



THE INSPECTORATE OF GOVERNMENT ACT, 2002

INSPECTORATE OF GOVERNMENT POCKET-FRIENDLY VERSION – PARTS III, V AND VI



Objective of this Pocket-friendly version of the IG Act, 2002.

Uganda's legal, policy and institutional regime against corruption is robust. Nevertheless corruption continues to thrive partly because citizens, especially in rural areas are unable to access these laws and policies and as such are either ignorant of their roles and responsibilities or unaware of the procedures for reporting incidences of corruption in their localities, a factor that has ultimately contributed to apathy hence the blatant violation of such legislation with little or no public outcry.

Uganda Debt Network in partnership with the Inspectorate of Government (IG) produced this pocket friendly version of the IG Act, 2002 to raise awareness and popularize the roles and responsibilities of citizens to identify and report corruption at all levels.

These are printed in pocket-friendly versions for ease of mobility and disseminated to community members in the UDN districts of operation, Government Agencies, students, Civil Society Organizations, academia and media practitioners inter alia for regular reference.

Citizens are encouraged to report incidences of corruption to the Inspectorate of Government on any of the contacts or at any of the IG regional offices specified at the back of this booklet.

Preamble:

The Inspectorate of Government Act, 2002 makes provisions for the Inspectorate of Government in line with Chapter Thirteen of the Constitution of the Republic of Uganda; and in particular to make it carry out its intended purpose as required by Articles 225, 226 and 232 of the Constitution.

INSPECTORATE OF GOVERNMENT MANDATE, VISION, MISSION AND CORE VALUES:

Mandate:

The mandate of the Inspectorate of Government is to promote just utilization of Public Resources.

Vision:

“A Responsive and Accountable Public Sector”.

Mission:

To promote good governance, accountability and the rule of law in public office

Core Values

- Integrity
- Impartiality
- Professionalism
- Gender Equality and Equity

UGANDA DEBT NETWORK VISION AND MISSION:

Vision

“A Uganda where public resources are prudently, sustainably and equitably managed”

Mission:

To generate advocacy expertise that influences people-based and accountable public resource management in Uganda.

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PART III – FUNCTIONS OF INSPECTORATE

Functions of Inspectorate

8. (1) According to the provisions of the Constitution and of this Act, the functions of the Inspectorate are-

- (a) To promote strict compliance to the rule of law and principles of natural justice in administration;
- (b) To eliminate and promote the elimination of corruption, abuse of authority and of public office;
- (c) To promote fair, efficient and good governance in public offices;
- (d) To enforce the Leadership Code of Conduct;
- (e) To investigate any act, failure to act, advice, decision or recommendation by a public officer or any other authority to which this section applies, taken, made, given or done in exercise for administrative functions;
- (f) To stimulate public awareness about the values of constitutionalism and the activities of its office through any media and other means it considers suitable;
- (g) To investigate the methods which law enforcing agents and the state security agencies use to perform their functions, and the extent

to which the practices and procedures used support, encourage or interfere with the rules of law in Uganda;

- (h) To investigate the behavior of any public officer which may be connected with or encouraging -
 - (i) The abuse of his or her office or authority;
 - (ii) The neglect of his or her official duties;
 - (iii) Financial misconduct by the officer;
- (i) To take necessary measures for the detection and prevention of corruption in public offices and in particular-
 - (i) To examine the practices and procedures of those offices in order to assist the discovery of corrupt practices and to secure the revision of methods of work or procedure which, in the opinion of the Inspectorate may be conducive to corrupt practices;
 - (ii) To advise those offices on ways and means of preventing corrupt practices and on methods of work or procedure favorable to the effective performance of their duties and which, in the opinion of the Inspector General, would reduce the incidence of corruption;
 - (iii) To disseminate information on the evil and dangerous effects of corruption on society;
 - (iv) To enlist and foster public complaints of

alleged or suspected corrupt practices and injustices and make recommendations for suitable action on them; and

- (j) To perform any other functions that Parliament may prescribe.

(2) The Inspectorate may investigate any matter referred to in sub-section (1) of this section, on its own initiative or upon complaint made to it by any individual or body of persons whether corporate or not and whether or not that individual or body has suffered any injustice because of that matter.

(3) The Inspectorate may, in the performance of its duties under this section, investigate into the actions of any person that may have been done while that person was serving in a public office, notwithstanding that at the time of the investigation, that person has ceased to serve in that office.

(4) The Inspectorate may in the performance of its functions under this Act delegate any of its functions to other authorities or persons at district or lower levels including any local government.

