



Uganda Martyrs University

Faculty of Law

Constitutional Law

Final Exam

Bachelor of Laws (LLB1)

22 July 2022

Instructions:

1. This is an OPEN BOOK exam. The use of course materials in hard copy to comprehensively answer the questions is permitted.
2. However, access to online/internet resources, sharing course materials, electronic resources, consulting or holding discussions with your colleagues IS PROHIBITED.
3. Failure, neglect or refusal to comply with Instruction No. 2, shall lead to your disqualification from this assessment and further disciplinary action in accordance with University Rules.
4. Answer ALL FOUR QUESTIONS.

Questions:

1. "The presumption of constitutionality is well positioned to support the doctrine of separation of powers in ensuring that the judiciary's deference of the legislature. However, where the legislature has a penchant for arbitrarily amending the constitutional statutes in service of political proclivities, that presumption should rather be suspended until a determination of the legitimacy of the impugned amendment is determined by reference to other doctrines of constitutional law not least, the basic structure doctrine."

Critically and authoritatively discuss the above opinion.

[25 marks]

2. "In the course of constitutional change, the political milieu is more deterministic in the making of that supreme law than the legal aphorisms and social aspirations often used to legitimise the ideology of the revolutionary vanguard."

Discuss the above statement with reference to the making of the Constitution of the Republic of Uganda (1995).

[25 marks]

3. The classification of constitutions reveals the various precepts that either informed or influenced the structure and substance of the final document. Discuss the foundational and substantive tenets of the 1995 Constitution of the Republic of Uganda that situate it as a unique sui generis contribution to modern Africa constitutionalism.

[25 marks]

4. "The distinction between the construction and interpretation of constitutional statutes is merely semantic. Considering that both activities are symbiotic and indispensable to the fulfilment of the constitutional courts mandate; that of ensuring the intent of the constitution is not violated by present sentiment and also that, in the final analysis the constitution retains its pride of place among other laws as a definitive living document."

With reference to one or more the paradigms of constitutional interpretation, authoritatively discuss the above statement.

[25 marks]

THE END
