

**MAKERERE UNIVERSITY
SCHOOL OF LAW**

**FIRST YEAR EXAMINATIONS FOR THE DEGREE OF
BACHELOR OF LAWS (LL. B)**

ACADEMIC YEAR, 2024/2025 – SEMESTER II

LAW 1210 – PRINCIPLES OF CONSTITUTIONAL LAW II

DATE: WEDNESDAY 7TH MAY 2025

TIME: 9.00 A.M - 12.30 A.M

INSTRUCTIONS:

- (a) This is a **PARTIALLY OPEN BOOK** examination. Only CLEAN and UNMARKED copies of the 1995 Constitution may be brought into the examination room. No other materials, written or electronic, of any kind whatsoever, are permitted.
 - (b) Answer **FOUR** (4) questions, choosing **AT LEAST TWO (2)** from each of the Sections A and B. Each question is worth TWENTY-FIVE (25) marks.
 - (c) You may use only **ONE (1)** answer booklet.
 - (d) Answers that are clearly thought-out, well structured and authoritatively supported will inevitably earn higher marks.
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SECTION A

1. Critically assess the extent to which the principle of reading the Constitution generously and purposively has been applied by the courts of Uganda since 1995.
2. ‘Article 20 (2) of the 1995 Constitution introduced an important new paradigm for human rights litigation in Uganda. It is no longer business as usual.’ Per LLB 1 student. Discuss.
3. Edo is a political activist with the Independence Party of Uganda (IPU). He has lately been quite vocal in challenging state excesses and has promised Uganda a future of milk and honey should IPU be successful in the forthcoming general elections. Edo is also a committed Rastafarian, who has grown his dreadlocks – as a sign of respect to Jah – since 2005. On the night of 15th April 2025, at about 11.00pm, five masked men stormed into Edo’s modest accommodation in Kawempe. They slapped him several times, in front of his wife and two children, before bundling him into an unmarked car and driving off to an unknown location. On 30th April 2025, during an exchange on X (formerly Twitter), a one Bubu, a Colonel in the country’s armed forces, admitted to having custody of Edo saying: ‘I have that IPU fool here in my store. He is learning good politics and Christianity. We have cut off his wicked hair and he now prays properly.’ He then posted a photograph of Edo, taken that day, showing that he had been shaven clean of all his dreadlocks and facial hair. The following day, Edo was produced before a Magistrate’s Court, charged with the offence of being a ‘rogue and vagabond’ and remanded to prison. During his court appearance, Edo walked with great difficulty, and bore visible injuries on his face, arms and legs.

Edo’s wife is severely distressed by these events, and turns to you for assistance. Advise her comprehensively as to the legal position and remedies, if any, available.

SECTION B

4. Omboffu (not her real name) was born in the Kingdom of Magwarre on the African continent. She escaped to the Republic of Parreto because of the horrible practice of wife inheritance and female genital mutilation. Whilst there, she assumed a new name and forged an identity card so as to ensure that her biological father never identifies her. She then got married to a one Mahunda, who is a Parretoan and together they got three issue – two girls and one boy. Mahunda is the one who helped her get the forged identity card that led her to receive citizenship in Parreto. Today, Omboffu and Mahunda are undergoing nasty divorce proceedings because he wants to get married to another woman. He also threatens to take the children away from Omboffu to have them circumcised in Magwarre since it is illegal in Parreto. He is threatening to have her deported because she is not a citizen of Parreto and has been subjecting her to torture, hair cutting and even forcing her to dig for his family without pay. There is also the sticky issue that the Internal Affairs Officers of the Parreto State have always refused to grant the children registration documents because her children do not look like their Parretoans and hence the children have struggled to access medical or education facilities. Recently, the leader of Parreto has also demanded that all communication that has henceforth been in French and English should stop immediately and it should be in Parretoan and the boys should stop education and start mining for cobalt in the dangerous mines of northern Parreto. The girls are only allowed to continue to study until their first menstrual period when they can be married off. The Parreto leader has also been colluding with neighbouring states to smuggle his citizens (who are seeking asylum away from his government) in order to have them tried and punished in Parreto.

Imagine you are clerking at the offices of Refugee Law Project of the University of Parreto, whose nation's constitution and laws are in *pari passu* with those of Uganda, and have been asked by your supervisor to review this file. With reference to relevant Constitutional provisions, statute law and other authorities, prepare a detailed memorandum regarding the various issues in this case file and advise your supervisor on the way forward. Would your advice be any different in case no forgeries had happened at all?

5. 'The recent decision in *Attorney General v. Hon. Michael Kabaziguruka* (Constitutional Appeal No.2 of 2021) and its aftermath, have revealed the soft underbelly of the doctrine of separation of powers as applied in Uganda. In essence, we are living in a make-believe situation.' Per Comrade Otatina, LLB 1 Student in a class discussion. Do you agree with this statement? With reference to legally recognised decisions, make a robust response to this statement.
6. 'I recently visited the Parliament of Uganda with my whole class, and have studied the way the legislature is supposed to work. In my view, we do not need a Parliament in Uganda. Its work can be done by other bodies. Besides, it is too bloated and therefore ineffective. In my honest opinion, the Parliament should be abolished and we stay with the other organs of State which are doing a much better job'. Per Byansi Byakuleka, an LLB 1 Student. Do you agree with this statement? Critically respond.
7. 'Honestly, we do not need anything like citizenship. It only complicates people's freedoms and rights. Citizenship does more harm than good. Africans should remove it. I think Idi Amin was right when he expelled non-citizens from Uganda. Those called "citizens" are being forced to have duties which is an infringement on their rights. I mean, we all are immigrants from somewhere. Why the stress. This whole statehood thing is also a deception.' Per Mbambu, LLB 1 Student. Do you agree? Justify your answer with authority.

Good Luck!