing bill backlog and affecting bill scrutiny due to congestion and limited time”. This is supported by the evidence on the weekly order paper of November 2017 which revealed that “out of 81 policy proposals made by the president; only 13 bills were enacted and passed in the same year”.

From the views above, it was implied that backlog in the committees greatly affects scrutiny of bills by Committees of the 10th Parliament of Uganda as this delays business of the committee to accomplish its tasks within the mandated period of time (45days) as stipulated in the parliamentary rules of procedure.

4.6.4 Responses on how bill backlog can be addressed to improve on the legislative scrutiny of bills by committees of the 10th parliament.

The researcher interacted face to face through an interview with respondent B to his suggestions on how bill backlog can be addressed and he gave suggestions on how to improve backlog and they included; *committees ignoring most of the pending business of the previous committees and previous parliaments because they derail the progress of the committee business and thus reducing the number of bills passed.*

From the focus group discussions with the economists still on how bill backlog in the committees can be addressed, *the respondents suggested that installing and implementing an electronic bill tracking system by parliament can definitely help curb the vice of backlog as a bill will be tracked at all stages throughout the scrutiny till the time a full report is made and presented for hearing on the floor of parliament.*

This implied that the respondents in the study recognized backlog as a great challenge that has affected scrutiny of bills by committees of the 10th Parliament as they agreed that this should be dealt with by suggesting the above solutions, this indicates that once the above solutions are implemented or put into practice, then the cases of backlog will reduce or even be totally eliminated in the 10th parliament of Uganda which will grantee Quality of Bills passed, and a good number of Bills passed within the mandated timeframe given to pass a Bill.

4.7 Findings on the effect of Political party influence on the Legislative Scrutiny of Bills in committees of the 10th Parliament of Uganda.

“Political Party affiliation took shape in 2005 after the referendum which lead to the introduction of multi-party system of governance as” revealed by a participant in Respondent E. He further stressed that *“this system gave raise to establishment of various political parties and movements which most people subscribe to in order to get political offices”*. According to another participant in Respondent E supplemented on the above by noting *“that multi-party system of governance has seen many politicians contesting on political party tickets which makes them easily win political races”*. He further added that *“today most politicians ranging from the president contest on party tickets indicating that whoever runs on a party ticket is supported and sponsored by that respective political party”*.

Below are responses generated from the field as the researcher interacted with the respondent's issues concerning effects of Political party influence to legislative scrutiny in committees of the 10th Parliament of Uganda.

4.7.1 Responses on the extent to which Political Party affiliation has affected the scrutiny of bills in committees of the 10th Parliament of Uganda.

According to a participant in Respondent C was quoted

“Saying that committees in parliament distributed basing on the strength of the political party numbers in Parliament”. She further stressed that “leadership and membership to parliamentary committees are appointed by the party whip and their respective political parties. In addition she noted that more numbers of MPs in parliament for a political Party means more parliamentary committees to be chaired by that strong party and vice versa”. She also indicated that “there is nothing in parliament that can be done without the blessing of political parties thus implying Political Party influence greatly affects Scrutiny of bills in committees of the 10th Parliament of Uganda”.

According to a Participant in Respondent D revealed that

“by the fact that most of the MPs in Parliament and Committees were voted into Parliament with support and on the ticket of their respective parties automatically makes these MPs to be very loyal to the parties they are affiliated to”. He stressed that “this affects the Scrutiny of bills more especially if the bill before the committee is political or very contentious that members are obliged to take the party stand over the issue than the stand of the voters or his own stand”.

According to Respondent E, a participant stressed

“that political party influence creates a situation of ethical dilemma in scrutiny of bills in cases where the political party you subscribe has an interest that is in contradiction to the interest of the voters”. He further remarked “that if a member goes against the party interest, you are referred to as a rebel MP than a loyal cadre who supports the interests of the party against the interests of the voters, and if you go against the interests of the voters then you risk being recalled or losing the next election”.

