

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
MAIN EXAMINATION PAPER, DECEMBER, 2017.

TITLE: CONSTITUTIONAL LAW 1

COURSE CODE: DL027

TIME ALLOWED: THREE (3) HOURS.

INSTRUCTIONS:

1. THERE ARE FIVE QUESTIONS IN THIS EXAMINATION PAPER AND FOUR QUESTIONS MUST BE ANSWERED.
2. QUESTION ONE IS COMPULSORY AND ALL QUESTIONS CARRY 25 MARKS EACH.

TOTAL MARKS: 100

THIS PAPER SHOULD NOT BE OPENED UNTIL PERMISSION HAS BEEN GIVEN BY THE INVIGILATOR.

QUESTION 1

The People of Dvokodweni Inkhundla are aggrieved that their elected member of Parliament (MP) is never seen around the constituency anymore since his election to parliament. He is now a Cabinet Minister under the Ministry of Home Affairs. The people are complaining that he had promised to erect proper infra-structure around the constituency should they elect him to Parliament. Now that he is in Parliament, they hardly see him around, save for his daily appearances in the media, where he is usually seen opening water projects, new roads and many other development projects in other constituencies.

In a meeting held at the Inkhundla Centre, the people have resolved to send a delegation of Five people to go and find out from the MP if he is still their Member of Parliament or he is now representing the other constituencies that he is seen in the media rendering the services he had promised to them.

As a resident of the Inkhundla, and having studied Constitutional law at the University of Swaziland, the five delegates decide to approach you first to seek enlightenment on the functions of members of Parliament in Swaziland.

Advise them on the doctrine of separation of powers and its key features. Further brief them on the extent to which the doctrine of separation of powers apply in Swaziland.

[25 Marks]

QUESTION 2

Outline the various classes of constitutions. Which classes of constitution(s) apply in the context of Swaziland? Give reasons for your answer.

[25 marks]

QUESTION 3

What does the doctrine of 'Parliamentary Sovereignty' as outlined by Professor A.V Dicey entail? To what extent is this doctrine applied in Swaziland.

[25 marks]

QUESTION 4

(a) Define the doctrine of constitutionalism. [10 marks]

(b) Outline in detail how the government of Swaziland carries out its various functions.

[15 marks]

TOTAL MARKS

[25 MARKS]

QUESTION 5

(a) Define the concept of Fundamental Rights. [5Marks]

(b) Outline the key methods by which Fundamental Rights are protected in a democratic state.

[20Marks]

TOTAL MARKS

[25 MARKS]