

Uganda Martyrs University Nkozi

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS

PAPER
ADMINISTRATIVE LAW II

LEVEL
DEGREE

EXAMINATION DATE
19th DECEMBER 2022

STUDY SESSION
LLB II

DURATION
3Hrs 30Mins

INSTRUCTIONS:

1. This is a **PARTIALLY OPEN BOOK EXAMINATION**. You are only allowed to have a clean copy of the reading list/ course outline, relevant statutes, Original Text Books and personal notes. Discussion or sharing material with anyone while in the examination room is **STRICTLY PROHIBITED**.
- 2.^{av} Answer **4 (Four)** Questions. **QUESTION ONE IS COMPULSORY**
3. Originality, clarity of expression, legible writing and use of relevant authorities shall be highly rewarded.
4. Cheating and/or any form of exam malpractice shall be punishable under the relevant University Rules and Regulations.
5. Mobile phones and other electronic gadgets shall not be allowed into the examination rooms. It does not matter whether the mobile phones and or gadgets are in working modes or not.

QUESTION ONE

Ali is an astound Muslim who is very light skinned in colour and people usually mistake him for a Somali. He has just finished his training at a Police School in Jinja and was assigned a placement at Old Kampala police station. He has faced a lot of racial abuse by Okongoro Mike the District Police Commander overseeing Old Kampala Police Station which has caused him to go absent without leave. He has filed his complaint to the Police Professional Standards Unit. He was heard separately by two members of the Police Board who reached their own individual conclusions. His complaint was rejected and he was told to apologise and compensate Okongoro. Ali requested for disclosure of documents relating to the investigations into his complaint which was denied and so was his request for oral hearing. Ali is dissatisfied with the decision and actions of the police professional standard unit and has come to you for help.

- a. Advise him on the best course of action.
- b. Briefly discuss the remedies available to him.

QUESTION TWO

During a passionate discussion about proceedings against government with Mutwe Munene, a reknown anti-government activist tells you that the 1995 Constitution of Uganda envisions legal proceedings are governed by various Acts of Parliament which include among others, the Government Proceedings Act, the Civil Procedure and Limitation (Miscellaneous Provisions) Act etc. Munene points out that he has never heard of any instances of exemptions and immunities where the government cannot be held liable for acts or omissions to act of its agents.

- a. As an expert in administrative law, what advice would you give to Mutwe.
- b. Critically examine the legal principles governing the grant of injunctions against the government in Uganda.

QUESTION THREE

“Judicial remedies are complementary and not mutually exclusive”. With the aid of relevant authorities, critically examine the veracity of the foregoing statement.

QUESTION FOUR

In the case of **Kamus & Sons Enterprises vs. Koboko District Local Government Civil Suit No. 0010 of 2008**, it was held that the right to be heard is an inviolable rule of natural justice. With the help of recent court decisions, discuss the doctrine of natural justice and its applicability in Uganda.

QUESTION FIVE

A person who makes a decision should not be biased and must act in good faith. He or she therefore cannot be one of the parties in the case or have an interest in the outcome. ***Nemo judex sua causa***. Critically examine the veracity of the above statement.

QUESTION SIX

In the case of **Motor Centre East Africa Ltd vs. PPDA Miscellaneous Cause No. 90 of 2011**, Justice Yorokamu Bamwine held that ultravires means beyond the scope, in excess of legal power or authority, in excess of the authority conferred by law.

With the help of recent court decisions, discuss the doctrine of ultra vires and how it manifests itself in Uganda.

QUESTION SEVEN

Critically examine the efficacy of the legal and institutional framework relating to control and utilisation of public finance.