

UNIVERSITY OF SWAZILAND

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INSTITUTE OF DISTANCE EDUCATION

MAIN EXAMINATION PAPER DECEMBER 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.

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

**Question one**

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

- a. The right to life. (15 marks)
  - b. The right to a fair hearing. (10 marks)
- (25marks)

**Question two**

Briefly discuss two of the following with reference to the basic principles and relevant case law.

- a) Immunity (12½ marks)
- b) Absolute monarch (12½ marks)
- c) Constitutional monarch (12½ marks)

Your answer should make reference to the basic principles (of a), (b) and (c) relevant case law and constitutional law provisions in Swaziland.

(25 marks)

**Question three**

Briefly discuss the constitutional law changes/developments in Swaziland since independence.

(25 marks)

**Question four**

According to New Partnership for Africa's Development, Africa (Nepad) 2001 on *Democracy and Political Governance Initiative*, " It is generally acknowledged that development is impossible in the absence of true democracy, respect for human rights, peace and good governance. With the New Partnership for Africa's Development, Africa undertakes to respect the global standards of democracy which components include political pluralism, allowing for the existence of several political parties and workers' unions, open, free and democratic elections periodically organized to enable the populace to choose to choose their leaders freely".

From the above statements briefly discuss:

- a) Democracy and the fundamental elements of democracy. (15 marks)

b) The responsibility of citizens in a democratic society.

(10 marks)

Does a) and b) exist in Swaziland?

### **Questions five**

Constitutional law is the law relating to the constitution. While this statement may be true, it is not particularly helpful. To study constitutional law we need to discover what a constitution is. There are many competing definitions. While many clubs, organizations and other groupings have constitutions, our concern is with the constitutions of nation states. (Michael Allen and Brian Thompson: 1996 p.1).

Briefly discuss the above statement with reference to the following:

(a). the characteristics of a constitution

(10 marks).

(b). the functions of a constitution

(15 marks).