Jurisdiction of Inspectorate

9. The jurisdiction of the Inspectorate shall cover officers and leaders serving in the following offices.

- (a) A government department; undertaking or service;
- (b) A statutory corporation or authority;
- (c) The Cabinet;
- (d) Parliament;
- (e) A Court of law;
- (f) The Uganda Police Force;
- (g) The Uganda Prison Services;
- (h) A government-aided school, college or other institution of learning that accesses public funds;
- (i) The Uganda Peoples' Defence Forces;
- (j) The Local Defence Force;
- (k) A local government council or local government unit or a committee of such council or unit;
- (l) A council, boards, society or committee established by law for the control and regulation of any profession;
- (m) A public commission, association or similar body whether corporate or not, established by or under any law;
- (n) National security organisations including Internal Security Organisation ISO;
- (o) Any other office or body that administers public funds on behalf of the public.

General Powers of Inspectorate

12. For the purposes of performing its functions under this Act, the Inspectorate shall have the following powers-

- (a) to authorise in writing any officer under its control to conduct an inquiry or investigation into an allegation of corruption, abuse of office and neglect of duty, and any other aspect that the Inspectorate is empowered to investigate into;
- (b) To require a public officer or any other person to answer questions concerning his or her duties or those of another person;
- (c) To require any person in charge of a public office to produce or provide within a specified time, any document or certified true copy of such document which is in his or her possession or under his or her control; and
- (d) To do any other thing necessary for the performance of the functions of the Inspectorate under this Act.

Powers of access and search

13. (1) Subject to the provisions of any law, the Inspectorate shall have power to enter and inspect the premises or property of any department of government, person or of any authority; to call for,

examine and where necessary, retain any document or item in connection with the case being investigated, found on the premises; and may, in those premises, carry out any investigation for the purpose of its functions.

(2) Without prejudice to the powers of the Inspectorate specified in section 12 of this Act, the Inspector General, the Deputy Inspector-General or any other officer or person authorised by the Inspector-General or Deputy Inspector-General for the purpose, shall, in the performance of their functions under this Act-

- (a) Search any person and retain any document or item in connection with the matter being investigated found with or on him or her;
- (b) Have access to all books, returns, reports and other documents relating to the work in any public office;
- (c) At any time have access to and be able to search the premises of any public office, or of any vessel, aircraft or other vehicles, if there is reason to suspect that property corruptly or otherwise unlawfully acquired has been placed, deposited or hidden in it.

(3) An officer or person conducting a search under subsection (1) of this section shall only do so on the on the express instruction of the Inspector-General or a Deputy Inspector-General who shall issue a

search warrant to that effect, in Form I specified in the Third Schedule to this Act.

(4) For the purpose of exercising his or her powers of access and search under subsection (1) of this section, the Inspector-General, the Deputy Inspector-General or any other officer or person authorised for the purpose may use such reasonable force as may be necessary in the circumstances and may be accompanied or assisted by such other law enforcement officers as he or she considers necessary to assist him or her to enter into or upon the premises, vessel, aircraft or vehicle, as the case may be.

(5) Notwithstanding any other provision of this section, where the President confirms that the entry upon or inspection of any premises, vessel, aircraft or vehicle-

- (a) Might prejudice the security, defence or international relations of Uganda or the investigation or detection of any offence; or
- (b) Might involve the disclosure of the deliberations of Cabinet or committee of the Cabinet relating to matters of a secret or confidential nature and would be injurious to the public interest, the Inspectorate shall not exercise its powers of access and search with respect to the premises, vessel, aircraft or vehicle.

Special powers of Inspectorate

14. (1) The Inspector-General or a Deputy Inspector General may, by order signed by him or her authorise an officer of the Inspectorate or any other competent person under the control of the Inspectorate to investigate any bank account, purchase account, share account, expense account or any other account, or any safe or deposit box in a bank, or any transaction for the purposes of this Act.

(2) An order made under subsection (1) of this section shall be satisfactory authority for the disclosure or production by any person of information, accounts, documents or articles as may be required by the officer and the collection and taking of any oral and documentary evidence by the authorised officer or person.

(3) An order made under this section may direct the suspension of all operations in respect of the account against the holder of the account or any other person or the stopping of any transaction on such conditions as the Inspector-General or Deputy Inspector-General may specify.

(4) Any person who deliberately and unlawfully refuses to comply with an order issued under this section, commits an offence and is liable on conviction, to a fine not exceeding three million shillings or imprisonment not exceeding three years or both.

(5) The Inspectorate shall have power to investigate, cause investigation, arrest, cause arrest, prosecute or cause prosecution in respect of cases involving corruption, abuse of authority or of public office.

(6) The Inspector-General may, during the course of his or her duties or as a consequence of his or her findings, make orders and give directions that are necessary and suitable in the circumstances.

(7) The Inspectorate shall, when enforcing the Leadership Code of Conduct, have all the powers given to it by this Act in addition to any other powers given by law.

