

Uganda Martyrs University Nkozi

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS

**COURSE UNIT
ADMINISTRATIVE LAW II**

**COURSE CODE
LLB 2106**

**LEVEL
DEGREE**

**EXAMINATION DATE
28TH JANUARY 2022**

**STUDY SESSION
LLB 2**

**DURATION
03 Hrs 30 Minutes**

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 an **OPEN BOOK** Examination.
3. Read the **QUESTIONS** carefully and the **INSTRUCTIONS** on the EXAM SCRIPT before attempting to answer any question.
4. Attempt Four (4) **QUESTIONS** in all and always start answering each question on a fresh page. **Questions No. 1 is compulsory.**
5. Plagiarism will be highly penalized. Pay attention to grammatical issues and proper punctuation.
6. Your work **MUST** be referenced and with all references e.g. cases, textbooks in bold, capitalized and or highlited/ underlined).
7. All cases must have their full citations and the text books reference indicative of the name of Author, Year and edition of publication as well as the Full Book Title and Page of reference)
8. Ensure that you start each number on a fresh page.
9. Your index Number should clearly be highlited on all pages of your work and your work fully referenced.
10. Mobile Phones or any other form of electronic gadgets are prohibited into the examination room(s). It does not matter whether the said mobile phones and or electronic gadgets are in working modes or not.
11. In case of use of more than one booklet, please ensure that additional booklets(s) is/are attached to the first one and is/are properly labelled.
12. 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 1

On 12/11/2021 while Ssentulege, a 2nd year UMU BAM student was from his usual errands from Nkozi TC heading to his hostel at Bunywamatta, he met three (3) plain clothed policemen at 2315hrs. The Policemen ordered Ssentulege to sit down and raise his hands up. They asked him for his identity card which he did not have. The Policemen kicked Ssentulege and tortured him. He was tied “*Kandoya*” style and threw him on a police pickup while telling him “You Bunywamatta thief who wants to pretend as a student, today your 40days are over.” Ssentulege was taken to Nkozi Police station and locked up for 10days when the news of his absence spread. Eventually, he was picked by the University authorities. A thorough medical examination revealed that Ssentulege’s spinal cord is damaged and also has a broken leg. He eventually identified the policemen who tortured him as PSC Mukubi, Okerenge and Sgt Kabata.

Ssentulege wants the policemen punished. He also wants compensation for the torture and humiliation he encountered in the hands of these brutal men and has instructed BIGBOYS & CO. ADVOVATES as his attorney to which you are attached.

Write a legal Memorandum to the Managing partner of the firm raising all legal issues involved and advise on the rights and liabilities of Ssentulege. (40 Marks)

QUESTION 2:

Bomboka, an ambitious young man saw an opportunity to become a member of parliament at an early age of 24years. His luck struck when recently a new District called Kabizi was created and needed a female MP, born educated and prior to the elections employed on full time basis in Kabizi. Bomboka saw no problem contesting for this position after all according to him, one does not need to be a woman to be female Member of Parliament and since he is a prominent lawyer in Nairobi, Kenya with a residential house in Kabizi that he only uses once every five years, his money can secure him the seat in Parliament. Immediately Bomboka picked up the forms at the electoral commissioned and filled them ready for nomination. On nomination day, Bomboka appeared with his supporters where upon he was shocked to learn that

the Electoral Commission had sat a day earlier and declared him unfit to contest on grounds that he does not possess the requisite academic qualifications required of an MP and is suspected not to be a Ugandan. The returning officer also told Bomboka that the commission had declared him unfit to contest for any post within Uganda for the next 10 years. All the above was presented to Bomboka verbally by the returning officer and no written document was given to him. As Bomboka was filled with rage and was leaving the desk of the returning officer, he was told the following words, "why did you annoy the daughter to the secretary to the commission when you were studying with her, no one can get to our secretary's nerves and gets away with it. He masterminded the whole thing. Unless you make peace with him, your political future is doomed. He is still with the commission for some time you know!"

Bomboka has been directed to you as an expert in this area of the law and he seeks your legal counsel on his rights and liabilities and his chances of success as he intends to bring an action against the electoral commission.

Raise all the legal issues involved and advise Bomboka on the best way forward on this matter. (20 Marks)

QUESTION 3:

In Ojangole Patricia & 4Ors Vs AG Miscellaneous Cause No. 303.of 2013, It was observed that when the decision making authority commits an error of law in the process of taking the decision or making the act, the subject of the complainant. Acting without jurisdiction or ultra vires or contrary to the provisions of a law or its principles are instances of illegality.

With the aid of decided cases and or statutory provisions where applicable, Discuss the veracity of the above holding in relation to the doctrine of ultra vires. (20 Marks)

QUESTION 4:

Nyungu Yamawe is the Lord Mayor of Kampala. He was voted into power amidst controversy and state aggression. When he took office, Mr. Mattu Binyindo was

appointed to be the Executive Director of Kampala Capital City Authority to balance power and maintain the central government grip on power in Kampala. Nyungu Yamawe worked diligently, but after 6 months, his salary was not paid to him. When he checked his account, he realized that he had not been paid for six months. He immediately called a press conference and informed the public that he had decided not to attend any more council meeting until his salary is paid.

Mr Mattu Binyindo then realized that for normal council business to go on, he needed the council to sit and approve some of the plans of the authority. He then convened a council meeting which he chaired. During the meeting, a motion to censure Nyungu Yamawe was moved and passed by all the members. Nyungu Yamawe was censured, all his benefits were withdrawn and his deputy Bwavu Bugenze took over as Lord Mayor. This decision was communicated to Nyungu Yamawe through an email by the office administrator.

Nyungu Yamawe has approached you for legal advice, he still wants to be the Lord Mayor of Kampala.

- a. Raise all the legal issues and determine how to help Nyungu Yamawe achieve his intention.
- b. Would your answer be different if Nyungu Yamawe learnt about the meeting two weeks before it was convened? Support your answer with authorities. (20 Marks)

QUESTION 5:

Judicial remedies and complimentary and not mutually exclusive.

Using relevant authorities, critically examine and illustrate the validity of this statement. (20 Marks)

QUESTION 6:

Write short notes on the following:-

- a. Fettering Discretion
- b. Injunctions against the Government of Uganda
- c. Substantive Ultravires
- d. Independence of the Inspectorate of Government vis-à-vis Opinions of the Attorney General

c. Prerogative Orders (20 Marks)

.....THE END.....GOOD LUCK.....