

UNIVERSITY OF SWAZILAND

INSTITUTE OF DISTANCE EDUCATION

MAIN EXAMINATION PAPER DECEMBER 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.

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

Question one

Briefly discuss the constitutional law changes/developments in Swaziland since independence.
(25 marks)

Question two

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).

Question three

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

- a) Immunity (14 ½ marks)
- b) absolute monarch (14 ½ marks)
- c) Constitutional monarch (14 ½ marks)
- d) Republican and monarchial constitutions (14 ½ marks)
- e) Unitary or federal constitutions (14 ½ marks)
- f) Rigid and flexible constitutions (14 ½ marks)

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

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?

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)
