



*“Investing in Africa’s future”*

**COLLEGE OF BUSINESS, PEACE, LEADERSHIP & GOVERNANCE**

**MPM311: ADMINISTRATIVE LAW, ETHICS & PROFESSIONALISM**

**END OF FIRST SEMESTER EXAMINATIONS**

**NOVEMBER 2022**

**LECTURER: C. MUNGUMA**

**DURATION: 3 HOURS**

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### **INSTRUCTIONS**

Answer **QUESTION 1** from **Section A (COMPULSORY)**

Answer any **THREE** questions from **Section B**

Marks allocated to each question are indicated in brackets at the end of the question.

DO NOT repeat material.

## SECTION A

### Question 1

Prosecutors working in the office of the Prosecutor General (PG) went on strike for better pay and better working conditions. For a total of 5 days the criminal courts could not function because there were no prosecutors to bring cases to court. The situation at the courts was chaotic and dire for those 5 days. As a result, the PG Mr. Chance wrote identical letters to members of the executive of the Prosecutors Association of Zimbabwe (PAZ) dismissing them from their employment. The basis of the dismissal was that they had organised and initiated the 5 day work stoppage. The rest of the prosecutors who went on strike were unaffected by the dismissal, only members of the executive of the Association were targeted. The 10 executive members sued the PG for the dismissal arguing that, that was done without a formal hearing as required by the law. They also raised the argument that the conduct of the PG was discriminatory in nature as they had targeted the executive of the association only. The PG raised the preliminary defence that by reason of section 260 of the Constitution of Zimbabwe (2013), the 10 prosecutors could not sue him or his office. He added that any order of the court would grant would amount to a direction of the PG on how to handle his constitutional duty. The section provides that; the “Prosecutor General is independent and is not subject to the direction or control of anyone”. The 10 prosecutor’s responded that such a reading of the law was erroneous and unheard of.

- a) As the High Court judge hearing the case write your judgment of this preliminary point

[10]

- b) What were the procedural irregularities, if any that were committed by the PG in handling the striking prosecutor’s case?

[15]

## SECTION B

### Question 2

- a) The remedy of **review** is an important and useful weapon to deal with public officials who do not *act fairly*, *act reasonably* and *act with bias* in their functions. With the aid of case law and examples analyse the remedy in detail showing instances it can be used.

[18]

- b). Explain the constitution as a source of law in Zimbabwe.

[7]

### Question 3

Zimbabweans have a constitutional right to fair Administrative action. Discuss this right in full showing the strengths and weaknesses of Zimbabwe's statutory regime as compared to other countries in Africa. [25]

### Question 4

- a) What is delegated legislation? [5]
- b) How does **parliament** and the **courts** *control/supervise* the enactment of delegated legislation in Zimbabwe? [20]

### Question 5

- a) Compare and contrast the jurisdiction of the High Court and the Supreme court [10]
- b) What expectations are given to the civil service by the constitution of Zimbabwe? [10]
- c) Why is the giving of reasons important to good administrative action? [5]

### Question 6

- a) "The courts have often stated that applicants must **exhaust** their internal/domestic remedies before approaching the courts for relief". Discuss the advantages of exhaustion of internal remedies? [20]
- b) What is an appeal against administrative action? [5]

### Question 7

- a) What does the *audi alteram partem* (hear the other side) principle of natural justice provide to citizens? [20]
- b) How does the principle help citizens and administrators in their day to day work? [5]

**End of Paper**