This implied that Political Party influence greatly affects Scrutiny of bills in committees of the 10th Parliament as it creates a mixed feeling of MPs to either support part positions or voters interests which later leads to breach of a social contract between the MP and his/her electorates which affects the Quality of Bills passed, and a good number of Bills passed within the mandated timeframe given to pass a Bill.

4.7.2 Responses on the extent to which Political Party caucusing has affected the scrutiny of bills in committees of the 10th Parliament of Uganda.

According to a participant in Respondent E, acknowledged the effect of caucusing in bill scrutiny in committees of Parliament as she remarked

“that with Multi-party system of governance in parliament, it’s very common for political parties to caucus in order to cater for the interests of the political party members subscribe to”. She further posited “that political party caucusing facilitates parliament to quicken the processes of scrutinizing bills because MPs are trained and educated on several bills before them to scrutinize during caucus meetings, she gave an example of Excise duty tax which was taking long to be amended but when the NRM party which has more members in Parliament summoned its members, the MPs were

educated on the bill and within a small period of time the bill was scrutinized and approved immediately”.

According to the participant in Respondent H, remarked “*that political party caucusing swings into action depending on the benefits and effects of bill vis-à-vis the interests of political parties*”. Another participant in Respondent H supplemented by saying that

“if the bill is beneficial to ruling party or government then the party will rally its members to support it but if the bill greatly affects the opposition, then it also rally its members to fail the scrutiny and approval of such a bill, he cited the example of Constitutional amendment bill 2017 and Public Order Management bill 2015 where the government was interested in it because the bills would benefit from them while the opposition was against it because bills would affect them politically, here the parties influenced a lot the thinking, arguments and decisions of MPs about the subject matter before the committees and on the floor of Parliament through caucusing”.

This implied that political Party caucusing greatly affects the scrutiny of bills in committees of Parliament as members who are in Parliament on party ticket have to support the party position on the contentious issues. Caucusing gives chance to MPs to learn, conceptualize and understand the aspirations and interests of their respective political parties on the subject matters before committees of Parliament for scrutiny.

4.7.3 Responses on the extent to which Political Party numbers has affected the scrutiny of bills in committees of the 10th Parliament of Uganda.

Political Party Numbers are always key in any multi-party governance system anywhere in the world as elucidated by a participant in respondent G. He further posited “that use of political party numbers in legislation is legal and provided for in the laws of Uganda citing section 11

of the Political Parties and Organizations Act 2005". In supplementation, participants in Respondent G insisted that *"indeed political party numbers greatly influences and affects scrutiny of bills in committees of the 10th Parliament of Uganda as voting in parliament on hotly contested issues is determined by numbers and the majority always take the day"*. A participant in Respondent G cited *"the example of bills like Excise duty tax amendment bill 2018, constitution amendment bill 2017 among other bills which were scrutinized and passed based on party numbers"*.

According to a participant in Respondent E posited that

"however much political party numbers influence the scrutiny of bills in committees of Parliament, members of parliament are always committed and have maintained the objectivity and standardized the way of scrutinizing bills before their respective committees to ensure that the laws facilitate the effectiveness and efficiency in operationalization of government activities to serve the Public."

According to the perception of Participants in Respondent H in their opinion sees *"Political Party numbers as influential in scrutinizing bills that are sponsored by government. By the fact that government sponsors a bill, it's clear like a crystal that government is more interested in such a bill and it will do whatever it takes to ensure that it has everything needed to scrutinize and pass that bill"*. Participant in Respondent H cited

"the example of the most contentious bill in the history of Uganda that even saw MPs threatening themselves publically and that was Constitutional Amendment bill 2017 where the ruling party through its whip in Parliament appointed more members on the Legal and procedure parliament committee that scrutinized the constitution Amendment bill, according to this participant, the appointment of this members was

intended to out-number the members against the bill and this worked out for government as it succeed in scrutinizing, voting for the bill and passing”.

