



NAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY

FACULTY OF COMMERCE, HUMAN SCIENCES AND EDUCATION

DEPARTMENT OF SOCIAL SCIENCES

QUALIFICATION : BACHELOR OF PUBLIC MANAGEMENT	
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SESSION: NOVEMBER 2023	PAPER: THEORY AND CASE STUDIES
DURATION: 3 HOURS	MARKS: 100

FIRST OPPORTUNITY EXAMINATION	
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INSTRUCTIONS
<ol style="list-style-type: none">1. The paper has 7 main questions.2. ALL the questions are compulsory.3. Read carefully before answering.4. Number the answers clearly and according to the structure in the examination question paper.5. Use full sentences and proper paragraphs when answering questions. The inappropriate use of bullet-points will be penalised, as will poor spelling and grammar and illegible handwriting.

PERMISSIBLE MATERIAL

Namibian Constitution

THIS EXAMINATION PAPER CONSISTS OF 9 PAGES (Including this front page)

QUESTION 1

Choose the correct answer from the given options in each of the following questions. Only mark the correct letter on the answer sheet provided next to the corresponding question number. Should you mark more than one answer to a question, your answer(s) will not be marked.

- 1.1 When one says Human Rights are inherent, what does that mean?
- (a) The human beings are given these rights by the Constitution.
 - (b) Human Rights were born after the second world-war – after 1948
 - (c) One should not be discriminated against based on sex, race, gender social status etc.
 - (d) These Rights are acquired by virtue of being born and being a human being
 - (e) Human beings are just Human Beings by birth
- 1.2 It is acknowledged in the modern world that a human beings share equal qualities and should enjoy equally the number of entitlements. Modern states have adopted the above view. How does Namibia ensure that such rights are protected?
- (a) Making women equal to men in all places
 - (b) By inserting the Bill of Rights in the Namibian Constitution
 - (c) By enacting the Affirmative Action Act
 - (d) Through the Employment Equity Commission
 - (e) Making sure there is employment
- 1.3 Listed below are the rights that fall under the first-generation rights. Identify the set of rights that correctly names the first-generation rights. (Blue Rights)
- (a) Right to life, Freedom of expression, Freedom of Association and Right to housing and health.
 - (b) Freedom of religion, Freedom from arbitrary arrest and detention, Freedom of assembly and movement, the Right to Equal treatment and Right to clean environment.
 - (c) Right to life, Freedom of Expression, Freedom of association, Freedom from arbitrary arrest and detention and Right to Equal treatment
 - (d) Civil and political rights, Freedom of religion, Freedom of association, Freedom from arbitrary arrest and detention and Right to Education
 - (e) Right to a family, civil political rights, property and education.

- 1.4 The Constitution as legislation does the following: (Choose the correct statement)
- (a) Sets out the organs of the state, their relationship, powers functions and operation of all the other bodies in Namibia
 - (b) Sets out duties and the rights of citizens and provides mechanisms and procedures of ensuring protection. Also sets out organs of the state, their relationship powers and functions.
 - (c) a and b
 - (d) None of the above
 - (e) All of the above
- 1.5 When a provision of a law is in conflict with the Constitution, is referred to as being:
- (a) Applicable only to a certain extent
 - (b) Incorrect but still applicable
 - (c) It is only against the Constitution and no other law
 - (d) Invalid
 - (e) Inherent
- 1.6 Rights and Freedoms as entrenched in the Namibian Constitution should be respected and upheld, by both natural and juristic persons. "Juristic persons" means:
- (a) Namibian governmental bodies
 - (b) Namibian Ministries including directors
 - (c) All public and private companies including those registered as such
 - (d) Official holding senior positions in government
 - (e) All parastatals
- 1.7 Below are the list of institutions set up by the Namibian Constitution for protection and promotion of Human Rights. Which one is listed correctly?
- (a) The court, office of the Ombudsman and government entities
 - (b) Police department and correctional services including any other offices like immigration office Anti – Corruption Commission, police departments and correctional services and the office of the Prosecutor General
 - (c) The court, office of the Ombudsman, the army, Anti – corruption Commission and the police
 - (d) The court, Office of the Ombudsman, Anti – Corruption Commission, police departments and correctional services and the office of the Prosecutor General
 - (e) All Namibian institutions

