

FACULTY OF LAW – UGANDA MARTYRS UNIVERSITY NKOZI
BACHELOR OF LAWS (LLB)
YEAR I - END OF SEMESTER FINAL EXAMINATION
Academic Year: 2022/2023

CONSTITUTIONAL LAW LLB 1209

DATE: 19th December 2022

TIME: 2:00pm – 5:30pm

INSTRUCTIONS

1. This is a partially open book examination. Students are allowed to sit the exam with **clean copies of the 1995 Uganda Constitution** and the **Human Rights Enforcement Act 2019**.
2. Candidates must answer **Four 4** questions in total with two questions from each section.
3. Each question carries equal marks
4. Each SECTION shall be answered on separate booklets.
5. Start each NUMBER on a fresh/different page.
6. Well-structured and precise answers coupled with relevant authorities shall make for good consideration in awarding marks.

SECTION A

QUESTION 1:

Critically analyse whether the Doctrine of Separation of Powers in Uganda is a reality or a myth. **(25 marks)**

QUESTION 2:

Write short notes on the following:

- a) Citizenship **(5 marks)**
- b) The Basic attributes of a good constitution **(5 marks)**
- c) The Rule of Law **(5 marks)**
- d) The Basic Structure Doctrine **(5 marks)**
- e) The Judiciary **(5 marks)**

QUESTION 3:

Describe in detail the process/ procedure of making law in Uganda (Acts of Parliament/Statutes). **(25 marks)**

SECTION B

QUESTION 4

Write short notes about the following. (5 marks each)

- a. Enforcement of human rights *vis a vis* interpretation of the constitution.
- b. The case of ***Centre for Health Human Rights and Development (CEHURD) Vs Attorney General Constitutional Appeal No. 1 of 2013.***
- c. Individual responsibility for human rights violations.
- d. Entrenched provisions of the 1995 constitution.
- e. The case of ***Mbabali Jude Vs Edward K. Ssekandi Const Pet. No. 28 of 2012.***

QUESTION 5:

“However, there is unanimity in various jurisdictions that a Constitution is an instrument sui generis. It is one of a kind in each country and consequently, it is one whose interpretation, application and amendment must be done with considerable caution and with fidelity to the manifest intention of its originators.”

Per Hon. Mr. Justice Barishaki Cheborion in ***Male H. Mabirizi Vs Attorney General Const Pet. No. 47 of 2017.***

After discussing this case in class, Al-Hajji Ashraf argued that this is the only major principle of interpretation of the constitution and there is none to compare.

With the aid of relevant authorities, critically examine Al-Hajji Ashraf’s argument. (25 marks)