This implied that Political Party numbers in Parliament influences the scrutiny of bills in committees of the 10th Parliament as revealed in the above findings. As presented above, party numbers are always thought about only when political parties are interested in the bill, the party whip in Parliament rallies his/her members to support the bill but if political party anticipates negativity of the bill to their operations then the party whips will mobilize the members against the scrutiny and thus fail the bill to see the light of the day.

CHAPTER FIVE

SUMMARY, DISCUSSION, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The study examined the challenges to legislation and the scrutiny of bills by committees of the 10th Parliament of Uganda. This chapter presents the summary, discussion, conclusion and recommendations drawn from the study findings of chapter four.

The findings of this study are based on the interpretation and analysis of data obtained through the process of interviews and focus group discussions with the esteemed respondents

5.2 Summary of the findings

This section presents the summary of findings from the study per specific objective that guided this study.

5.2.1 Absenteeism and Scrutiny of Bills by the 10th Parliament of Uganda

From the findings above, it was revealed by all the categories of respondents that absenteeism measured by dimensions such as quorum, members' participation and late coming have a positive influence on the scrutiny of bills by the committees of the 10th parliament of Uganda as it was reflected by the results from both the interviews and the focus group discussions. This means that when members come late for committee meetings, they drag the meeting back, when there is no required quorum, meetings cannot go on and when members do not effectively participate, the quality of bills passed is wanting.

5.2.2 Bill backlog and Scrutiny of Bills by the 10th Parliament of Uganda

From the findings above, it was revealed by some of the respondents that Bill backlog measured by dimensions like; capacity of members and report writing by members have a positive

influence on the scrutiny of bills by the committees of the 10th parliament of Uganda as it was reflected by the results from both the interviews and the focus group discussions. However, expertise of members does not significantly influence scrutiny of bills because all committees of parliament have technical personnel to boost the expertise of members and committees usually outsource for expertise in case there is need.

5.2.3 Political party influence and Scrutiny of Bills by the 10th Parliament of Uganda

From the findings above, it was revealed by all the categories of respondents that political party measured by dimensions like; caucusing and party numbers have a positive influence on the scrutiny of bills by the committees of the 10th parliament of Uganda as it was reflected by the results from both the interviews and the focus group discussions. This means that the political party with the majority numbers most times dictates what bills are passed especially when the party has interest in the bill.

5.3 Discussion of Findings

This section presents the discussion of findings from the study per specific objective that guided this research.

5.3.1 Absenteeism and Scrutiny of Bills by the 10th Parliament of Uganda.

From the findings obtained above from both the interviews and the focus group discussions, it was revealed by both that absenteeism which was measured by members' participation, quorum and late coming has positive influence on the legislative scrutiny of bills by the 10th parliament of Uganda. These findings relate to the previous scholars like; Segawa, (2017) who argues that regular attendance of MPs to parliament is critical to the functioning of government on at least two important counts. First, it is crucial for the effective representation of citizens during public debates and decision-making - a fundamental tenet of our democracy. Second, it ensures the

efficiency of our governance processes. Thus, the lack of quorum brings to a halt government business and may delay or even rush the consideration or passage of crucial bills. In the same vein, Walusimbi, (2015) pointed out that many times committees and Parliament could not complete their business due to lack of quorum as only 40% of MPs could be present during scrutiny of bills in parliament. Because of this challenge, the speaker was concerned and proposed to start coming to committees without notice in order to confirm the attendance of the committee members and promised to be personally taking a census in the committees. This was further supported by the works of (Rybicki, 2013), who revealed that for any business to go on in the senate requires the quorum a simple majority of Senators to be met as stipulated by the Constitution of the United States of America or a minimum of 51 if there are no vacancies in the body, to be present on the floor whenever the Senate conducts business. However, Seewald, (2007), points out that relatively few MPs have pushed for greater participation in the deliberations on the bills before them and this may be because they feel that their participation will have little impact because they have limited knowledge.