(8) Regardless of any law, the Inspectorate shall not require the consent or approval of any person or authority to prosecute, or discontinue proceedings instituted by the Inspectorate.

(9) In all cases prosecuted by the Inspector-General of Government, he or she shall exercise the same powers of appeal as exercised by the Director of Public Prosecutions.

PART V – PROCEDURE FOR INVESTIGATIONS

Limitation on investigations by Inspectorate

19. (1) The Inspectorate shall not have power to question or review any of the following matters-

- (a) The decision of any court of law or of any judicial officer in the exercise of his or her judicial functions;
- (b) The decision of any tribunal established by law in the exercise of its functions;
- (c) Any civil matter which is before court at the beginning of the Inspectorate's investigations;
- (d) Any matter relating to the exercise for the prerogative of mercy; or
- (e) Any matter the review or investigation of which has been certified by the President as likely to-
 - (i) Be prejudicial to the security, defence or international relations of Uganda; or
 - (ii) Involve the disclosure of proceedings and deliberations of the Cabinet or a Committee of Cabinet relating to matters of a secret or private nature and would injure the public interest.

- (2) Where the Inspectorate is satisfied that-
- (a) The complainant has at any material time had the right or opportunity of obtaining assistance or redress by means of-
 - (i) An application or representation to any executive authority; or
 - (ii) An application, appeal, reference or review to or before a tribunal established by law; or
 - (iii) Proceedings in a court of law;
 - (b) The complaint is unimportant, not serious, annoying or not made in good faith; or
 - (c) The investigation would be unnecessary, improper or useless, the Inspectorate may decline to conduct an investigation and therefore inform the complainant in writing, but the Inspectorate shall not be bound to give any reasons for the decision.

Conduct of investigations

20. (1) The procedure for conducting an investigation shall be as the Inspectorate considers suitable in the circumstances for each case, and without affecting the generality of this provision, the Inspectorate may obtain information from such person and in such manner, and make such inquiries as it considers necessary.

(2) An official or other agent of the Inspectorate shall not communicate or reveal to any person any information which has come to his or her knowledge in the course or her duties, otherwise than in the performance of his or her duties under this Act.

(3) No person who is not an official or other agent of the Inspectorate shall communicate or reveal to any person any information referred to in subsection (2) of this section except with the approval of the Inspectorate or when ordered by a court or when otherwise required or authorised by law.

(4) A person who violates subsection (2) or (3) of this section commits an offence and is liable on conviction, to a fine not exceeding one million shillings or imprisonment not exceeding twelve months or both.

Effect of findings and recommendations of Inspectorate

21. Proceedings, findings, recommendations, investigations or inquiries by the Office of the Inspector-General shall not be held shall not be held null and void by reason only of informality or irregularity in the procedure and shall not be liable to be challenged, reviewed, quashed or called in question in any court of law.

Immunity of officers

22. (1) No proceedings, whether civil or criminal, shall lie against the Inspector-General, Deputy Inspector-General, an officer or any other person employed or authorised to execute the orders or warrants of the Inspectorate for anything done in good faith and in the course of the performance of his or her duties under this Act.

(2) Unless otherwise provided in this Act, no officer or person serving in the Inspectorate shall be forced to give evidence before any court or tribunal in respect of anything coming to his or her knowledge as a result of his or her service.

Privilege of information

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

PART VI –INVESTIGATIONS

Provisions relating to complaints

24. (1) A complaint or allegation under this Act may be made by an individual or by anybody of persons whether corporate or not, and shall be strictly private and addressed to the Inspector-General.

(2) Notwithstanding the provisions of any written law, where a prisoner, or an employee in a public office, makes an allegation or complaint to the Inspectorate under this Act, the allegation or complaint shall not be made through or subject to the scrutiny of the prison officials or the immediate supervisor or employer as the case may be.

(3) A complaint or allegation made under this Act shall be-

(a) Made by the complainant or by his or her legal representative

(4) No complaint or allegation shall be received by the Inspectorate unless it is made within a period for two years from the date on which the facts giving rise to the complaint or allegation arose; except that in exceptional circumstances and in his or her discretion, the Inspector-General or Deputy Inspector-General may direct that a complaint or allegation lodged after the specified period shall be received.

(5) Subsections (3) and (4) of this section shall not apply to a complaint or allegation relating to a criminal offence.

Right to be heard

25. (1) Except as provided in subsections (2) and (3) of this section, no person shall, as of right, be entitled to be heard before the Inspectorate.

(2) Where the Inspectorate conducts an investigation as a result of a complaint or allegation under this Act, the Inspectorate shall give the head of the public office concerned and any other person who is the subject of the complaint or allegation, an opportunity to reply to the complaint or allegation made against him or her.

