

GULU UNIVERSITY
FACULTY OF BUSINESS AND DEVELOPMENT STUDIES
DEPARTMENT OF PUBLIC ADMINISTRATION
BPA 3201/SAS3202 ADMINISTRATIVE LAW

**MODULE THREE: CONSTITUTIONAL FRAMEWORK FOR ADMINISTRATIVE
LAW**

Introduction

Administrative law is grounded on some key constitutional foundations. It is important to understand these constitutional provisions because it enables public officers or administrators to assess the constitutional implications of all their intended actions.

The Constitution of the Republic of Uganda 1995 as amended is a fundamental document that governs all aspects of life within the country. The Constitution gives a broad framework for allocation of State powers. It establishes and allocates power to the main organs of the State; that is, the Executive, Legislature and Judiciary. The Constitution declares the rights and freedoms of individuals and provides the machinery for enforcement of rights and freedoms. It also provides for public service, local government, public finances and security.

A comprehensive study of the constitution is therefore reserved for public law subjects of Constitutional Law. However, many aspects of the constitution and constitutional law have a relevance to the practice and enforcement of principles of administrative law. These constitutional law principles have a direct concern to public officers and administrative law as follows;

1. SUPREMACY OF THE CONSTITUTION

The Constitution is the supreme law of the country and Article 2 of the Constitution of the Republic of Uganda 1995 provides "this Constitution is the Supreme law of Uganda and shall have binding force on all authorities and persons throughout Uganda". It further provides that if any other law or ay custom is inconsistent with any provisions of this Constitution, the Constitution shall prevail and that other law or custom, shall to the extent of inconsistency be void.

The constitution must be a consequence of the rights of individuals. In **Joseph Tumushabe V Attorney General**, the Constitutional Court held that all provisions of the Constitution are binding on all authorities in Uganda unless specifically excepted by the Constitution itself.

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