- 1.8 The following constitute the requirements of a fair trial
- (a) Obtaining evidence, preventing an accused from adequately preparing for the trial, treating the accused fairly before and during the conduct of the trial
 - (b) Obtaining evidence, not preventing the accused from adequately preparing for the trial, treating the accused fairly only before the trial and not during the trial
 - (c) Obtaining evidence in a constitutional manner, preventing an accused from adequately preparing for the trial, treating the accused fairly before and during the trial.
 - (d) Obtaining evidence in a Constitutional manner, not preventing an accused from adequately preparing for the trial, treating the accused fairly before court and during the trial.
 - (e) None of the above
- 1.9 The right to privacy is a basic Human Right because it is aimed at;
- (a) Giving preservation of an individual of the choice as to how much one wants other to know about them
 - (b) Allowing people to know one's personal affairs, in case they need to protect themselves.
 - (c) It is a right to be left alone but without minimum degree
 - (d) b and c
 - (e) All of the above
- 1.10 A right to a child is also that of nationality. This means that a child is:
- (a) Recognised by the nationality of the parents
 - (b) Denied access to many more other rights without a nationality
 - (c) Entitled to a state even without a nationality
 - (d) None of the above
 - (e) All of the above

QUESTION 1 CONTINUES ON THE FOLLOWING PAGE

1.11 Democracy is defined as:

- (a) Government in which people make the rules
- (b) Government, where the whole population positively make and are entitled to make decisions only of certain matters
- (c) Government where the whole population positively make and are entitled to make basic determining decisions on important matters of public policy
- (d) Government is a process whereby justice and well-being of the community is not created nor promoted just because they are involved in the process of the decision making of political decisions.
- (e) Just government.

1.12 The definition of democracy involves:

- (a) Entitlement (right of people to make decisions on important matters), basic determining decision on important matters of public policy and people
- (b) Making decisions in family matters, entitlement (right of people making decisions), basic determining decision, through their representatives and people who are all adults.
- (c) People old and young who are all entitled to all rights, entitlement (right of people to make decision), basic determining decision on important matters of public policy
- (d) None of the above.
- (e) All of the above

1.13 Rules of statutory interpretation apply to:

- (a) All rules
- (b) Only legislation
- (c) Only common law
- (d) Both legislation and common law
- (e) Common law and rules

1.14 The reason of distinguishing different types of legislation is because:

- (a) The two are interdependent and the scope of the subordinate legislation depends on the provision of the original legislation.
- (b) the legislatures may be given too much freedom to legislate
- (c) The legislation may only touch those matters enabling the body to act as given or authorized.
- (d) None of the above
- (e) All of the above

1.15 The difference between adoption and promulgation is;

- (a) When the bill passed by the three arms of government is called adoption and promulgation is when is published
- (b) When the bill is passed by the body authorized in terms of Art 44 of the Namibian Constitution is called adoption and promulgation is when is published.
- (c) When the bill is passed by the body authorized in terms of Art 44 of the Namibian Constitution is called adoption and promulgation is when the National Council also passes it
- (d) a and c
- (e) None of the above

1.16 Before a legislation operates retro-effectively, the following must be present. Which of the statements is correct.

- (a) If the legislation did not clearly do away with common law presumptions, if the offence or penalty imposed exceeds that which was applicable and if the Constitution prohibits.
- (b) If the legislation dealt with it by doing away with the common law presumptions, if the offence or penalty exceeds that which was applicable and if the Constitution prohibits the retro-effect of the legislation.
- (c) If the legislation did not clearly do away with common law presumptions, if the offence or penalty imposed exceeds that which was applicable and if the Constitution does not prohibits.
- (d) a and c
- (e) All of the above

1.17 Jumping the gun means;

- (a) A situation that the Act does not make a provision for a Minister to publish a notice to put the legislation into operation although the Act giving such power is not yet in operation.
- (b) A situation where an Act makes provision for a Minister to publish a notice putting it into operation although the Act giving such powers is not yet in operation.
- (c) A situation where an Act makes provision for a Minister to publish a notice putting it into operation although the Act giving such powers is already in operation
- (d) None of the above.
- (e) All of the above

1.18 Legislation is:

- (a) Is the most important part of the Constitution
- (b) The most important source of the law
- (c) It's important because it forms part of the constitution
- (d) It is on the same level as common law in terms of hierarchy.
- (e) It is only a legislation.