5.3.2 Discussion of the findings on Bill backlog and Scrutiny of Bills by the 10th Parliament of Uganda.

From the findings above, obtained from both the interviews and the focus group discussions, it was revealed that bill backlog has positive influence on the legislative scrutiny of bills by the 10th parliament of Uganda *as* it hinders the committee from hitting the set targets regarding their work of passing bills, backlog renders some bills completely irrelevant since they are shelved for so long and also leads to loss of institutional memory of some bills that are overshadowed by more current bills of greater interest. These findings are in agreement with some previous scholars such as; A Parliamentary report of (2016) which highlighted that Backlog is one of the main challenges that committees of parliament face in scrutinizing bills,

Johnson & Nakamura, (2006) who stated that Effective committees have developed a degree of expertise in a given policy area, often through continuing involvement, and stable memberships. This expertise is both recognized and valued by their colleagues and this becomes relevant in the process of scrutinizing bills. In the same spirit, Johnson, (2005) conducted his study on the role of parliament in United States of America and documents that assertive parliaments need more expert staff to meet their greater information needs, and faster, more effective, and better-coordinated administrative systems.

However there were differing views from some respondents who argued that expertise does not significantly affect the scrutiny of bills as he stated that each committee has technical people in each field and in some instances, expert outsourcing is done in case of need therefore, expertise does not influence scrutiny of bills.

5.3.3 Discussion of the findings on political party influence and Scrutiny of Bills by the 10th Parliament of Uganda.

From the findings obtained above from both the interviews and the focus group discussions, it was revealed by both that apolitical party affiliation which was measured by party numbers and caucusing has a positive influence on the legislative scrutiny of bills by the 10th parliament of Uganda. These findings relate to the previous scholars like; Verma, (2012) who attempted to delineate the influence of party affiliation and voter perceptions on performance at all three levels of governance; the legislature, Judiciary and the executive; this includes at national, state level and legislator in order to account for vote choice that they receive from the masses. This is evident when most of the sensitive offices are occupied by the people of the ruling party and the Members of parliament from the ruling party will do everything within their means to pass the bills from government even without carefully scrutinizing them. In agreement with him, Doyle, (2016) states that given the fact that since 1994, the South African parliament has been dominated, in terms of numbers of seats by the ruling party, the African National Congress

(ANC), it has become common opinion that the party has used its numerical strength to push through legislation, ratify executive decisions and generally quash opposition dissent. Pinpointing certain instances, for example, the endorsement of the Arms Deal, the passing of the Protection of State Information Bill and the President failing to answer questions orally in the House in 2014, easily explains the conventional thought of Parliament failing to use its teeth.

These findings were further supported by Besley and Valentino, (2010) who examined whether the differences in political circumstances are correlated with political party influence claims and whether it is necessary to control for these observable characteristics of constituencies. These include party affiliation and the marginality of the constituency and their findings revealed that there is no relationship between political party affiliation and performance of MPs in parliament.

However, some of the scholars have differing opinions from the findings for example, Pelizzo and Stapenhurst, (2014), who stated that it is not entirely clear to what extent party strength may affect a parliament's ability to effectively perform their role of scrutinizing bills. Party strength may be measured in votes, seats and party cohesion characteristics that may or may not go together. .

5.4 Conclusions

From the discussion of the findings above, the Conclusions were drawn basing on the specific research objectives that guided this study as shown below.

5.4.1 Absenteeism and Legislative Scrutiny of Bills by Committees of the 10th Parliament of Uganda

From the discussion of the findings above, the study concluded that all the dimensions used to measure absenteeism like Quorum, MPs participation and late coming significantly influence

the scrutiny of bills by the committees of the 10th parliament of Uganda as presented by the findings from both the interviews and the focus group discussions.

