

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**SUPPLEMENTARY EXAMINATION PAPER JULY 2011.**

**COURSE NAME** : **CONSTITUTIONAL LAW**

**COURSE CODE** : **DL 027**

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

**INSTRUCTIONS** ANSWER ANY FOUR (4) QUESTIONS  
INCLUDING QUESTION ONE.  
QUESTION ONE IS COMPULSORY.

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BY THE INVIGILATOR.

**QUESTION 1**

With reference to the 1957 Independence Constitution of Ghana, de Smith wrote:

“The present Government has the two-thirds majority required to change a number of its provisions, and that majority will doubtless be employed. From the manner in which it is employed, a pointer may be given to the future of parliamentary democracy in Africa,” (1057) 30 M.L.R. p 363)

Discuss the above statement in the light of post-independence constitutional law developments in Swaziland. (25 marks)

**QUESTION 2**

(a). What is democracy and what are the major components of a democratic society? (13 marks)

(b). Discuss how do minority groups ensure the protection of their rights in a democratic society. Illustrate which form of democracy (if any) is practiced in Swaziland. (12 marks).

**QUESTION 3**

What does the doctrine of separation of powers entails? Has the doctrine been achieved in Swaziland? (25 marks)

**QUESTION 4**

You have been approached by the Election and Boundaries Commission to make a submission in respect of the distribution of the powers of government in the new Constitution of Swaziland. In your submission, state your reasons for preferring either a separation of powers or a fusion of powers in one or few hands. (25 marks).

**QUESTION 5**

(a). what are fundamental rights and discuss four methods of protecting fundamental rights. (15 marks).

(b). Illustrate with support of decided cases how fundamental rights can be enforced. (10marks).

**QUESTION 6**

Briefly discuss any **five** ways a State Constitution may be classified.

(25 marks)

**QUESTION 7**

The Declaration of Delhi (1959) described the Rule of law as a dynamic concept.

Discuss the core elements of the rule of law and whether the Rule of Law exists in Swaziland.

(25 marks)

**QUESTION 8**

Compare and contrast the constitutional concept of sovereignty of parliament with the principle of supremacy of the constitution. Illustrate your answer with decided cases.

(25 marks)