INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

FACULTY OF BUSINESS MANAGEMENT

END OF SEMESTER EXAMINATIONS - APRIL 2025

PROGRAMME: MBA
YEAR/SEM: YEAR 2/SEMESTER 1
COURSE CODE: MBA 862
NAME: ADVANCED ADMINISTRATIVE LAW AND ACCOUNTABILITY

DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

THIS QUESTION IS COMPULSORY AND CARRIES 40 MARKS

Question 1:

Scenario 1: (10 marks)

In 2018, the Ugandan Parliament enacted Section 32(2) of the Police Act, granting the Inspector General of Police (IGP) the authority to prohibit public assemblies deemed likely to cause a breach of the peace. This legislative action was taken despite a prior Constitutional Court ruling that had struck down a similar provision, emphasizing the constitutional protection of the right to freedom of assembly. The enactment of Section 32(2) raised significant concerns regarding the supremacy of the Constitution over parliamentary legislation. Critics argued that Parliament's action undermined judicial authority and the constitutional protection of fundamental rights. The situation prompted debates about the mechanisms available to challenge such legislative actions and reinforce constitutional supremacy.

Scenario 2: (10 marks)

In November 2024, Kizza Besigye, a prominent Ugandan opposition leader and four-time presidential candidate, was abducted from Kenya during a book launch event and forcibly returned to Uganda. Upon arrival, he was detained in a military facility in Kampala. Besigye faced charges of illegal firearm possession and treachery, a capital offense under military law. His detention occurred despite a recent Supreme Court ruling that deemed the trial of civilians in military courts unconstitutional. Besigye's legal team reported his deteriorating health, citing hypertension and inadequate medical care within the detention facility. This situation drew national and international attention, with human rights organizations condemning the actions as violations of international human rights standards. Calls for Besigye's release intensified, highlighting concerns about the protection of human rights and the rule of law in Uganda.

Scenario 3: (10 marks)

In January 2025, Uganda's Supreme Court ruled that civilians could not be tried in military courts, declaring such practices unconstitutional. The court ordered the transfer of all ongoing civilian cases from military tribunals to civilian courts. President Yoweri Museveni publicly criticized the ruling, describing it as erroneous, and insisted that military courts remained essential for maintaining national stability, particularly in regions like Karamoja. He emphasized that military tribunals had been instrumental in disciplining armed groups and ensuring security in volatile areas. This stance raised significant concerns about the separation of powers, as the executive branch appeared to challenge the judiciary's authority. Observers questioned the potential implications for judicial independence and the enforcement of constitutional rulings.

Scenario 4: (10 marks)

Following the Supreme Court's January 2025 ruling that prohibited the trial of civilians in military courts, the judiciary's role in checking executive actions was brought into sharp focus. The court's decision mandated the transfer of all civilian cases from military tribunals to civilian courts, reinforcing the principle that judicial authority should not be undermined by executive overreach. In response, President Museveni vowed to continue prosecuting civilians

in military courts, rejecting the court's decision. He argued that military tribunals were crucial for maintaining stability, especially in regions plagued by armed violence. This defiance highlighted the tensions inherent in Uganda's system of checks and balances, where the judiciary's rulings can be contested by the executive, potentially leading to constitutional crises. The situation underscored the challenges in enforcing judicial decisions and maintaining the balance of power among government branches.

Identify and discuss the application of administrative law constitutional principles that address the different four scenarios above

Question 2:

In 2019, the Ugandan Parliament passed the National Environment Act, which granted the Minister of Water and Environment the authority to issue environmental permits for industrial projects. Subsequently, in 2020, the Minister delegated this power to the National Environment Management Authority (NEMA), a semi-autonomous agency under the Ministry. NEMA, in turn, authorized regional offices to process and approve environmental permits. However, in 2021, a controversy arose when a regional office approved an environmental permit for a mining company without conducting a comprehensive environmental impact assessment, leading to significant ecological damage. This incident sparked public outrage and raised questions about the legality and effectiveness of the delegation process.

