

UNIVERSITY OF SWAZILAND

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INSTITUTE OF DISTANCE EDUCATION

SUPPLEMENTARY EXAMINATION JULY 2011.

COURSE NAME : CONSTITUTIONAL LAW

COURSE CODE : DL 028

TIME ALLOWED : THREE (3) HOURS

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

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

Question one

“An independent judiciary is an indispensable requisite of a free society under the rule of law”.
(Declaration of Delhi, 1959). Discuss with reference to relevant cases. (25 marks).

Question two

The commonwealth constitutions guaranteeing human rights have implemented the common law view that rights are protected not by merely declaring them, but by providing a means for their enforcement; the rule is *ubi jus, ibi remedium*. ...any individual whose guaranteed right had been infringed, can apply for redress to the High Court, and the High Court is empowered to make such orders, issue such writs and give such directions as it may consider appropriate for enforcing the right, including a declaratory judgment. (Nwabueze: 50).

With reference to relevant cases, briefly discuss any five remedies available to an individual whose guaranteed right has been infringed. (25 marks).

Question three

With reference to relevant cases and the Constitution of the Kingdom of Swaziland of July 2005, briefly discuss the following rights and corresponding limitations.

(a). Protection of right to personal liberty. (15 marks).

(b). The right to a fair hearing. (10 marks).

(25 marks).

Question four

(a). briefly discuss the procedure for law making in the Parliament of Swaziland. (13 marks).

(b). discuss four privileges of Parliament. (12 marks).

(25 marks).

QUESTION 5

(a). In whom is the executive authority of Swaziland vested? (15 marks).

(b). briefly discuss the functions and powers of the Attorney General. (10 marks).

(25 marks).