1.19 Interpretation of the statute means:

- (a) Reading the legislation to explain words that are not understood
- (b) Understanding a particular legal text in the legislation
- (c) Techniques that the court uses to explain difficult words of the legislation.
- (d) To construct words in the legislation.
- (e) None of the above

1.20 Legalese is:

- (a) Another way of drafting legislation
- (b) Specialized language used by lawyers if they want to keep secrets
- (c) Specialized language used by lawyers, together with Latin terms which are incomprehensible
- (d) Is a professional language that cannot be changed
- (e) All of the above.

Each two marks [40 marks]

QUESTION 2

Indicate whether the statements below are true or false. No motivation needed.

- 2.1 The underlying principle of the fact that the legislation must be published is that it must be made known to only those people that are directly affected.
- 2.2 The intention of the legislation is mostly not to alter common law in a great way rather than more it is necessary.
- 2.3 Democracy is Kratein, meaning (obey) and Demos (people).
- 2.4 Article 13, a right to privacy cannot be absolute, because it can be suspended.
- 2.5 The Ombudsman only investigates cases as reported and cannot on their own investigate cases because that will be ultra vires.

Each two marks [10 marks]

QUESTION 3

- 3.1 Suppose the Child Care Act is repealed in total by the Children's Act. However the Domestic Violence Act makes reference to the repealed Child Care Act. Will the Child Care Act remain "alive" for the purposes of the Domestic Violence Act? Briefly explain. (5)
- 3.2 On the 2nd of June 2018 Mr Mulunga was arrested and charge for being in possession of 10 grams of marijuana. On the 17th of August 2018 the law was changed, making it legal to possess 15 grams of marijuana. Mr Mulunga was brought to trial on the 10th of September 2018 when his legal representative requested that the charges are to be dropped as it is no longer a crime to be in possession of 10 grams of marijuana. Discuss in terms of the relevant legislation whether the charges can be dropped. (5)

[10]

QUESTION 4

- a) Identify at what levels human rights protected. (3)
- b) What instruments protect human rights at each level? (5)
- c) What is the main difference between the rule of law and the rechtsstaat principle? (2)

[10]

QUESTION 5

Amakali Primus, the son of Teresa Shekupe, who is in grade 5 and 12 years old, was removed from his grandfather's home at the Onjamba village, without the grandfather's permission and taken to the Eheke village, to permanently herd and graze cattle and is thus not permitted to attend school. Identify the rights that have been infringed.

[10]

QUESTION 6

Takawira Zenda is a Zimbabwean national living in Namibia and works for NAM Bank with a valid work permit. Is Mr. Takawira Zenda entitled to the following rights? Explain briefly.

- (a) The right to date and marry a Namibian citizen. (2)
- (b) The right to vote in general elections. (2)
- (c) The right to move freely to different towns and villages in northern Namibia. (2)
- (d) The right to life. (4)

[10]

QUESTION 7

In term of the Immigration Control Act, Act no. 7 of 1993, the Minister has the power to prescribe the procedures regulating the entry of persons into Namibia at a port of entry by regulation made in terms of the Section 58(1) (c).

- a) Identify two types of legislation in the above scenario. (4)
- b) Who gives the organ or person or institution making the legislation you have mentioned in (a) above the authority to do so? (2)
- c) Who can change the legislation you have mentioned in (a) ? (2)
- d) If the legislation you have mentioned in (a) is not changed in hundred years, will they become obsolete due to lapse of time? Briefly explain. (2)

[10]

TOTAL: 100 marks