

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2008

TITLE OF PAPER : **CONSTITUTIONAL LAW**

COURSE CODE : **IDE-DL 021**

TIME ALLOWED : **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 TO DO SO.

QUESTION 1

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 2

(a) Define Constitutional Law

[5 marks]

(b) Discuss the six (6) main classes of constitutions as identified By Professor K.C. Wheare?

[10 marks]

(c) What is a state? Outline the characteristics of a state.

[10 marks]

[25 MARKS]

QUESTION 3

Apart from making laws, Parliament performs a number of other functions. What are these functions?

[25 MARKS]

QUESTION 4

In order that judges may freely administer justice, it is important that they enjoy independence. Discuss this statement. To what extent can the judiciary in Swaziland be said to be independent?

[25 MARKS]

QUESTION 5

(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 6

What is the difference if any in the application of the doctrine of ministerial responsibility in Britain and in Swaziland?

[25 MARKS]