INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS - AUGUST 2025

PROGRAMME: LLB
YEAR/SEM: YEAR 1/SEMESTER 2
COURSE CODE: LLB 1208
NAME: PRINCIPLES OF CONSTITUTIONAL LAW II

DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

This question is compulsory

Question 1:

Justice Nantama of the High Court of Uganda delivers a ruling against the government in a high-profile corruption case involving senior officials from the Ministry of Finance. Following the judgment, the Minister of Justice publicly criticizes the judge, accusing her of being biased and "undermining national interests." Shortly afterward, the Judicial Service Commission announces that Justice Namanya will be transferred to a remote upcountry court, citing "routine administrative reasons." A civil society organization, ***Justice Watch Uganda***, petitions the Constitutional Court, arguing that the actions of the Executive and the Judicial Service Commission amount to interference with the independence of the judiciary, contrary to Article 128 of the Constitution.

As legal counsel for the organization:

a) Advise the court on whether the actions described constitute a violation of **Article 128** of the 1995 Constitution. **(15 marks)**
b) Discuss the legal standards and protections for judicial independence under Ugandan constitutional law. **(10 marks)**

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Question 2:

The Parliament of Uganda has passed a new law that restricts media coverage of parliamentary proceedings. Civil society organizations claim that this law limits freedom of expression and access to information. The President signs the law, but the Constitutional Court is petitioned to review its validity. Some Members of Parliament argue that because Parliament is sovereign, its decisions should not be challenged in court.

Using relevant authorities, discuss whether Parliament in Uganda has absolute supremacy. (25 marks)

SECTION B

Choose any 1 from 2

Question 1:

a) What is the principle of separation of powers, and how is it applied in Uganda? (**5 marks**)

b) Explain the role of the Constitutional Court in Uganda. (**5 marks**)

c) What are the key functions of the Parliament of Uganda under the 1995 Constitution? (**5 marks**)

d) What is meant by the supremacy of the Constitution in Uganda? (**5 marks**)

e) Describe the process of constitutional amendment in Uganda. (**5 marks**)

Question 2:

Discuss with examples the following rules of constitutional interpretation

a) International Human Rights Conventions and Treaties may be used interpretation. (5 marks)

b) Narrow construction to be preferred in case of derogation from a guaranteed right**. (5 marks)**

c) The Preamble and Directive Principles offer some guidance in interpretation (10 marks)

d) The Constitution must be interpreted as a living document **(5 marks)**

Question 3:

a) Classifications of constitutions **(10 marks**)

b) Fundamental Characteristics common to constitutions (**10 marks**)

c) The Sui Generis Rule (**5 marks**)

Question 4:

a) Explain the composition and main functions of the Executive arm of government under the 1995 Constitution of Uganda. *(*8 marks*)*

b) Discuss the role of the Cabinet in Uganda's governance system and how its decisions influence national policy. *(*8 marks*)*

c) Briefly describe the process of appointing Ministers in Uganda and the constitutional limitations on their powers**.** *(*9 marks*)*

SECTION C

Question 1:

Critically discuss the tenents of fair hearing as enshrined under Article 28 the Constitution of the Republic of Uganda 1995 as amended? (**25 marks**)

Question 2:

"According to Montesquieu in his book The Spirit of the Laws [1748], there must be 3 separate organs of government" **Using relevant authorities and decided cases, discuss the concept of doctrine of separation of powers in the 1995 Constitution of Uganda. (25 Marks)**

Question 3:

Using relevant authorities and decided cases, discuss the practicability of the concept of judicial independence and safeguards under the 1995 constitution**. (25 marks**

Question 4:

Using relevant authorities and decided cases, discuss the distinction between the Constitutional powers and authority of the Auditor General and the Inspectorate of Government in Uganda. **(25 Marks)**

Question 5:

"The President of Uganda is the Head of State, Head of Government, and Commander-in-Chief of the Armed Forces."

Critically examine the scope of the presidential prerogatives under the 1995 Constitution of Uganda.