

# WOMEN'S UNIVERSITY IN AFRICA



*Addressing gender disparity and fostering equity in University Education*

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**FACULTY OF SOCIAL AND GENDER TRANSFORMATIVE SCIENCES**

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**MASTERS DEGREE IN PUBLIC ADMINISTRATION**

**MAIN PAPER**

**MPA 124: PUBLIC ADMINISTRATIVE LAW**

**INTAKE 2: FIRST YEAR SECOND SEMESTER**

**DATE: 2020 TIME: 2 HOURS**

**INSTRUCTIONS TO CANDIDATES:**

1. Answer **Question 1** and any other **one** question.
2. All questions carry equal marks.

**Question 1**

When power is conferred on an administrative body, the instrument conferring the power may itself provide for restrictions on the exercise of the power. Such restrictions may be procedural [i.e. how the power is to be exercised] or substantive [what the power authorises to be done]. Even though the statute conferring the power does not in terms limit its operation, the courts will impose limits by reference to principles of:

- a) Unreasonableness and unfairness;
- b) Proportionality;
- c) Bad faith;
- d) Failure to fulfil a statutory duty; and
- e) Non-compliance with the objectives of the act.

Examine how the above five principles can be used to conduct judicial review of administrative action. Cite relevant case studies to illustrate the principles. [20]

**Question 2**

Discuss the relationship between Constitutional law and Administrative law. [20]

**Question 3**

Examine circumstances where the compulsory acquisition of rights by appropriation may be justified by the Zimbabwean legal system.

**Question 4**

Discuss circumstance where the courts may use the principle of unreasonable in the provision of public services by public institutions. [20]

**Question 5**

Giving concrete examples discuss the difference between ultra vires decisions and ultra vires actions. [20]

**END**