

UGANDA MARTYRS UNIVERSITY
SCHOOL OF ARTS AND SOCIAL SCIENCES (SASS)
DEPARTMENT OF GOVERNANCE AND PEACE STUDIES
DIP II & BA II: LOCAL GOVERNANCE AND HUMAN RIGHTS
MDOULE 107: ADMINISTRATIVE LAW AND PRACTICE
FINAL ASSESSMENT (2015-2016)

Tuesday, June 28th 2016

Time: 10:00am - 1:00pm

INSTRUCTIONS:

1. Please read the instructions carefully before answering the questions.
2. Do not write anything on the question paper. Use the first page of the answer booklet for rough work.
3. This is a closed book examination.
4. Candidates must attempt **FOUR** questions in total including **question one**.
5. **Question one carries 40 marks and the rest carry 20 marks each.**
6. Originality, analytic discussion and quoting legal authorities shall be rewarded.

Question 1:

Compulsory

On the 2nd day of March 2016, Lwengo Local Government advertised various vacancies including the post of the District Engineer with stringent job requirements. Due to the high unemployment rates in the country, the District Service Commission received voluminous number of applications as various people applied for the positions to make their standards of living better. However, it was Sserunkuma Bruno, Kanyankole Robert and Apio Rose who were shortlisted for interviews.

On the 3rd of April 2016, the District Service Commission Committee declared Apio Rose as the best candidate and her name was duly displayed on the District "**Notice Board**" as the appointed Engineer owing to her exceptional qualifications and experience in the field of engineering.

However to Apios dismay, she was informed that the chairman of Lwengo District Service Commission was opposed to her appointment as she is from Aura District far away from Lwengo District and that their own son Sserunkuma of "Ndiga" (sheep)clan from Lwengo deserved the job and that the position of the Engineer cannot be occupied by a woman. Together with Mustafa, a vocal member of the District Service Commission, the chairman rubbished the majority decision of the entire committee and resolved that Sserunkuma becomes the Engineer of the District and they have vowed that Apio will only get that office over their dead bodies.

Apio dissatisfied with the whole state of affairs and has been informed that Sserunkuma has already signed the appointment letter and taken office of the District Engineer and her hopes to complain to the Public Service Commission were brought down when she and her lawyer appeared to attend the committee to consider her issues but were kept outside throughout the proceedings to their surprise. The decision of the chairman of Lwengo District Service Commission was maintained.

Apio Rose is before you, advise her;

- a) On the legal mechanism(s) available for her to get legal redress if any. (20 marks)
- b) On the remedies available in the circumstances. (20 marks)

Question 2:

Delegation of powers is a necessary tool employed by authorities in administration. Nevertheless, all powers exercised by authorities cannot be delegated" Discuss the correctness of this statement in light of which powers can be delegated and which as a general rule are not. Give reasons for your analysis.

Question 3:

Discuss the silent features of Rule of Law and how the principles are relevant in administration by Government (20 Marks)

Question 4:

- a) Define Administrative law. (5Marks)
- b) Explain the objectives of Administrative law. (10 Marks)
- c) Briefly outline the advantages of administrative law. (5Marks)

Question 5:

With specific reference to the Constitution of the Republic of Uganda 1995 and the Police Act, discuss the establishment, powers and duties of Uganda Police Force. (20 Marks)

Question 6:

Assess the law relating to Government proceedings with specific reference to the procedure, liability and enforcement of judgments against government. (20Marks)

Question 7:

Write short notes on any 4 (four) of the following:-

- a) The doctrine of ultra vires (5Marks)
- b) Separation of powers (5Marks)
- c) Subsidiary legislation (5Marks)
- d) Judicial Review (5Marks)
- e) Appeals (5Marks)

END