5.4.2 Conclusion on Bill backlog and Legislative Scrutiny of Bills by Committees of the 10th Parliament of Uganda

From the discussion of the findings above, the researcher can ably conclude that majority of the dimensions used to measure bill backlog such as expertise of MPs, capacity of MPs and report writing by MPs significantly influence the scrutiny of bills by the committees of the 10th parliament of Uganda as presented by the findings from both the interviews and the focus group discussions. However, expertise of the committee members does not have a significant influence on the legislative scrutiny of bills by committees of the 10th parliament of Uganda since each committee has technical experts in all fields.

5.4.3 Conclusion on political party influence and Legislative Scrutiny of Bills by Committees of the 10th Parliament of Uganda

From the discussion of the findings above, the researcher can ably conclude that all the dimensions used to measure political party influence like; caucusing and party numbers significantly influence the scrutiny of bills by the committees of the 10th parliament of Uganda as presented by the findings from both the interviews and the focus group discussions. The researcher can also conclude that in plenary, no bill can go through without the blessing of the ruling party especially when the party has interest because it has the majority numbers however in committees it's different because numbers only work when there is voting.

5.5 Recommendations of the study

In light of the conclusions, the study made the following recommendations

5.5.1 Recommendations absenteeism and the Legislative Scrutiny of Bills by the Committees of the 10th Parliament of Uganda

1. Parliament should make absenteeism very costly to the members in a way that a fine is attached to each day that a member misses and his or her payments are effected depending on their attendance both in plenary and committees.
2. Parliament should tighten the implementation of the parliamentary rules of procedure concerning attendance of the members' attendance especially in committees.
3. Members should only belong to one committee in order to avoid collusion of meetings and ineffectiveness of members because of serving on multiple committees.

5.5.2 Recommendations on Bill backlog and the Legislative Scrutiny of Bills by the Committees of the 10th Parliament of Uganda

1. Parliament should install and implementing an electronic bill tracking system which can definitely help curb the vice of backlog as a bill will be tracked at all stages throughout the scrutiny till the time a full report is made and presented for hearing on the floor of parliament.
2. Committees and parliament should ignore most of the pending business of the previous committees and previous parliaments and concentrate on their set targets because they derail the progress of the committee business and thus reducing the number of bills passed.
3. The government should stop taking over bills initiated by private members and later shelving them for reasons not best known by the parliament and the initiator of the bill.

5.5.3 Recommendations on Political party influence and the Legislative Scrutiny of Bills by the Committees of the 10th Parliament of Uganda

1. The distribution of members to committees should be voluntary and based on their expertise and academic qualifications and not just their association or membership to a particular party in parliaments
2. Political parties with majority seats in parliament should be careful while selecting leadership to committees and not using it as an opportunity to reward loyal carders to the party
3. To manage the political party influence on bills scrutiny, re-orientation of the members of parliament on their roles in parliament and their constituencies and not just their obligation to the party

5.6 Areas for Further Research

The study attempted to meet and achieve the set objective as shown in the write-up above; however in the process the researcher has observed certain areas that require further research and these include:

- Influence of benchmarking on the scrutiny of bills by committees of Parliament in Uganda.
- A comparative study on the challenges to legislative scrutiny of bills in the Parliament of Kenya and Uganda.
- Role of Cabinet in the Legislative scrutiny of bills by committees of Parliament.

5.7 Contribution of the study to the Existing Body of Knowledge.

Whereas existing literature showed how absenteeism, bill backlog and Political party influence as challenges to Legislative scrutiny of bills in committees of Parliament, none of the scholars

gave evidence in the context of committees of the 10th Parliament of Uganda. Thus the findings of this study provide information about the Challenges (Absenteeism, Bill backlog and Political Party Influence) to Legislative scrutiny of bills in committees of the 10th Parliament of Uganda.

