

Uganda Martyrs University Nkozi

FACULTY OF LAW

DURATION

3Hrs 30 Mins

PAPER

ADMINISTRATIVE LAW I

LEVEL

DEGREE

SUBMISSION DATE

18TH JULY 2022

STUDY SESSION

LLB I SEM 2

INSTRUCTIONS:

1. Hiring of Machineries and Consultation with practitioners or any other personnel is illegal and will lead to automatic disqualification of the Candidate.
2. This is a **TOTALLY CLOSED MOUTH AND PARTIALLY OPEN BOOK** Examination restricted to a clean unedited copy of the Reading List, Personal Handwritten Notes and Statutes.
3. Read the **QUESTIONS** carefully and the **INSTRUCTIONS** on the **ASSESSMENT SCRIPT** before attempting to answer any question.
4. Candidates should answer **FOUR (4) QUESTIONS IN TOTAL** and always start answering each question on a fresh page.
5. Candidates must use only one booklet.
6. Your work **MUST** be **WELL & PROPERLY** referenced and with all references e.g. cases, textbooks in bold, capitalized and underlined).
7. Ensure that you start each number on a fresh page.
8. Your index Number should clearly be highlighted on all pages of your work
9. Uganda Martyrs University Nkozi examinations are conducted in accordance with the *Uganda Martyrs University Senate General Rules & Regulations and any other Applicable University Policies and National Laws Relating to Conduct of Examinations*. Breach of the above instructions, irregularity, or any other

contravention of the examination regulations will lead to disqualification and/ or subsequent disciplinary action by Senate.

QUESTION ONE

"The state shall be guided by the principles of decentralisation and devolution of government functions and powers to the people at appropriate levels where they can best manage and direct their own affairs."

- a. What are the justifications for decentralisation in Uganda?
- b. Discuss the institutional and legal frameworks that have been put in place to give effect to the above principle.

QUESTION TWO

"Administrative law and constitutional law both deal with the exercise and control of governmental power. There is, therefore, no "bright line" demarcating Constitutional law and Administrative law." Per an LL. B I Student at UMU Faculty of Law.

Evaluate the veracity of the above statement with the aid of relevant authorities.

QUESTION THREE

In ***Arvinder Singh vs. State of Punjab, AIR A (1979) SC 321***, it was observed that the complexities of modern administration of Government are so bafflingly intricate and bristle with details, urgencies, difficulties and need for flexibility that the legislature may not get off to a start if they must directly and comprehensively handle legislative business in their plenitude, proliferation and particularisation. Delegation of some part of the legislative power becomes a compulsive necessity for viability.

Discuss the above observation with reference to case law, statutes and other relevant material.

QUESTION FOUR

- a. List the ways in which Government ensures order in society and that citizens are not taken advantage of by business men and other conmen/women in the field of Administrative Law

- and/ or
- b. Of the above listed ways, state the relevance of any two in ensuring national Development.

QUESTION FIVE

"They are a separate set of courts dealing with a separate set of rights and duties. Just as was in the old days they were ecclesiastical courts dealing with matrimonial cases and the administration of estates, and just as there was the chancellor dealing with the enforcement and administration of trusts, so in our days there are the new tribunals dealing with the rights and duties between man and the state." Per Lord Denning.

- a. With the support of relevant authorities, explain the concept of administrative tribunals in Uganda illustrating their status, procedures, characteristics, powers of administrative tribunals and giving justification for their existence.
- b. Briefly outline the shortcomings of tribunals and advise on whether or not they remain relevant in Uganda today.

QUESTION SIX

Write short notes on the following: -

- a. Delegation of judicial power
- b. Licensing
- c. Sources of Administrative Law
- d. Process of making by-laws / ordinances
- e. Delegatus Non Potest Delegare

QUESTION SEVEN

The doctrine of judicial independence is a key aspect of the rule of law. ***Demonstrate how this doctrine has been entrenched in the Constitution of Uganda.***

QUESTION EIGHT

"Public corporations are bodies with their own legal entity created by Statute in most instances, normally without the status of crown servant or agent, to undertake functions of concern to and subject to some control by government." As per Mukwasi an LL. B I Student, Uganda Martyrs University Nkozi.

Discuss the veracity of the above statement.

WISHING YOU LUCK!!!!