

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY 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

- (a) Define Constitutional Law. (4 marks)
 - (b) What, according to Professor K.C. Wheare, are the six main classes of constitutions? (6 marks)
 - (c) What is a state? Outline the characteristics of a state. (15 marks)
- [25 MARKS]**

QUESTION 2

- (a) What are constitutional conventions and how do they differ from laws, if at all? (15 marks)
 - (b) What is the purpose of constitutional conventions? (10 marks)
- [25 MARKS]**

QUESTION 3

You have been approached by the Constitutional Review Commission to make submissions in respect of the distribution of the powers of government in the new constitution of Swaziland. In your submissions state your reasons for preferring either a separation of powers or a fusion of powers in one or a few organs of state.

[25 MARKS]

QUESTION 4

- (a) Outline the main functions of government and the organs through which government performs these functions. (15 marks)
 - (b) Discuss in detail one source of constitutional law. (10 marks)
- [25 MARKS]**

QUESTION 5

Write short notes on all of the following:

- (a) Republican and monarchical constitutions. (6 marks)
 - (b) Federal and unitary constitutions. (6 marks)
 - (c) Constitutionalism. (6 marks)
 - (d) Government. (7 marks)
- [25 MARKS]**

QUESTION 6

- (a) What is the role of an ombudsman in relation to fundamental rights?
(10 marks)
- (b) Who may be investigated by, and who may complain, to the ombudsman?
(10 marks)
- (c) Is there an Ombudsman in Swaziland.
(5 marks)

[25 MARKS]