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APPENDICES

APPENDIX I: Interview guide

Dear Respondent,

I am Denis Hamson Obua a student of Uganda Management Institute pursuing a Master's Degree of Public Administration and Management. As part of my course, I am undertaking a research study titled: **CHALLENGES TO LEGISLATIVE SCRUTINY OF BILLS IN COMMITTEES OF THE 10TH PARLIAMENT OF UGANDA**. This survey intends to enhance Legislative Scrutiny of Bills in committees of the Parliament of Uganda.

The research seeks to achieve the following objectives; **to assess how absenteeism, bill backlog and political party influence affects Legislative Scrutiny of Bills in committees of the 10th Parliament of Uganda**. You have been selected to participate in this study as one of the respondents for an interview. The information you provide will be treated in the strictest confidence.

Thank you for your time and help.

SECTION A: Scrutiny of bills

1. How are bills scrutinized in Parliament of Uganda?
2. How is parliament performing in terms of Scrutiny of bills in the aspects of the st targets?
3. What challenges do parliamentary committees face in scrutiny of bills?
4. What should be done to improve scrutiny of bills in Parliament amidst the increasing absenteeism and influence of political parties?

SECTION B: How absenteeism by committee members affects the Scrutiny of Bills.

1. To what extent has Quorum affected scrutiny of bills?
2. How has MPs' participation in the legislation process affected the scrutiny of bills?

3. Do committees experience MPs reporting late for bills scrutiny?
4. If yes, how has late coming affected Scrutiny of bills?
5. How can absenteeism be improved in scrutiny of bills by committees in parliament?

SECTION C: How bill backlog affects scrutiny Bills in Parliament.

1. Does parliament experience any backlog in scrutiny of bills?
2. What causes the bill backlog in committees of parliament during scrutinizing of bills?
3. What expertise do MPs have in scrutinizing of bills in Parliament?
4. How has expertise affected the scrutiny of bills?
5. What capacity do MPs have in scrutinizing bills in committees of Parliament?
6. How has the capacity affected the scrutiny of bills?
7. To what extent has report writing affected scrutiny of bills?
8. How has bill backlog affected scrutinizing of bills in committees of parliament?
9. In your own view, how can this bill backlog be addressed?

SECTION D: How political party affect scrutiny of Bills in parliament.

1. What guides your decision making in scrutinizing bills?
2. How does caucus influence your decisions in scrutinizing bills?
3. How does the political party affiliation affect scrutiny of bills?
4. In your own view, do you think the party numbers in parliament affected scrutiny of bills?
If yes, why?
5. How can Political party affiliation be improved?

THANKS FOR YOUR RESPONSES AND MAY GOD BLESS YOU

APPENDIX II: Focus Group Discussion Guide

Dear Respondent,

I am Denis Hamson Obua a student undertaking a Master's Degree of Public Administration at Uganda Management Institute. As part of my course, I am undertaking a research study titled: **CHALLENGES TO LEGISLATIVE SCRUTINY OF BILLS IN COMMITTEES OF THE 10TH PARLIAMENT OF UGANDA.** This survey intends to enhance Legislative Scrutiny of Bills in committees of the Parliament of Uganda.

The research seeks to achieve the following objectives; **to assess how absenteeism, bill backlog and political party influence affects Legislative Scrutiny of Bills in committees of the 10th Parliament of Uganda.** You have been selected to participate in this study as one of the respondents for a Focus Group Discussion. The information you provide will be treated in the strictest confidence.

Thank you for your time and help.

Focus Group Discussion Guiding Questions

1. How are bills scrutinized in committees of Parliament?
2. What Challenges do committees of parliament face in scrutinizing of bills?
3. How does Absenteeism affect scrutinizing of bills in committees of parliament?
4. In your own views, does quorum affect scrutiny of bills? How can it be improved?
5. In your own views, does MP's Participation influence scrutiny of bills? How can it be improved?
6. In your own views, does late coming by MPs in committee meetings affect scrutiny of bills? How can it be improved?
7. How has backlog affected scrutinizing of bills in committees of parliament?

