

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**  
**FINAL EXAMINATION PAPER, MAY 2005**

**TITLE OF PAPER** : **CONSTITUTIONAL LAW**

**COURSE CODE** : **IDE-DL 021**

**TIME** : **THREE (3) HOURS**

**INSTRUCTIONS** :

- 1. THERE ARE SIX (6) QUESTIONS IN THIS PAPER, EACH QUESTION CARRIES 25 MARKS.**
- 2. ANSWER ANY FOUR (4) QUESTIONS.**

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR.**

**QUESTION 1**

The Tinkhundla System of government of the Kingdom of Swaziland has come under some criticism of late. Critically evaluate the operation of this system and suggest reforms.

[25 MARKS]

**QUESTION 2**

(a) What is the difference, if any, between individual ministerial responsibility and collective responsibility. (10 marks)

(b) Outline the meaning of the rule of law according to A.V. Dicey. (15 marks)

[25 MARKS]

**QUESTION 3**

What are fundamental rights? In what way can they be incorporated into a country's legal system.

[25 MARKS]

**QUESTION 4**

Under the Establishment of the Parliament of Swaziland Order 1992:

(a) What is the composition of Parliament? (15 marks)

(b) What class of persons may be elected or appointed as Senator? (10 marks)

[25 MARKS]

**QUESTION 5**

(a) Discuss the Rule of Law as enunciated by Dicey? (15 marks)

(b) What are the main criticisms of Dicey's formulation of the Rule of Law and what, in your opinion, is the modern understanding of the concept? (5 marks)

(c) What class of persons may be elected or appointed as members of the House of Assembly. (5 marks)

[25 MARKS]

**QUESTION 6**

Write short notes on all of the following:

(a) Flexible and rigid constitutions (8 marks)

(b) Constitutionalism (8 marks)

(c) Autochthony (9 marks)

[25 MARKS]