

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
MAIN EXAMINATION, MAY 2006

TITLE OF PAPER : CONSTITUTIONAL LAW

COURSE CODE : DL 021

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS :

- 1. THERE ARE FIVE (5) QUESTIONS IN
 IN THIS PAPER, ATTEMPT ANY
 FOUR (4) QUESTIONS.**
- 2. ALL QUESTIONS CARRY TWO FIVE
 (25) MARKS.**

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

QUESTION 1

- (a) What is the role of an Ombudsman? (10 marks)
- (b) Briefly discuss the main functions of government and the organs through which government performs these function. (15 marks)
[25 MARKS]

QUESTION 2

What do you understand about the concept of Parliamentary sovereignty and what are the limitations on the application of this concept?
[25 MARKS]

QUESTION 3

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 4

- (a) Discuss the Rule of Law as enunciated by Dicey. (10 marks)
- (b) What are main criticisms of Dicey's formulation of the Rule of Law and what, in your opinion, is the modern understanding of the concept? (15 marks)
[25 MARKS]

QUESTION 5

Fundamental rights are written into modern constitutions ostensibly to safeguard the liberties of the individual from the oppressive acts of government and its agencies.

Discuss this statement. Can a country that does not have a written constitution adequately protect the liberties of its citizens?
[25 MARKS]
Will.—