8. In your own views, what causes the backlog in scrutiny of bills? How can these causes be addressed?
9. How does political party affiliation affect scrutinizing of bills in committees of parliament?
10. In your own opinion, do party numbers influence scrutiny of bills? If yes, how?
11. How can political party affiliation be improved to ensure objectivity in scrutinizing bills?

THANK YOU FOR YOUR COOPERATION

APPENDIX III: Documentary Review Checklist

- State of the Nation Address
- Parliamentary committee reports
- Parliamentary hazard
- Rules of procedure of Parliament

APPENDIX IV: SAMPLE SIZE DETERMINATION TABLE

N	S	N	S	N	S	N	S	N	338
10	10	100	80	280	162	800	260	2800	341
15	14	110	86	290	165	850	265	3000	246
20	19	120	92	300	169	900	269	3500	351
25	24	130	97	320	175	950	274	4000	351
30	28	140	103	340	181	1000	278	4500	357
35	32	150	108	360	186	1100	285	5000	361
40	.36	160	113	.380	181	1200	291	6000	364
45	40	180	118	400	196	1300	297	7000	,367
50	44	190	123	420	:201	1400	302	8000	368
55	48	200	.127	440	205	1500	306	9000	373
60	52	210	132	460	210	1600	310	10000	375
65	56	220	136	480	214	1700	313	15000	377
70	59	230	140	500	217	1800	317	20000	379
75	63	240	144	550	225	1900	320	30000	380
80	66	250	148	600	234	2000	322	40000	381
85	70	260	152	650	242	2200	327	50000	382
90	73	270	155	700	248	2400	.331	75000	384
95	76	270	159	750	256	2600	335	10000	338

“N” is population and “S’ is the respective sample size

Source *R.V. Krejcie and D.W. Morgan (1970) (Amin, 2005), Determining sample size for research activities, educational and psychological measurements, p.608, sage publications*

APPENDIX VI: FIELD PHOTOS



Field Photo I: Image showing the researcher on the right with participants of the study (Committee of Parliament) after a Focus Group Discussion



Field Photo II: Image showing the research assistants with one of the key respondents (middle) Clerk to Parliament after a face to face interview



Field Photo III: Image showing the researcher and his research assistant with another key respondent (middle) Deputy



Field Photo IV: Image showing the research assistant (3rd from right) with participants of the study (Economists) after a Focus Group Discussion.



UGANDA MANAGEMENT INSTITUTE

Telephones: 256-41-4259722 /4223748 /4346620
256-31-2265138 /39 /40
256-75-2259722
Telefax: 256-41-4259581 /314
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Plot 44-52, Jinja Road
P.O. Box 20131
Kampala, Uganda
Website: <http://www.umi.ac.ug>

Your Ref:

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12th November, 2018

Mr. Denis Hamson Obua
16/MPA/KLA/WKD/0003

Dear Mr. Obua,

FIELD RESEARCH

Following a successful defense of your proposal before a panel of Masters Defense Committee and the inclusion of suggested comments, I wish to recommend you to proceed for fieldwork.

Please note that the previous chapters 1, 2 and 3 will need to be continuously improved and updated as you progress in your research work.

Wishing you the best in the field.

Yours Sincerely

Dr. Michael Kiwanuka
AG. HEAD, POLITICAL AND ADMINISTRATIVE SCIENCE

CHALLENGES TO LEGISLATIVE SCRUTINY OF BILLS BY COMMITTEES OF THE 10TH PARLIAMENT OF UGANDA

by Denis Hamson Obua

Submission date: 05-Feb-2019 05:06PM (UTC+0300)

Submission ID: 1073351761

File name:

3606_Denis_Hamson_Obua_CHALLENGES_TO_LEGISLATIVE_SCRUTINY_OF_BILLS_BY_COMMITTEES_OF_THE_10TH_PARLIAMENT_OF_UGANDA_3455_488278908.docx

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