(3) No matter that is opposing to any person, or public office shall be included in a report of the Inspectorate unless the person or head of that office has been given a hearing first.

Obtaining information and attendance of witnesses

26. (1) Subject to this Act, the Inspectorate may-

- (a) Summon any person who in the opinion of the Inspectorate is able to give information relating to any matter relevant to the inquiry being conducted by it, to appear before the Inspectorate and to provide such information

and produce any documents, papers or things that may be in the possession or under the control of that person; and

- (b) By order in writing, summon that person to attend before the Inspectorate at a specified time and place and to be examined on oath.

(3) Where a person is to be examined on oath under this section, any officer duly authorised by the Inspectorate may administer that oath.

(5) A summon issued under this section shall be served on the person to whom it is directed, by an officer from the Inspectorate or by a police officer, in the manner prescribed for the service of a witness summons in civil proceedings before a court of laws.

Failure of witnesses to attend

27. (1) Where a person on whom a summon under section 26 of this Act has been duly served does not attend at the specified time and place, and the Inspectorate is satisfied that-

- (a) The summon was properly and duly served; and
- (b) The person to whom the summon was directed deliberately and without lawful justification avoided service; the Inspectorate may issue a warrant of arrest to

be executed by an officer of the Inspectorate or a police officer, to apprehend that person and bring him or her before the Inspectorate at a specified time and place.

(2) A person arrested under subsection (1) shall, within twenty-four hours of his or her arrest or soon thereafter as is practicable, be brought before the Inspectorate.

THIRD SCHEDULE

SECTION 13

FORM I

FORMS

SEARCH WARRANT.

THE REPUBLIC OF UGANDA

**THE INSPECTORATE OF GOVERNMENT
ACT, 2002**

Inquiry No., 20.....

To

(Officer designated by the Inspectorate)

WHEREAS a complaint has been lodged with the
Inspectorate of Government:

AND WHEREAS the Inspectorate has decided to
conduct an investigation into the alleged complaint:

NOW, THEREFORE, you are by this warrant
authorised and ordered to enter the premises of

.....

(Name of person)

at

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

Issued at this day of
.....20.....

.....

Inspector-General of Government/Deputy Inspector General

IG ADDRESSES AND CONTACTS

HEAD OFFICE

Jubilee Insurance Centre, Plot 14, Parliament Avenue
P.O. Box 1682 Kampala, Uganda
General Lines: 0414- 255892/259738/310000/344219
Hotlines: 0414-347387/0312-101346
Fax: 0414-344810
Email: pr@igg.go.ug
Website: www.igg.go.ug
Facebook: Inspectorate of Government
Twitter: @IGGUganda
YouTube: Inspectorate of Government

REGIONAL OFFICES

Arua Regional Office

Plot 10 Weather Head Park Lane,
P.O. Box 789, Arua
Tel: 0707771004/0776103467
Email: arua@igg.go.ug

Fort Portal Regional Office

Plot 1A Mugurusi Road
P.O. Box 157, Fort Portal
Tel: 0483-423010/1/0776103567/0707771009
Email: fortportal@igg.go.ug

Gulu Regional Office

Plot A1Ogwok Ayaru Road
Pece Division, Gulu Municipality
P.O. Box 771, Gulu
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Hoima Regional Office

Plot 17 Orphanage Road

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Tel: 0465-440260/0776103320/0707771006

Fax: 0465-440262

Email: hoima@igg.go.ug

Jinja Regional Office

Plot 35 Nile Avenue

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Plot 20 Babukika Road

P.O. Box 981, Kabale

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Fax: 0486-422027

Email: kabale@igg.go.ug

Kampala Regional Office

Plot 1645 Gyagenda Road

Ntinda, Kiwatule

P.O. Box 1682, Kampala

Tel: 0393-215561/2

Email: kampala@igg.go.ug

Lira Regional Office

Plot 8 & 10 Market Road, Adyel Division

P.O. Box 1, Lira

Tel: 0473-420099/0473-420090/ 0776103434/0707771000

Email: lira@igg.go.ug

Masaka Regional Office

Plot 29/31 Victoria Road,

National Water Building

P.O. Box 925, Masaka

Tel: 0481- 420222/0776103471/0707771015

Email: masaka@igg.go.ug

Mbale Regional Office

Plot 20 Masaba Road

P.O.Box 24, Mbale

Tel: 0454-435029/35255 /0707771007/0776103494

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Mbarara Regional Office

Plot 17 Muti Drive

P.O. Box 1903, Mbarara

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Moroto Regional Office

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Mukono Regional Office

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This pocket-friendly version of the Inspectorate of Government Act, 2002 was approved by the office of the Inspectorate of Government of Uganda.



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