

**UGANDA MARTYRS UNIVERSITY, LUBAGA, MASAKA AND MBALE
CAMPUSES**

FACULTY OF BUSINESS ADMINISTRATION AND MANAGEMENT

**DEPARTMENT OF MANAGEMENT SCIENCE &
ENTREPRENEURSHIP**

MBA PT II

SEMESTER TWO 2023/2024

COURSE UNIT: LABOUR LAW AND EMPLOYMENT

/ADMINISTRATIVE LAW

CODE: MBA7226

DATE: 16TH DECEMBER, 2023

TIME: 3 HOURS (2:00PM – 5:00 PM)

Instructions:

- Read each question carefully before you answer.
- Don't write anything on the question paper.
- Attempt any Four Questions
- Question One is Compulsory
- Apportion your time according to the marks allocated for the question.
- Please write as neatly as possible as illegible handwriting cannot be marked

Question One (Compulsory)

a) Using relevant authorities, discuss the relevance of Article 42 of the constitution to the development and promotion of administrative law in Uganda. **(25 marks)**

b) Mr. Kyansaku is a procurement officer at the district, and usually at the end of the year the human resources department organizes a party for their staff. At the party, Mr. Kyansaku got drunk. At that time, he moved closer to her former girlfriend (Ms. Nakimwero), who is a district councilor, and as a result, he has pushed her away since he was very drunk. He also made insults from Ms. Nakimwero. The next day, Ms. Nakimwero reported the matter to the district administrative officer (CAO), stating that Mr. Kyansanku had harassed her sexually. On receiving the complaints, the CAO organized an urgent meeting that resolved to remove Mr. Kyansanku from service.

However, the committee noted that the dismissal awaits confirmation and adoption by the district service commission, which is chaired by Mr. Mugwanya, the uncle of Mr. Kyansanku. On receiving the letter of dismissal, Mr. Kyansanku noted that his rights had been violated because some of the members of the district service commission were relatives of the complainant (Ms. Nakimwero).

Required:

As a student who has studied administrative law, you have been approached by several employees at your workplace (Mukono District Local Government) to render legal advice to Mr. Kyansanku to get his contract as stated in the case. Discuss the legal issues arising from this case and the remedy to Mr. Kyansanku. **(15 marks)**

Question Two

The District Local Council of a newly created Kasokosoko District invoked the Local Government Act 1997 to enact an ordinance for maintaining security in the district. In the view of the Chairman, there was need to tighten security because of the common lawlessness in the district.

relevant Magistrate had given him powers to conduct the case.

Oketcho comes to you for legal advice. On interviewing him, the following hidden facts are revealed.

- That the Chairman of the Council has indicated that he has discretionary powers which he could use against Oketcho.
- That Oketcho was actually accused of being in a wrong place because he was found on the land on which he had a dispute with the Chairman.
- That the local council committee members convened and they endorsed the view of their chairman.
- That the area magistrate verbally authorized the Chairman to handle the dispute.
- The Chairman has now passed over the file to the Magistrates for "final orders".
- All decisions of the council are likely to be based on the powers under the then Local Council Ordinance No.8.

Required:

- a) Discuss the Legal issues and rights presented in the case above
- b) Discuss with Mr Oketcho the appropriate remedies available to him and provide a justification for your suggestion. **(25 marks)**

Question Three

Using relevant examples and Authorities, explain the factors that a court of law may take into consideration to quash a decision taken by an administrative authority in the exercise of discretionary powers. **(25 marks)**

Question Four

Using relevant authorities, discuss the instances of wastage and leakages of public resources and the adequacy of the legal framework in addressing the wastage **(25 marks)**

Question Five

Minister Okirapa was accordingly implicated for abuse of office. On 13th March, 2023, a supplementary budget was passed of 10 billion by parliament for purposes of purchasing window glasses for the Ik community. Immediately 10,000 glasses were purchased, the Minister for Disaster Preparedness Hon Okirapa took 5000, shared with his sister Apio, who also sold the glasses at 5000/= each. Three Ministers were given the remaining 5000 glasses to share amongst themselves.

On 29th March, the Member of Parliament (MP) for the Ik community brought to the attention of Parliament the theft of glasses by the Hon. Minister who denied his voters from benefiting from

the same. Hon Okirapa and his sister have been arrested and are now arraigned in the Magistrates court. The other three Ministers have not been arrested yet since they apologized publicly and returned the 5000 window glasses.

Okirapa arrived with his advocate; he was denied entry into the court room and his wife too. Also prior to his arrest, a committee in parliament was constituted, chaired by Nakku, a man who once tried to break up Okirapa's marriage and warned Okirapa at the time that "I will bring you down one time"

While in court the presiding magistrate kept getting in and out of the court room to answer calls on her mobile phone because she was waiting for an important call from the USA. She also denied the accused Hon. Minister from adducing evidence since according to her, Hon was "guilty" already.

Hon Akirapa's sister Apio doesn't understand English but Kiswahili. She asked to have an interpreter but none has been secured. Apio accordingly prayed for an adjournment to enable court secure an interpreter but this was denied on grounds that "justice delayed is justice denied" Already Hon. Akirapa and Apio are satisfied with the conduct of court proceedings and seek your legal advice.

Required:

Discuss all the legal issues involved in the above facts and advise Hon. Akirapa and Apio accordingly. (25 marks)

Question Six

The Doctrine of Separation of powers as propounded by Montesquieu cannot be applied in Uganda today instead a hybrid system of checks and balances is more favourable and may be applicable in our system of government.

Required:

Based on your knowledge of Administrative Law and appropriate examples, discuss the above statement pointing out the key components of the doctrine and showing how they differ (25marks)

END