

UNIVERSITY OF SWAZILAND

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INSTITUTE OF DISTANCE EDUCATION

SUPPLEMENTARY EXAMINATION PAPER JULY 2012

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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Question one

Two points which are apt to obscure the concept of constitutionalism require to be cleared at the outset, and these concern its relationship, first with the constitution, and, secondly, with democracy. No word is more susceptible of a variety of tendentious interpretations than democracy, but perhaps the definition with the greatest universality of acceptance is that it is, in the words made classic by Abraham Lincoln, a government of the people by the people for the people. (Nwabueze 1981:1).

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?

(25 marks)

Question two

Briefly discuss the democratic and constitutional changes in Swaziland since from 1963 to date.

(25 marks)

Question three

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

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

(b). Protection from inhuman or degrading treatment. (10 marks)

(25 marks)

Question four

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

Briefly discuss the following:

a) The core elements of the rule of law.

(10 marks)

b) State whether the rule of law exists in Swaziland.

(15marks)

Question five

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

(25 marks)