Question:

(a) Discuss the legal framework governing the delegation of powers within Uganda's administrative system, focusing on the constitutional and statutory provisions that permit such delegation.**(20 marks)**

(b) Analyze the potential challenges and risks associated with the delegation of powers, using the scenario provided as a case study. Propose measures that could be implemented to reduce these challenges and ensure accountability in the delegation process. **(20 marks)**

SECTION B

ANSWER ANY 3 QUESTIONS IN THIS SECTION. EACH QUESTION CARRIES 20 MARKS

Question 1:

"Critically analyze the fundamental principles of constitutional law that relate to administrative law. In your discussion, evaluate the extent to which constitutional doctrines shape the functioning and legitimacy of administrative decision-making. Support your argument with relevant case law and academic commentary." **(20 marks)**

Question 2:

Discuss the roles and responsibilities of the following authorities within the public service framework: Ministers, Permanent Secretaries, and Public Officers. In your answer, give particular attention to the distinctions between these roles and their significance in the administration of government policy. **(20 marks)**

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Question 3:

"Examine the administrative duties of the President within the framework of executive leadership and governance. How do these responsibilities impact policy implementation, bureaucratic oversight, and national administration? Discuss with reference to real-world examples. **(20 marks)**

Question 4:

(a) Define the concept of the rule of law and discuss its core principles. How does it ensure fairness, accountability, and the protection of rights within a legal system? **(10 marks)**

(b) Critically analyze the challenges to the rule of law in modern governance. Provide examples of instances where the rule of law has been undermined or strengthened in different jurisdictions. **(10 marks)**

Question 5:

(a) Analyze the structure, role, powers and privileges, procedure, memberships and other aspects related to tribunals. **(10 marks)**

(b) Examine the functions and significance of Public corporations in promoting good governance, accountability, and public service oversight. **(10 marks)**

Question 6:

"Delegation is a fundamental principle of effective administration, enabling leaders to distribute tasks, empower subordinates, and enhance organizational efficiency. However, successful delegation requires a balance between authority, responsibility, and accountability.

Discuss the key principles of delegation in administration, including the factors that influence effective delegation, potential challenges, and strategies for ensuring successful implementation. Support your discussion with relevant theories and examples." **(20 marks)**

Question 7:

"Delegation of legislation is a crucial mechanism in modern governance, allowing legislative bodies to transfer law-making authority to subordinate entities for efficiency and flexibility. However, this process requires proper controls to prevent misuse and ensure accountability.

Discuss the concept of delegation of legislation, highlighting its importance, advantages, and potential risks. Additionally, analyze the various legal and institutional controls in place to regulate delegated legislation, providing relevant examples to support your discussion." **(20 marks)**

Question 8:

Examine the concept and role of Public Officers within the framework of public administration. Additionally, discuss the principle of ratification of delegation, highlighting its legal significance and practical implications in administrative law. **(20 marks)**

Question 9:

a) Discuss the system of decentralisation of the central government. Then compare and contrast between a centralised and a decentralised government.**(10 marks)**

b) Discuss the powers that can be decentralised, explain how these powers can be controls and the controlling offices/officers **(10 marks)**

Question 10:

(a) Discuss the law-making process at the local government level in Uganda, highlighting the key steps involved and the roles of various stakeholders. **(10 marks)**

(b) Explain the rules and principles that govern the enactment and implementation of local government laws in Uganda, emphasizing the legal framework and oversight mechanisms. **(10 marks)**

Question 11:

(a) Discuss the sources of local government powers in Uganda, highlighting the legal and institutional frameworks that grant authority to local governments. **(10 marks)**

(b) Examine the controls on local government financial powers in Uganda, analyzing the mechanisms in place to ensure transparency, accountability, and compliance with legal requirements. **(10 marks)**

Question 12:

"Regulation plays a critical role in ensuring that government policies are effectively implemented and that the interests of the public are safeguarded. In Uganda, the regulatory process involves various stages and actors aimed at promoting good governance and accountability.

Discuss the regulatory process of government in Uganda, outlining the key stages involved, the roles of different governmental and non-governmental actors, and the challenges faced in ensuring effective regulation. Provide examples to support your discussion." **(20 marks)**