

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION, JULY 2007

TITLE OF PAPER : **CONSTITUTIONAL LAW**

COURSE CODE : **DL 021**

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

INSTRUCTIONS :

- 1. THERE ARE SIX (6) QUESTIONS IN
 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 TO DO SO.**

QUESTION 1

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]

QUESTION 2

(a) Outline the main functions of government and the organs through which government performs these functions. (15 marks)

(b) Discuss in detail one (1) source of constitutional law. (10 marks)
[25 MARKS]

QUESTION 3

- (a) Define Constitutional Law. (4 marks)
(b) According to Professor K.C. Wheare what are the main classes of constitutions. (6 marks)
(c) Write short notes on the concept of Autochthony. (15 marks)
[25 MARKS]

QUESTION 4

Outline the meaning of the Rule of Law as enunciated by Dicey. 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? [25 MARKS]

QUESTION 5

- (a) Under the constitution of the Kingdom of Swaziland 2005, what class of persons may be elected or appointed as members of the House of Assembly? [10 marks]
(b) What is a state? Outline the characteristics of a state. [15 marks]
[25 MARKS]

QUESTION 6

Parliamentary Supremacy means that the courts of the land cannot assail an Act of Parliament. Discuss this concept and show whether Parliamentary Supremacy can operate under a written constitution. [25 MARKS]